



**Environmental
Protection Agency**

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

July 18 , 2012

Ms. Gretchen Viken, EHS Director
Toxco, inc.
265 Quarry Road
Lancaster, Ohio 43130

**Re: Toxco, Inc.
OHD071654958
Notice of Violation**

Dear Ms. Viken:

On July 18, 2012, the Ohio Environmental Protection Agency conducted a financial assurance record review of the Toxco Inc. facility in Lancaster, Ohio (Toxco). The facility was evaluated for compliance with the Ohio Administrative Code (OAC) rules 3745-55-42, 3745-55-43 and 3745-55-47 (closure cost estimate, closure financial assurance and liability coverage) and Toxco's Ohio Hazardous Waste Facility Installation and Operation Permit.

The following are the most recent financial assurance documents submitted to Ohio EPA:

- An updated closure cost estimate of \$319,100.91 submitted on December 15, 2011;
- An amendment to American Bank and Trust Company LOC No. 3467 increasing the value to \$316,066.67 submitted on December 2, 2010; and
- A Hazardous Waste facility Certificate Liability Insurance for American International Specialty Lines Insurance Company Insurance Policy No. EG2630983. The policy currently has an effective date of August 25, 2010 with a limit of \$5,000,000.00 per claim with a \$10,000,000.00 annual aggregate.

Based upon review of the documentation noted above, Toxco, Inc. is in violation of the following Ohio financial assurance requirement:

OAC 3845-55-43(6): The letter of credit must be issued for at least the amount of the current closure cost estimate, except as provided in paragraph (G) of this rule. Tosco, Inc. has failed to increase American Bank and Trust Company LOC No. 3467 to \$319,100.91 or provide additional financial assurance to cover the difference between the value of the LOC and the current closure cost estimate.

Toxco, Inc. needs to immediately take steps to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Toxco, Inc. is requested to submit to this office

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documentation of the steps taken to abate the violation cited above. Documentation may be submitted via the postal service, common carrier or electronically to isaac.wilder@epa.ohio.gov.

Please be advised that the violation cited above will continue until the violation has been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of the violation, Toxco, Inc. is requested to submit written correspondence of the steps that will be taken and the date when compliance be attained.

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.

Sincerely,



Isaac B. Wilder
Compliance Assurance Section
Division of Hazardous Waste Management

IW/jm

cc: Melissa Storch, Manager, DMWM, CDO
Dustin Tschudy, ERAS, DMWM

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.