



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

RTC of 7-27-10, 9-20-10, & 12-21-10
NOV'S

February 4, 2011

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

**RE: January 12, 2011 RCRA Permit Modification – Financial Assurance
Solvay Advanced Polymers, L.L.C. (OHD981529688)
Financial Record Review
Return to Compliance**

Dear Mr. Kandel:

In a letter dated January 12, 2010 [2011], Solvay Advanced Polymers, L.L.C. (Solvay) requested a Class 1A permit modification to update the liability coverage and financial assurance instruments for closure and post closure care for the hazardous waste container storage area, emergency basin and closed equalization basin at the Solvay Marietta Plant. This documentation consisted of:

- Certificate of Insurance for Closure or Post-Closure Care
- Hazardous Waste Facility Certificate of Liability Insurance
- 2010 Financial Assurance, Solvay Advanced Polymers, Marietta, Ohio Rates and Assumptions
- Estimated Costs for Closure of Container Storage Area... 2010
- Estimated Costs for Closure of Emergency Basin... 2010
- Estimated Costs for Post-Closure of Equalization Basin... 2010.

Ohio EPA Division of Hazardous Waste Management (DHWM) sent a Partial Return to Compliance (PRTC) letter dated December 21, 2010, abating several violations previously cited in DHWM's July 27, 2010, Notice of Violation (NOV) regarding financial assurance. DHWM has evaluated this current financial assurance permit modification for compliance with the closure/post-closure cost estimates 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. **Based on an evaluation of the Class 1A permit modification for financial assurance, the one remaining violation has been abated and Solvay is in compliance with the hazardous waste financial assurance rules.**

From the September 20, 2010, PRTC/NOV

11. OAC rule 3745-55-47(A)(1)(a) Liability Requirements... The owner or operator must submit a signed duplicate original of the endorsement or the certificate of insurance to the director.

The Hazardous Waste Facility Certificate of Liability Insurance originally submitted by Solvay was not a signed duplicate original. The liability certificate submitted with the January 12th permit modification was a signed duplicate original of the certificate of insurance. **Therefore this violation is abated.**

In the September 20, 2010, PRTC letter, DHWM also expressed the following additional concerns with respect to the documents submitted by Solvay:

- A. The Certificate previously submitted by Solvay to provide financial assurance for closure and post closure did not contain the identical wording specified in OAC rule 3745-55-51(E). **The Certificate of Insurance for Closure or Post-Closure Care submitted with the January 12th permit modification contains the proper wording. Therefore this concern has been adequately addressed.**
- B. The face value of the insurance policy for closure and post closure needed to be amended to reflect the updated cost estimates. **The Certificate of Insurance for Closure or Post-Closure Care submitted with the January 12th permit modification was updated to reflect the revised cost estimates. Therefore this concern has been adequately addressed.**
- C. In both the Certificate of Insurance for Closure or Post-Closure Care and the Hazardous Waste Facility Certificate of Liability Insurance that were previously submitted, the Providers listed specific units at the Facility. This meets the substantive requirement of the rule, but the intent of the rule was to list the Facility, not the individual units. This is particularly applicable to companies who may have multiple facilities, possibly in other states, with multiple hazardous waste units. **The Certificate of Insurance for Closure or Post-Closure Care submitted with the January 12th permit modification contains the proper wording. However, the Hazardous Waste Facility Certificate of Liability Insurance submitted with January 12th permit modification still lists the individual units.**

DHWM is not requiring any further action by Solvay at this time, but recommends correcting the language in the Certificate of Liability the next time the Certificate is updated.

Mark Cunningham has been instrumental in working through these financial assurance compliance issues and his efforts are certainly appreciated. The Permit Modification for financial assurance is currently being processed by DHWM. If you have any additional questions about the financial assurance, you can reach me at (614) 644-3174 or kelly.smith@epa.state.oh.us.

Sincerely,



Kelly G. Smith
Compliance Assurance Section
Division of Hazardous Waste Management

cc: Elizabeth Herron, DHWM, SEDO
Mark Cunningham, Sr. Environmental Engineer, Solvay Advanced Polymers, L.L.C.
John Schierberl, DHWM, CAS

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.