



State of Ohio Environmental Protection Agency

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CERTIFIED MAIL

September 30, 2009

Mr. Spenser Wendelin
Maumee and Western Railroad Corporation
4301 N. Western Avenue
Connersville, Ohio 47331

**Re: Maumee and Western Railroad Corporation
OHR 000 134 445
2nd Notice of Violation: Financial Assurance**

Dear Mr. Wendelin:

By letter dated August 19, 2009 (copy attached for reference), I notified you that Maumee and Western Railroad Corporation was in violation of Ohio Administrative Code rules 3745-55-42 through 3745-55-47 and February 12, 2009, Director's Final Findings and Orders (Orders). Pursuant to the Orders, Maumee and Western submitted a closure plan to Ohio EPA on July 31, 2008. Ohio EPA approved the closure plan on February 27, 2009. Financial assurance coverage was to be established 30 days after submittal of the closure plan.

Ohio EPA has not received financial assurance from Maumee and Western. The company remains in violation of OAC rules 3745-55-42 (closure cost estimate), 3745-55-43 (financial assurance) and 3745-55-47 (liability coverage). A total of 396 days have elapsed since the financial assurance was to be submitted. Ohio EPA has serious concerns with Maumee and Western's continuing non-compliance with the financial assurance regulations and Orders, and is considering our alternatives, including additional enforcement action and potentially referral to the Office of the Ohio Attorney General for enforcement.

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

Mr. Spencer Wendelin
Maumee and Western Railroad Company
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Please submit the required documentation to my attention. If you have any related questions or concerns please feel free to contact me at (614) 644-2955 or john.schierberl@epa.state.oh.us.

Sincerely,



John Schierberl
Compliance Assurance Section
Division of Hazardous Waste Management

ec: Don North, NWDO, DHWM
Tammy Heffelfinger, CAS, DHWM
Todd Anderson, Legal Office
Cole Miller, Engineering Unit, DHWM, CO
Harry Sarvis, Enforcement Coordinator, 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.