



**Environmental
Protection Agency**

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

July 25, 2012

Mr. Dean Gearhart
Mr. William E. Marsteller
Gearmar Properties, Inc.
PO Box 209
Portersville, Pennsylvania 16051

**Re: Coil Coating Facility OHD004205589
Financial Assurance
Notice of Violation**

Dear Mr. Gearhart:

On July 24, 2012, I completed a review of the financial assurance documentation on file for the former Coil Coating facility located at 2250 Larchmont Avenue, Warren, Ohio. I evaluated your facility for compliance with financial assurance for post-closure as set forth in the Ohio Administrative Code (OAC) rules 3745-55-44 and 3745-55-45.

When Wheeling Pittsburgh Steel Corporation purchased the former Coil Coating facility from Sharon Steel, They assumed responsibility for post-closure care of a former gravel covered RCRA storage area. The storage area was covered with an asphalt cap as part of the modified closure plan for the facility. The post-closure care consists of: annual inspections and reporting; cap repair and replacement; and sealing of the cap every five years. The post closure care began on April 4, 2000. At that time the cost of post-closure care was estimated to be \$1,425.00 annually. Wheeling Pittsburgh Steel Corporation maintained a \$46,000.00 letter of credit, issued by Wachovia Bank, for financial assurance. That letter of credit expired on September 10, 2010.

To date, Ohio EPA has received the following submittals from Gearmar Properties, Inc.

- A post-closure care cost estimate through 2009 for \$38,704.41 received by Ohio EPA on July 19, 2007; and
- A post-closure care cost estimate through 2010 of \$38,583.00 received by Ohio EPA on September 17, 2008.

Based upon review of the documentation noted above, Gearmar Properties Inc. has failed to properly adjust the post-closure cost estimate for the former Coil Coating facility for inflation and to establish financial assurance. Therefore Gearmar Properties Inc. is in violation of the following Ohio financial assurance requirements:

OAC 3745-55-44(B); During the active life of the facility, the owner or operator must adjust the post-closure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with rule 3745-55-45 of the Administrative Code.

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The estimates submitted by you used the same inflation factor for all the years. Please correct and resubmit an updated cost estimate.

OAC 3745-55-45;

The owner or operator of a hazardous waste management unit subject to the requirements in rule 3745-55-44 of the Administrative Code must establish financial assurance for post-closure care in accordance with the approved post-closure plan for the facility sixty days prior to the initial receipt of hazardous waste or August 26, 1983, whichever is later.

Please submit financial assurance to cover your new post-closure cost estimate.

Gearmar Properties, Inc. needs to immediately take steps to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Gearmar Properties, Inc. is requested to submit to this office documentation of the steps taken to abate the violations 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 violations cited above will continue until the violations have 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 violations, Gearmar Properties, 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

lw/jm

cc: John Palmer, DMWM, NEDO

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.