



State of Ohio Environmental Protection Agency

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STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

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

February 10, 2009

Mr. Mark Manovich
Robbins & Myers Inc.
1400 Kettering Tower
Dayton, Ohio 45423

RE: **Moyno Inc.**
Robbins & Myers
OHD 079 435 897
Financial Assurance

Dear Mr. Manovich:

On January 30, 2009, I conducted a review of financial assurance documentation on file for the Moyno Inc. (Moyno) facility in Springfield, Ohio. Robbins and Myers Inc. (R&M) currently owns and provides financial assurance for the Moyno facility. I evaluated the facility for compliance with closure financial assurance and liability coverage requirements as set forth in the Ohio Administrative Code (OAC) rules 3745-66-42, 3745-66-43 and 3745-66-47.

Financial Assurance Documentation

To demonstrate compliance with financial assurance rules, R&M currently uses insurance with the Steadfast Insurance Company. The most current Hazardous Waste Facility Certificate of Liability Insurance (Policy Number PLC 3986856-02) was submitted to the Ohio EPA on February 24, 2004 (effective October 24, 2003). The closure and liability Certificates reflect the effective dates of the insurance policies as October 24, 2003. Certificates of Insurance submitted January 2007 and January 2008 were submitted but these documents do not meet the wording requirements of OAC rule 3745-55-51. *Certificates of Insurance for closure, post closure and liability coverage must be updated annually.* To date, documentation has not been maintained adequately.

Therefore, R&M remains in violation of OAC rules 3745-66-43 and 3745-66-47 because the hazardous waste financial assurance closure and third party liability certificates of insurance have not been updated annually with the correct wording.

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

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To demonstrate compliance with the above violation, the Certificate of Insurance for Closure/ Post-Closure Care and Liability coverage must be updated to verify coverage **annually**. Please submit Certificates of Insurance to confirm closure care and liability coverage from October 2004-October 2005, October 2005-October 2006 and October 2006-October 2007, October 2007-October 2008, and October 2008-October 2009, to me within thirty (30) days of receipt of this letter.

Cost Estimate

R&M provided a detailed cost estimate of \$523,400.00 in the July 2005 Closure Plan. This cost estimate has not been updated annually to reflect inflationary increases. Pursuant to OAC rule 37445-66-42(B) During the active life of the facility, the owner or operator must adjust the 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 3745-55-43 of the Administrative Code. 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."

Therefore, Robbins & Myers is in violation of OAC rule 3745-66-42(B).

To demonstrate compliance with the above violation, please submit an updated cost estimate and the appropriate financial assurance mechanism with the exact wording to me within thirty (30) days of receipt of this letter.

If you have any questions do not hesitate to contact me at (614) 644-2951.

Sincerely,



Tina Jennings
Compliance Assurance Section
Division of Hazardous Waste Management

cc: Pam Hull, DHWM, SWDO
Kristina Durnell, RIS, DHWM

