



State of Ohio Environmental Protection Agency

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June 3, 2008

Mr. Christopher M. Ward  
Calfee, Halter & Griswold LLP  
Attorneys at Law  
1100 Fifth Third Center  
21 East State Street  
Columbus, Ohio 43215-4243

**RE: Container Recyclers, Inc.  
OHD 004 291 654  
Financial Assurance**

Dear Mr. Ward:

On May 21, 2008, Ohio EPA conducted a financial assurance record review for the Container Recyclers Inc. dba Columbus Steel Drum (Container Recyclers) facility. I evaluated the facility for compliance with the financial assurance and liability coverage requirements set forth in Ohio Administrative Code (OAC) rules 3745-55-42, 3745-55-43 and 3745-55-47 and the July 6, 2005 State of Ohio, ex rel. Jim Petro, Attorney General of Ohio v. Container Recyclers, Inc. et al (dba Columbus Steel Drum) Consent Order and Final Judgement.

To demonstrate compliance with the financial assurance requirements for closure care in accordance with OAC rule 3745-55-42 and 3745-55-43 and the July 6, 2005 Consent Order, Container Recyclers submitted a Trust Agreement entered into January 13, 2006 by and between Columbus QCB.

To demonstrate compliance with third-party liability coverage in accordance with OAC rule 3745-55-47, a Hazardous Waste Facility Certificate of Liability Insurance (Policy number PLC 3772040-02) was submitted from Steadfast Insurance Company with an effective date May 1, 2006.

To date, Container Recyclers Inc. has not updated their financial assurance cost estimate or their financial assurance mechanism, i.e., Schedule A of the trust agreement. In addition, Ohio EPA has not received annual valuation statements as required by Section 10. annual valuation of the Trust Agreement.

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

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**GENERAL CONCERN:**

Ohio EPA has not received *updated documentation* that shows third-party liability coverage remains current. The most current Certificate of Insurance received was November 20, 2006, effective May 1, 2006. .

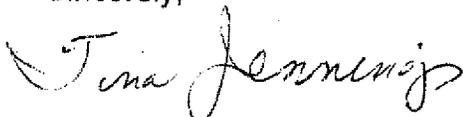
Ohio EPA received the March 12, 2008, Columbus Steel Drums RCRA Certification. This document is currently under review. Container Recyclers is required to maintain financial assurance until the owner/operator is notified in writing he is no longer required to maintain financial assurance for closure of the facility. Container Recyclers will receive such a letter once Ohio EPA has approved the closure certification from the professional engineer that final closure has been accomplished in accordance with the approved closure plan.

**Upon review of the above documentation Container Recyclers is in violation of OAC rules 3745-55-42 and 3745-55-43**, because the cost estimate has not increased for inflation, the trust agreement has not been updated to reflect the increased cost and the annual violation statements have not been submitted to Ohio EPA.

To abate the above violations submit an updated cost estimate (revised Schedule A), updated trust fund to reflect the revised cost estimate and an annual valuation statement to reflect the current balance of the trust fund. Submit this information to me within thirty (30) days of receipt of this letter

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) 644-2951. I will be happy to assist you in any way possible.

Sincerely,



Tina Jennings  
Compliance Assurance Section

TJJ/jms

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cc: David Hohmann, DHWM, CDO  
Kristina Durnell, DHWM, RIS  
Brian Grannon/Edward Paul, Container Recyclers

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