



**Environmental  
Protection Agency**

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

*Copy file*

May 11, 2011

Scott Ellis  
Business, Government and legal Affairs Mgr.  
Perma-Fix Environmental Services, Inc.  
575 Oak Ridge Turnpike, Suite 200  
Oak Ridge, Tennessee, 37830

**RE: Environmental Processing Services, Inc., Dayton (OHD000608588)  
Financial Record Review  
Notice of Violation**

*033-021*

Dear Mr. Ellis:

On May 10, 2011, I completed a review of the financial assurance documentation on file for the Environmental Processing Services (EPS) facilities referenced above. I evaluated your facilities for compliance with financial assurance and liability requirements set forth in the Ohio Administrative Code (OAC) rules 3745-55-42, 3745-55-43 and 3745-55-47.

To demonstrate compliance with financial assurance for closure, EPS uses a Surety Bond Policy No. 1014918 issued by Lexon Insurance Company of Louisville, KY.

Liability coverage is provided by American International Specialty Lines Insurance Company Policy No. EG 311-28-95. The policy has an expiration date of September 1, 2011 and a face value of \$4,000,000 – \$8,000,000.

The most recent financial assurance documentation for the above referenced facility submitted to Ohio EPA included:

- A detailed closure cost estimate dated April 4, 2007; and
- A revision to Surety Bond No. 1014918 increasing the value to \$818,461.00 effective 1/16/2010 – 1/16/2011, dated March 17, 2010;

**Based upon review of the documentation noted above, EPS is in violation of the following Ohio financial assurance requirements:**

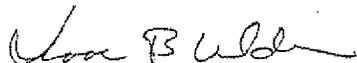
**OAC 3745-55-42(B):** The closure cost estimate has not been updated for inflation for 2010.

**OAC 3745-55-43:** The financial assurance mechanism has not been adjusted to reflect the change in the revised closure cost estimate.

**On April 18, 2011, the Ohio EPA's Divisions of Hazardous Waste and Solid & Infectious Waste merged and are now known as the Division of Materials and Waste Management.**

If you have any questions, or need further clarification of any matter mentioned in this letter, please do not hesitate to contact me at (614) 644-3067 or at [isaac.wilder@epa.state.oh.us](mailto:isaac.wilder@epa.state.oh.us).

Sincerely,



Isaac B. Wilder  
Compliance Assurance Section  
Division of Materials & Waste Management

cc: Harold O'Connell, DERR, SWDO

**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.