



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

MAILING ADDRESS:

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

March 31, 2009

*eval 025 (12)*  
*ENF 23 (100)*

Re: Giddings and Lewis, Inc.  
OHR000005538 &  
OHR000005546  
Cleveland, Ohio  
Financial Assurance  
**Notice of Violation**

Elizabeth Sitterly  
Giddings & Lewis, Machine Tools LLC  
142 Doty Street  
PO Box 590  
Fond Du Lac, WI 54936-0590

Dear Ms. Sitterly:

On March 30, 2009, I completed a review of the financial assurance documentation file for the Giddings and Lewis, Inc. (G&L) facility referenced above. I evaluated the facility for compliance with financial assurance and liability requirements set forth in OAC rules 3745-66-42, 3745-66-43 and 3745-66-47.

On April 19, 2007, I reviewed the financial assurance documentation for your facility. On February 8, 2008, G&L submitted LOC No. SM229911W with Wachovia Bank for \$229,460.00. The G&L Cleveland site is required to provide third-party liability coverage until the site has been certified closed.

**Based on the documentation on file the following violations were noted:**

**OAC Rules 3745-66-47(A) and 3745-55-51(J):** G&L has failed to submit documentation of liability coverage containing the wording required by OAC rule 3745-55-51(J) and remains in violation of OAC rule 3745-66-47(A). This violation was inadvertently omitted from my March 7, 2008 letter. *(missing, entered as ENF #243, RTC 51(D) which was in former letters, not this one).* (12)

**OAC rule 3745-66-42(B):** G&L has also failed to submit an updated closure cost estimate in violation of OAC rule 3745-66-42(B). The closure cost estimate must be updated annually for inflation. This is due 60 days prior to the anniversary date (February 7) of the financial assurance mechanism.

To abate these violations please submit the following documentation:

- Proper documentation of liability coverage; and
- An updated closure cost estimate

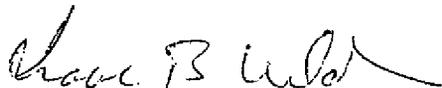
Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

Elizabeth Sitterly  
Giddings & Lewis, Machine Tools LLC  
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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.

Sincerely,



Isaac B. Wilder  
Compliance Assurance Section  
Division of Hazardous Waste Management

cc. Todd Surrena, DHWM, NEDO  
Kristina Durnell, DHWM, RISS