



State of Ohio Environmental Protection Agency

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September 20, 2010

W.J. Kandel  
Solvay Advanced Polymers L.L.C.  
P.O. Box 446  
17005 State Route 7  
Marietta, Ohio 45750-0446

**RE: RCRA Permit Modification – Financial Assurance  
Solvay Advanced Polymers, L.L.C. (OHD981529688)  
Partial Return to Compliance**

NOV

Dear Mr. Kandel:

In a letter dated August 13, 2010, Solvay Advanced Polymers, L.L.C. (Solvay) submitted financial assurance documentation for the Solvay Marietta Plant (Facility). On September 8, 2010, Ohio EPA's Division of Hazardous Waste Management (DHWM) conducted a review of these documents, which consisted of the following:

- a Certificate of Insurance for Closure or Post-Closure Care;
- a Hazardous Waste Facility Certificate of Liability Insurance.

DHWM evaluated this documentation for compliance with closure/post-closure cost estimates, closure/post-closure financial assurance requirements and liability coverage as set forth in Ohio Administrative Code (OAC) rules 3745-55-42 through 3745-55-47 and Permit Conditions B.36., B.37. and B.38. This documentation is a partial response to an Ohio EPA DHWM July 27, 2010 Notice of Violation (NOV) sent to Solvay for violations of the Ohio financial assurance regulations. For the Facility, Solvay maintains financial assurance for closure and liability coverage for its hazardous waste Container Storage Area and the Emergency Basin, and financial assurance for post closure of the Equalization Basin (Closure certified in 1996).

Based on discussions during several telephone calls with Mark Cunningham and Joe Bush from Solvay, the documentation submitted August 13, 2010 will only address the violations regarding the deficient financial assurance mechanism for closure and post-closure care and liability coverage. Once the financial assurance mechanism is deemed adequate by DHWM, Solvay will address the violations related to the insufficient post-closure cost estimate by submitting a RCRA Class 1 Permit Modification for Financial Assurance or as part of the upcoming overall Permit Renewal (current Permit expires in August, 2011) for the Facility. In the interim, Solvay has increased the financial assurance and cost estimates for closure and post closure care

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

W.J. Kandel  
Solvay Advanced Polymers LLC  
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Upon review of the above documentation, **Solvay is in violation of OAC rule 3745-55-42 through 3745-55-47 because the financial assurance documentation was not complete.** The auditor's reports were not included with the financial assurance documentation and the wording of the CFO letter is not identical to paragraph (G) of OAC rule 3745-55-51.

To abate the above violations the auditor's reports must be submitted and the wording of the CFO letter must be exactly worded as paragraph (G) of OAC rule 3745-55-51.

For further evaluation, please provide documentation as to how the cost estimates were updated and include a contingency cost of at least 20% to the closure/post-closure care cost estimates.

If you have any questions please do not hesitate to contact me at (614) 644-2951.

Sincerely,



Tina Jennings  
Compliance Assurance Section  
Division of Hazardous Waste Management

TJ/tms

cc: Tammy McConnell, RIS, DHWM  
Elizabeth Herron, DHWM, SEDO  
Marie Jarden, DHWM, ERAS,

