



State of Ohio Environmental Protection Agency

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P.O. Box 1049
Columbus, OH 43216-1049

December 16, 2009

Stephen D. Oliphant
President
Tubetech, Inc.
900 East Taggart Street
East Palestine, OH 43212-0149

RECEIVED
OHIO EPA

DEC 16 2009

DIV. OF HAZARDOUS
WASTE MGT.

Re: **Tubetech, Inc. (OHD064080377)**
East Palestine
Financial Record Review
Notice of Violation

eval 021 KD
enf 013

Dear Mr. Oliphant:

On December 15, 2009, I completed a review of the financial assurance documentation file for Tubetech, Inc.'s East Palestine facility referenced above. I evaluated your facility for compliance with financial assurance and liability requirements set forth in the Ohio Administrative Code (OAC) rules 3745-66-42, 3745-66-43 and 3745-66-47.

No financial documentation for the above referenced facility has been received by the Ohio EPA to demonstrate compliance with financial assurance and liability rules, relative to your unpermitted hazardous waste disposal units.

An amended closure plan was approved for your facility on April 3, 2007. It is my understanding that your facility still needs to obtain an environmental covenant .

A review of current Financial Assurance Documentation indicates that the following violations are still outstanding:

OAC 3745-66-42(A) requires that an owner or operator of a hazardous waste facility shall have a detailed written estimate, in current dollars, of the cost of closing the facility and that a copy of the facility's current, detailed closure cost estimate shall be submitted annually, or within sixty days after a change in the amount of the current closure cost estimate, to the director of the Ohio EPA.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director



OAC 3745-66-43 requires that an owner or operator of a hazardous waste facility shall establish a financial assurance mechanism for closure of the facility.

OAC 3745-66-47(A) requires that a liability coverage mechanism be established for the facility.

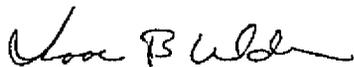
As a result of previous financial record reviews conducted on December 14, 2001, February 12, 2002, March 18, 2003, March 24, 2004, June 24, 2005, June 21, 2006, March 5, 2008 and November 5, 2008, you were asked to submit the following items to abate these violations: 1) A current, detailed closure cost estimate for the unpermitted hazardous waste disposal units, 2) A financial mechanism for the closure of the unpermitted hazardous waste disposal units and, 3) liability coverage for sudden accidental occurrences for the unpermitted hazardous waste disposal units.

As of the date of this letter, Tubetech, Inc. has not submitted financial assurance documentation, in violation of OAC rules 3745-66-42(A), 3745-66-43 and 3745-66-47(A).

Tubetech Inc. will remain in violation of the above rules until the units at your facility are certified closed.

If you have any questions, or need further clarification of any matter mentioned in this letter, please do not hesitate to call me at (614) 644-3067. I will be happy to assist you in any way possible.

Sincerely,



Isaac B. Wilder
Compliance Assurance Section
Division of Hazardous Waste Management

cc: Kristina Durnell, ISU DHWM
Paul Dolensky, DHWM NEDO

Notice:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with applicable regulations.