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<p>1. Article Addressed to:</p> <p><i>Maria Tetteris Praxair, Inc. 435 Donner Ave. Suite 430 Monessen, PA 15062</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below: <i>435 Donner Ave Suite 430 Monessen PA 15062</i></p> <p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
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<p>Sent To <i>Maria Tetteris, Praxair Inc.</i> Street, Apt. No., or PO Box No. <i>435 Donner Ave, Suite 430</i> City, State, ZIP+4 <i>Monessen, PA 15062</i></p>	
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April 29, 2008

**TUSCARAWAS COUNTY
AMKO SERVICE COMPANY
RCRA/LDF
OHD017998022**

Maria Tetteris
Praxair, Inc.
435 Donner Avenue
Suite 430
Monessen, PA 15062

Dear Ms. Tetteris:

AMKO notified Ohio EPA on 11/6/07, that AMKO was reevaluating the on-site remediation system and that a limited field investigation would take place in the area of the former underground hazardous waste storage tank. This field investigation took place in December 2007. Ohio EPA has reviewed correspondence relating to this field investigation dated February 21, 2008 from AMKO and an April 24, 2008 letter from AMKO's consultant, Shaw Environmental.

Based on the review of these letters, it has been determined that AMKO is in violation of Section V.2. of the February 24, 2004 Consent Order and the following Ohio hazardous waste law:

- (1) **Closure plan; amendment of plan OAC rule 3745-66-12(C)(2)**: The owner or operator must amend the closure plan at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the closure plan.

Section 2.4, of the approved closure plan, cites 3745-66-12(C)(2). On 2/21/08, AMKO submitted additional soil sampling data and information on a previously unidentified subsurface structure. The unidentified structure is located in the footprint of the previously excavated hazardous waste underground storage tank and is contaminated with the same hazardous waste constituents. Ohio EPA considers this an unexpected event and, therefore, AMKO must submit an amended plan to Ohio EPA. According to Section 2.4 of the approved Closure plan, AMKO must submit an extension of time to the closure period and submit an amended closure plan within 60 days prior to a change to the closure plan or

60 days after an unexpected closure event. If we consider 2/21/08 the first notification of an unexpected event, then AMKO would have had until 4/21/08 to submit an amended closure plan. To date, Ohio EPA has not received an amended closure plan. AMKO must submit this amended closure plan **within 14 days** of receipt of this letter. Ohio EPA requests that no further closure activities, other than groundwater monitoring, occur at the site until the amended closure plan is approved.

Comments

- (a) In the attachment to AMKO's letter dated February 21, 2008, it was mentioned that soil and groundwater sample analytical results were compared to the Ohio Voluntary Action Program Generic Contact Soil Standards. Please note that these standards are not applicable to this site.
- (b) In the April 24, 2008 letter from Shaw, it was stated that pre-approval from American Landfill, Inc. was received for soils surrounding the sump as non-hazardous waste. Please note that any soils surrounding the sump with detectable amounts of 1,1,1-trichloroethane would be considered a F001 hazardous waste.

If you should have any questions, please feel free to contact me at (740) 380-5256.

Sincerely,



Melody Stewart
District Representative
Division of Hazardous Waste Management

MS/mlm

cc: Steve Williams, DDAGW-SEDO
Harry Sarvis, DHWM-CO
Daniel J. Martin, AGO

Notice:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.