



**Environmental
Protection Agency**

John Kasich, Governor
Robert Taft, Lt. Governor
David A. Ziegler, Director

August 24, 2012

Stephen D. Oliphant, President
Tubetech, Inc.
900 East Taggart Street
East Palestine, Ohio 44413

**Re: Tubetech, Inc.
OHD064080377 East Palestine
Financial Record Review
Notice of Violation**

Dear Mr. Oliphant:

On August 19, 2011, I completed a review of the financial assurance documentation file for Tubetech, Inc.'s East Palestine facility referenced above. I evaluated the facility for compliance with financial assurance and liability requirements set forth in the Ohio Administrative Code (OAC) rules 3745-66-42, 3745-66-43 and 3745-66-47.

An amended closure plan was approved for the facility on April 3, 2007. It is my understanding that all construction work has been performed. The monitoring wells need to be abandoned and the facility still needs to obtain an environmental covenant for the facility to be certified closed. Your recent correspondence with Ohio EPA NEDO shows that you anticipate well abandonment to be completed this fall (2012) and an environmental covenant is being sought.

A review of current Financial Assurance Documentation indicates that the following violations are still outstanding:

OAC 3745-66-42(A) requires that an owner or operator of a hazardous waste facility shall have a detailed written estimate, in current dollars, of the cost of closing the facility and that a copy of the facility's current, detailed closure cost estimate shall be submitted annually, or within sixty days after a change in the amount of the current closure cost estimate, to the director of the Ohio EPA.

OAC 3745-66-43 requires that an owner or operator of a hazardous waste facility shall establish a financial assurance mechanism for closure of the facility.

OAC 3745-66-47(A) requires that a liability coverage mechanism be established for the facility.

As a result of previous financial record reviews, Tubetech was asked to submit the following to abate these violations: 1) A current, detailed closure cost estimate for the unpermitted hazardous waste disposal units, 2) A financial mechanism for the closure of the unpermitted hazardous waste disposal units and, 3) liability coverage for sudden accidental occurrences for the unpermitted hazardous waste disposal units.

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As of the date of this letter, Tubetech, Inc. has not submitted financial assurance documentation, in violation of OAC rules 3745-66-42(A), 3745-66-43 and 3745-66-47(A).

Therefore, Tubetech Inc. will remain in violation of the above rules until the required documentation is submitted or the units at the facility are certified closed.

Tubetech, Inc. needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Tubetech, Inc. is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service 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, Tubetech, Inc. is requested to submit written correspondence of the steps that will be taken to attain compliance.

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 Wilder
Compliance Assurance Section
Division of Materials and Waste Management

IW/lm:jm

cc: Paul Dolensky, DMWM, NEDO
Ron Shadrach, DERR, NWDO