



State of Ohio Environmental Protection Agency

*Ginnings
Financial
Assurance*

STREET ADDRESS:

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Columbus, Ohio 43215

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

June 4, 2009

Mr. Daniel McCabe, President
Environmental Enterprises Incorporated
4650 Spring Grove Avenue
Cincinnati, Ohio 45231

**RE: Environmental Enterprises Incorporated - OHD 083 377 010
Financial Assurance**

Dear Mr. McCabe:

On June 1, 2009, Ohio EPA conducted a financial record review for the Environmental Enterprise Incorporated (EEI), Cincinnati, Ohio facility. I evaluated the facility for compliance with financial assurance and liability requirements for closure care set forth in Ohio Administrative Code (OAC) rules 3745-55-42, 3745-55-43 and 3745-55-47 and Permit Conditions B.33, B.34 and B.35.

To demonstrate compliance with the financial assurance requirements, EEI uses a Trust Fund entered into March 29, 2005, by and between EEI and The Huntington Bank. The Huntington Bank's Irrevocable Standby Letter of Credit (LOC) No. OSB 003336 was established to fund the Trust Fund. The LOC expiration date was May 5, 2008, but such expiration date was automatically extended for a period of at least one year.

On June 25, 2008, Ohio EPA received updated financial assurance in the form of LOC amendment No. 6 as a Class 1 permit modification for the amount of \$228,195.43 and Certificate of Insurance Policy No. PEC002262601 issued April 1, 2009. To date, EEI has failed to update their closure cost estimate.

The cost estimate update is due within 60 days of the anniversary date of the mechanism. EEI's Trust Fund financial assurance mechanism's anniversary date is March 29, therefore, their revised cost estimate is due at least within 60 days of March 29th. To date, EEI has not submitted their revised cost estimate. Currently, Ohio EPA is using an inflation factor of 2.1%. Please note the trust fund must be updated within sixty days of the change in the cost estimate.

Upon review of the above EEI is in violation of **OAC rule 3745-55-42 and Permit Condition B.33(b) and (d)** because EEI has failed to adjust the closure cost estimate

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

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for inflation within sixty days prior to the anniversary date of the establishment of the mechanism used to comply with OAC rule 3745-55-43 and Permit Condition B.33; and EEI failed to submit the latest closure cost estimate to Ohio EPA as required by OAC rule 3745-55-42(d).

To abate the above violation, EEI must submit an updated detail closure cost estimate. Also, the financial assurance mechanism must be updated if the cost estimate exceeds the amount of the Trust Fund. EEI must modify the current Part B Hazardous Waste Permit Application to reflect their updated financial assurance and liability coverage.

If you have any questions or need further clarification of any matter mentioned in this letter, do not hesitate to call me at (614) 644-2951. I will be happy to assist you.

Sincerely,



Tina Jennings
Compliance Assurance Section
Division of Hazardous Waste Management

TJ:js
eei 09.doc

cc: Kristina Durnell, RISS, DHWM
Harold O Connell, SWDO, DHWM
John Nyers, ERAS, DHWM

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.