



July 16, 2013

Mr. Jonathan F. Masi  
Corporate Environmental Programs  
General Electric Company  
3135 Easton Turnpike  
Fairfield, CT 06828

**RE: General Electric Company, Former Jefferson Welds – Jefferson, OH  
Financial Record Review: Notice of Violation  
OHD 048 111 090**

Dear Mr. Masi:

On July 15, 2013, I conducted a financial record review of the General Electric Company, Former Jefferson Welds – Jefferson, OH (GE) facility. I evaluated the facility for compliance with the closure care financial assurance and liability requirements as set forth in Ohio Administrative Code (OAC) rules 3745-55-42, 3745-55-43 and 3745-55-47.

To demonstrate financial assurance for post-closure care, GE submitted a Financial Test on March 26, 2013. The Financial Test included a letter signed by GE's Chief Financial Officer (CFO), a Certified Public Accountant's (CPA's) audit report of GE's financial statements for the 2010 fiscal year, and a special report from the CPA. The Financial Test was used to demonstrate third party liability coverage, the limits of which are \$16,000,000 in annual aggregate for sudden and nonsudden accidental occurrences.

A revised closure cost estimate for a total of \$318,900.00 was attached to GE's amended Closure Plan, which was approved by Ohio EPA on February 9, 2010. Attachment C of the CFO letter submitted March 26, 2013 reported the Closure Cost Estimate as \$280,000.00.

I found the following violation of Ohio's hazardous waste laws. In order to correct these violations you must do the following and send me the required information ***immediately*** upon of your receipt of this letter:

1. ***OAC Rule 3745-55-42(E), Copy of Facility's Detailed Closure Cost Estimate must be submitted annually to the Director:*** During the active life of the facility, a copy of the facility's current, detailed closure cost estimate prepared and maintained in accordance with paragraphs (A) and (B) of this rule must be submitted annually to the director of Ohio EPA.

GE has failed to submit an adjusted closure cost estimate for the Former Jefferson Welds facility. The last detailed closure cost estimate was attached to your amended closure plan, approved by Ohio EPA on February 9, 2010. In accordance with OAC 3745-55-42(B), during the active life of the facility, owners and operators using the financial test or corporate guarantee must adjust the closure cost estimate for inflation within thirty (30) days after the close of the owner or operator's fiscal year. OAC 3745-55-42(E)(2) requires owners/operators using a financial test to submit the closure cost estimate to the director within ninety (90) days after the close of the firm's fiscal year following a revision or update to the estimate made in accordance with paragraph (B) of this rule. While GE did supply the lump sum number of the cost estimate in Attachment C of their financial test, such reporting does not qualify as a submittal of a detailed third party closure cost estimate.

➤ GE must immediately submit an adjusted detailed third party closure cost estimate. The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent "Implicit Price Deflator for Gross National Product" published by the U.S. department of commerce in its "Survey of Current Business." The annual inflation factor for 2013 is 1.7%.

GE needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, GE 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 [Shawn.Sellers@epa.ohio.gov](mailto:Shawn.Sellers@epa.ohio.gov).

Please be advised that 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 violations, GE is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Mr. Jonathan F. Masi  
General Electric Company – Former Jefferson Welds  
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If you have any questions, please feel free to call me at (614) 644-2933 or email me at [shawn.sellers@epa.ohio.gov](mailto:shawn.sellers@epa.ohio.gov).

Sincerely,



Shawn M. Sellers, P.E.  
Engineering, Remediation, and Authorizations Section  
Division of Materials and Waste Management

SMS/ljm

ec: Ron Shadrach, DERR, NEDO  
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**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.