

at the Facility by 20% to account for contingencies. Solvay has also switched from the corporate guarantee mechanism to the insurance mechanism for financial assurance and liability coverage at the Facility:

Based on a review of the documentation submitted by Solvay, DHWM notes the following with respect to the violations set forth in the previous July 27, 2010 NOV:

1. OAC rule 3745-55-42(A), Cost Estimate for facility closure.

Solvay was in violation of this rule because the Container Storage Area and Emergency Basin cost estimates for closure failed to include contingency costs. Solvay has increased the closure cost estimate by 20% to account for contingencies. **Therefore this violation is abated.**

2. OAC rule 3745-55-42(B)(2), Cost Estimate for facility closure.

Solvay failed to use the latest inflation factor of 1.18% to adjust the 2009 cost estimate to obtain the 2010 cost estimate. Although Solvay added the 20% contingency cost, the 2009 estimate was not properly adjusted for inflation prior to adding the contingency cost. The 2009 closure cost estimate was \$4,565,625 and the 2010 estimate used previously by Solvay is \$4,593,018. If properly adjusted, the 2010 estimate should be \$4,619,499 ($\$4,565,625 \times 1.0118$). An alternative would be to recalculate the cost estimate in current dollars. Solvay must properly adjust the closure cost estimate for inflation or recalculate the cost estimate in current dollars.

3. OAC rule 3745-55-43(F)(1)(b)(i), Financial Assurance for facility closure. Financial test and guarantee.

Solvay has submitted a Certificate of Insurance for Closure or Post-Closure Care to demonstrate financial assurance for closure and no longer relies on the Financial Test for financial assurance. **Therefore this violation is abated.**

4. OAC rule 3745-55-43(F)(3)(a), Financial Assurance for facility closure. Financial test and guarantee.

Solvay has submitted a Certificate of Insurance for Closure or Post-Closure Care to demonstrate financial assurance for closure and no longer relies on the Financial Test for financial assurance. **Therefore this violation is abated.**