

# Interoffice Memo

To: Facility Financial Assurance File  
From: *ISW* Isaac B. Wilder, ERAS, DMWM  
Date: August 19, 2011  
Re: **Financial Assurance Record Review – TubeTech, Inc., East Palestine  
OHD064080377**

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On August 19, 2011, I completed a review of the financial assurance documentation file for Tubetech, Inc.'s East Palestine facility referenced above. I evaluated the 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 the unpermitted hazardous waste disposal units.

An amended closure plan was approved for the facility on April 3, 2007. All construction work has been performed. The monitoring wells need to be abandoned and the facility still needs to obtain an environmental covenant for the facility to be certified closed.

**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.

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, November 5, 2008 and December 19, 2009, Tubetech was 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 the facility are certified closed.

IW/jms

cc: Paul Dolensky, DMWM, NEDO  
Ron Shadrach, DERR, NWDO