



State of Ohio Environmental Protection Agency

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P.O. Box 1049
Columbus, OH 43216-1049

April 24, 2007

Mr. Thomas Pryor
Linde Hydraulics Corp.
P.O. Box 82
Canfield, Ohio 44406

RECEIVED
OHIO EPA

APR 24 2007

DIV. OF HAZARDOUS
WASTE MGT.

**Re: Linde Hydraulics Corp.
OHD 051 521 722 Canfield, Ohio
Financial Assurance
Notice of Violation**

Dear Mr. Pryor:

On April 19, 2007, I completed a review of the financial assurance documentation file for the Linde Hydraulics Corp.'s facility referenced above. I evaluated your facility for compliance with financial assurance and liability requirements set forth in Ohio Administrative Codes (OAC) rules 3745-66-42, 3745-66-43 and 3745-66-47.

On June 13, 2003, Ohio Environmental Protection Agency (Ohio EPA) received an Irrevocable Letter of Credit (LOC) No. 190790 issued by Norddeutsche Landesbank for \$90,000.00. On December 17, 2003, I notified you that the LOC needs to be modified to meet the wording requirements of OAC 3745-55-51(D). I also notified you that you need to establish a Standby Trust Agreement in conjunction with the LOC and establish liability coverage.

On March 30, 2004, Ohio EPA received a closure cost estimate, a Certificate of Liability Insurance with an effective date of January 1, 2004 and an ACORD certificate of liability insurance showing Policy No. ULA 2001233 with Allianz Insurance Co. with a value of \$10,000,000 00 for each occurrence and a \$10,000,000 00 aggregate. In that letter you stated that Linde Holdings, Inc. was modifying the LOC and working on establishing a Standby Trust Agreement.

Norddeutsche Landesbank submitted an amendment to the LOC on June 17, 2005. This amendment changed the address of Ohio EPA and replaced "in your favor" with "in favor of the Director of the Ohio EPA." However, the other wording issues remained, and Ohio EPA again asked Linde Hydraulics to correct the wording of the LOC in a letter dated June 30, 2006.

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

26 should be 42

3745-66-43 should remain
27

As of the date of this letter, Linde Hydraulics Corp. has returned to compliance for violation OAC 3745-66-43. However, Linde Hydraulics Corp. still needs to establish a standby trust agreement in conjunction with your LOC, submit proper liability coverage and correct the wording in your LOC. Therefore, Linde Hydraulics Corp. is in violation of OAC rules 3745-66-43 3745-66-47(A) and 3745-55-51(D).

To abate these violations, please submit, as soon as possible, the following documentation:

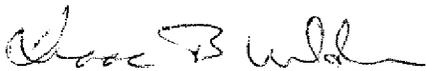
1. **Establish a Standby Trust Agreement.**
2. **Submit liability coverage for sudden accidental occurrences:** On March 30 2004, you submitted an ACORD certificate of liability insurance showing Policy No. ULA 2001233 with Allianz Insurance Co. with a value of \$10,000,000 00 for each occurrence and a \$10,000,000 00 aggregate. Please submit a Hazardous Waste Facility Liability Endorsement or a Certificate of Liability Insurance for this coverage. See OAC 3745-55-47(A)(1)(a) and 3745-55-51(I) or (J). This is not the same as the ACORD certificate of liability insurance.
3. **Correct the wording of LOC #190790 issued by Norddeutsche Landesbank:** Norddeustche Landesbank's LOC still deviates from the State regulations. Specifically:
 - a. The insertion of the clause "*By the order and for the account of Linde Holdings, Inc. 2450 West 4th North Street, Summerville, SC 29484 (applicant) and on behalf of Linde Hydraulics Corporation, 5089 W. Western Reserve Road, Canfield, Ohio 44406 [sic]*" at the beginning of the opening paragraph.
 - b. The removal of the "*at the request and for the account of [owner or operator's name and address]*" clause later in the same paragraph.
 - c. In the opening paragraph, first numbered section, it inserts the clause "*drawn on us.*" In the second paragraph, it refers to the "*applicant*" instead of the owner or operator.

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) 644-3067.

Linde Hydraulics Corporation
OHD 051 521 722
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I will be happy to assist you in any way possible.

Sincerely,



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

c: Tammy McConnell, IT&TS, DHWM
Wade Balsler, DHWM NEDO

Linde Hydraulics FRR.04.07
IBW/sj

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.