



State of Ohio Environmental Protection Agency

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CERTIFIED MAIL

October 31, 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 October 28, 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 on 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, AMKO submitted documentation on March 26, 2006 which included a cost estimate and Letter of Credit (LOC No. 68011947) with Bank of America. Since then, AMKO has submitted an amendment to LOC No. 68011947, dated May 1, 2008, in the amount of \$368,543.00. To date, a Standby Trust Agreement (SBTA) with the correct wording has not been submitted.

To demonstrate compliance with third party liability coverage, AMKO submitted Hazardous Waste Certificate of Liability coverage on September 20, 2006. To date, an updated third party liability Certificate of Insurance that meets the wording requirements of OAC rule 3745-55-51 has not been submitted.

Upon review of the above AMKO remains in violation of OAC rule 3745-55-43, because an acceptable SBTA has not been submitted.

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



GENERAL CONCERN:

To date, AMKO has not submitted a SBTA with the correct wording as required by OAC rule 3745-55-51(A) (1). Deficiencies with the SBTA previously submitted by AMKO were noted in phone calls and correspondence dated August 16, 2006 October 30, 2006, and April 2, 2008. These deficiencies have not been addressed. The wording in the June 26, 2006 SBTA and the September 28, 2006 Amended SBTA remains inadequate.

Therefore, since the June 2006 SBTA and the September 2006 amended SBTA do not conform to the wording requirements of OAC 3745-55-51(A) (1), both are being returned to AMKO.

To abate the above violation, AMKO needs to submit a SBTA with the exact wording of the OAC rule 3745-55-51(A).

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.

Sincerely,



Tina Jennings
Compliance Assurance Section
Division of Hazardous Waste Management

Enclosures

cc: Melody Stewart, SEDO, DHWM
Kristina Durnell, RIS, DHWM