Beth Koestner

STATE OF MISSOURI

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

October 25, 2011

AWMD / WEMM
OCT 31 2011
RECEIVED

CERTIFIED MAIL – 7009 2820 0000 7543 7213
RETURN RECEIPT REQUESTED

Mr. Larry Longo
Chief Financial Officer
Tri-Rinse, Incorporated
PO Box 15191
St. Louis, MO 63110

RE: Financial Assurance Mechanism, Tri-Rinse, Incorporated, Facility, Located in St. Louis, Missouri, EPA ID Number MOR000505958

Dear Mr. Longo:

Missouri Regulation 10 CSR 25-9.020 (3)(C)(4) states that a financial assurance mechanism must be provided to cover the cost of closure cost estimate. To comply with the financial assurance requirements, Tri-Rinse, Incorporated, utilizes a Trust Agreement with First Financial Bank (formally Irwin Union Bank). The trust is funded by a Certificate of Deposit (CD), account number 4200033613 with First Financial Bank.

On August 9, 2011, I contacted First Financial Bank and was informed that the bank could not provide me with any information since "my name was not on the signature card." On August 10, 2011, you granted permission to First Financial Bank to discuss the trust with us, you also provided us with a contact name and a password needed to obtain information on the account. On September 2, 2011, Ms. Cindy Couchman-Kell did provide us with the balance of the trust, but at the time did not address the other questions we had. A conference call was scheduled for September 16, 2011. Ms. Couchman-Kell was not available at the designated time for the call. Since that time, several attempts have been made to contact Ms. Couchman-Kell at First Financial Bank to discuss the trust agreement. To date, Ms. Couchman-Kell has not returned the Missouri Department of Natural Resources phone calls.

According to Section 10 of the trust, the "Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the Director of the department a statement confirming the value of the Trust." To date, we have never received a statement confirming the value of the trust.

The trustee has failed to follow the requirements of the trust agreement for providing us with a valuation of the trust, and we have serious misgivings about the trustee's willingness to follow our instructions regarding payments from the trust should they become necessary. Therefore, we will no longer accept the Trust Agreement with First Financial Bank as a demonstration of financial responsibility for closure of your resource recovery unit. Within 30 days of receipt of this letter, Tri-Rinse must replace the trust agreement and CD with an alternative mechanism.

Thank you for your efforts to comply with the Missouri Hazardous Waste Law and regulations. If you have any questions regarding this matter, please contact me at the Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176, or by phone at (573) 751-3553.

Sincerely,

HAZARDOUS WASTE PROGRAM

Theresa Doggett

Theresa Doggett
Planner
Permits Section

TD:mj

c: Ms. Beth Koesterer, Project Manager, U.S. EPA Region 7
St. Louis Regional Office, Missouri Department of Natural Resources