



State of Ohio Environmental Protection Agency

C.O.

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P.O. Box 1049
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March 25, 2009

RE: Chemical Solvents, Inc.
OHD 980 897 656-Dennison Ave.
Financial Assurance
Notice of Violation

Mr. Tony Passalacqua
Environmental Health and Safety Manager
Chemical Solvents, Inc.
3751 Jennings Road
Cleveland, Ohio 44109

Dear Mr. Passalacqua:

On March 18, 2009, I completed a review of the financial assurance documentation file for the Chemical Solvents, Inc. (CSI) facility referenced above. I evaluated your facility for compliance with financial assurance requirements set forth in the Ohio Administrative Code (OAC) rules 3745-55-42, 3745-55-43 and 3745-55-47. In addition, I evaluated the facility for compliance with its Ohio Hazardous Waste Part B Permit Conditions B.36. through B.38.

To demonstrate compliance with the financial assurance rules, CSI uses an Irrevocable Standby Letter of Credit (LOC) and a Standby Trust Agreement. To demonstrate compliance with Liability requirements, CSI uses a Certificate of Liability Insurance.

On June 25, 2008, I reviewed the financial assurance documentation on file for your facility. Upon review of the financial assurance documentation, the following violations were found.

- **OAC 3745-55-42(B):** During the active life of the facility, the owner or operator must adjust the closure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument (April 17).
- **OAC 3745-55-43:** Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator must, within sixty days of the increase, cause the amount of the credit to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the director, or obtain other financial assurance as specified in this rule to cover the increase.

On October 7, 2008 CSI submitted the following financial assurance documentation: 1. An ACORD Certificate of Liability Insurance issued by Oswald Specialty Risk Services, LLC.

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

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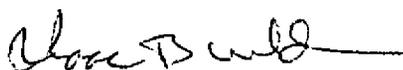
This lists American International Specialty Lines pollution liability policy #PLS2446649 with a \$5,000,000 aggregate. The effective dates of the policy are July 1, 2008 – July 1, 2011; and 2. An amendment to National City Bank LOC (SCL006092) increasing the amount to \$430,700.00.

Upon review the following violations were found:

- An ACORD Certificate of Liability Insurance is not the same as the certificate of liability insurance required by OAC 3745-55-47. **Therefore, CSI is in violation of OAC 3745-55-47.** Please see OAC 3745-55-51(I) or (J) and submit a liability policy endorsement or a certificate of liability insurance as soon as possible.
- CSI has not submitted a detailed closure cost estimate updated for inflation since July 17, 2004. **Therefore CSI remains in violation of OAC 3745-55-42(B).** Please submit an updated closure cost estimate as soon as possible.
- The increase in the value of your LOC appears to be sufficient to cover the cost of closure at your facility but without an updated closure cost estimate it is not possible to determine if that is correct. **Therefore CSI remains in violation of OAC 3745-55-43 until an updated closure cost estimate is submitted and approved.**

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

IW/jms

cc: Nyall McKenna, DHWM, NEDO
Mike Allen, DHWM, ERAS
Kristina Durnell, DHWM, RISS

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.