



State of Ohio Environmental Protection Agency

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April 2, 2008

Maria Tetteris, Environmental Specialist
Safety and Environmental Services
Praxair, Inc.
435 Donner Avenue, Suite 430
Monessen, Pennsylvania 15062

**RE: AMKO Service Company
Financial Assurance
OHD 017 998 022**

Dear Ms. Tetteris:

On March 26, 2008, I conducted a financial assurance review for the AMKO Service Company (AMKO) facility in Dover, Ohio. I evaluated the AMKO facility for compliance with the Consent Order entered February 24, 2006, State of Ohio, ex rel. Jim Petro Attorney General of Ohio vs. AMKO Service Company, Defendant, Case No. 92CV070317, Court of Common Pleas Tuscarawas County, Ohio. The facility was also evaluated for the Ohio Administrative Code (OAC) rules 3745-66-42, 3745-66-43 and 3745-66-47, closure cost estimate, closure care financial assurance and liability coverage.

To demonstrate compliance with the closure care cost estimate and financial assurance closure care, documentation submitted on March 26, 2006 included a cost estimate and Letter of Credit (LOC). The LOC has an effective date March 24, however, a Standby Trust Agreement (SBTA) with the correct wording has not been submitted.

To demonstrate compliance with third party liability coverage a Hazardous Waste Certificate of Liability coverage was submitted on September 20, 2006.

GENERAL CONCERN:

The cost estimate and LOC amount has not been updated for inflation on an annual basis. Even though the LOC was established March 2006 in the amount of \$182,917.00 and increased May 2006 to \$267,472.00, the cost estimate has not been updated

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

annually in 2007 and 2008. The cost estimate must be updated for inflation within 60 days of the LOC's anniversary date.

To date, the SBTA has not been submitted with the correct wording. The wording of the SBTA entered into by AMKO and Citibank, N.A. dated June 16, 2006 must be worded exactly as stated in the OAC rule 3745-55-51(A)(1). Deficiencies with the SBTA were noted in my October 30, 2006 letter. These deficiencies have not been addressed. Please refer to my October 30, 2006 letter.

In addition, submit updated documentation (i.e. updated certificate of insurance) to demonstrate third party liability coverage is current.

Upon review of the above information, **Amko remains in violation of:**

OAC rule 3745-55-43, because the wording of the SBTA is not adequate.

To abate the above violations, submit a SBTF with the exact wording. Submit this documentation to me at least thirty days from the receipt of this letter.

If you have any questions, you may reach me at (614) 644-2951.

Sincerely,



Tina Jennings
Compliance Assurance Section
Division of Hazardous Waste Management

cc: Melody Stewart, SEDO, DHWM
Tammy McConnell, RIS, DHWM

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.