



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

November 21, 2011

**MORGAN COUNTY
MAHLE ENGINE COMPONENTS
DMWM/SEDO
OHD986979466**

Mr. Andrew Cole
EH & S Supervisor
Mahle Engine Components USA, Inc.
5130 North State Route 60 NW
McConnelsville, Ohio 43756-9021

Dear Mr. Cole:

I received your response to my September 27, 2011 Notice of Violation letter on October 24, 2011. The documentation you submitted included an e-mail record of spill report submittal, UPS tracking of spill report submittal, storm water site inspection forms, fire safety equipment inspection records, manifest for wastewater disposal, certificate of disposal for wastewater, EQ re-approval notice for industrial wastewater, photos of the labeled hazardous waste storage roll-off box, and photos of fluorescent lamp storage.

My review of this documentation reveals that Mahle Engine Components USA, Inc. (Mahle) has adequately demonstrated abatement of the following violations discovered during the September 13, 2011 inspection.

- ***OAC Rule 3745-52-34(A)(2) Accumulation Time of Hazardous Waste;***
- ***OAC Rule 3745-52-34(A)(3) Accumulation Time of Hazardous Waste; and***
- ***OAC Rule 3745-273-13(D)(1), Waste Management - Standards for Small Quantity Handlers of Universal Waste***

Mahle has failed to submit adequate documentation for the following violations, and therefore, remains in violation of these OAC Rules.

(1) OAC Rule 3745-65-52(D), Content of Contingency Plan:

You stated in your response dated October 21, 2011 that the contingency plan had been updated but you did not provide an updated contingency plan to demonstrate that the violation was abated. To demonstrate that you have abated this violation, submit a copy of the updated contingency plan to me at this office.

(2) OAC Rule 3745-65-52(E), Content of Contingency Plan:

You stated in your response dated October 21, 2011 that the contingency plan had been updated but you did not provide an updated contingency plan to demonstrate that the violation was abated. To demonstrate that you have abated this violation, submit a copy of the updated contingency plan to me at this office.

(3) OAC Rule 3745-65-54, Amendment of Contingency Plan:

You stated in your response dated October 21, 2011 that the contingency plan had been updated but you did not provide an updated contingency plan to demonstrate that the violation was abated. To demonstrate that you have abated this violation, submit a copy of the updated contingency plan to me at this office.

(4) OAC Rule 3745-65-33, Testing and Maintenance of Equipment:

You stated in your response dated October 21, 2011, that you believe Mahle did have proper documentation of emergency equipment inspections available during the inspection but the request for the information was not clarified. In your response you provided some additional documentation. I am still evaluating the information you provided. For my further consideration I request that you send me a copy of the less than 90 day area inspection form dated December 20, 2010 that was viewed during the inspection. My notes indicate that this date was the last record of the 90 day area inspection being conducted and that the form also included information related to emergency equipment inspections.

(5) OAC Rule 3745-66-74, Inspections:

At the time of the inspection Mahle was not recording weekly inspections of their hazardous waste storage shed. The last record of an inspection of the hazardous waste storage shed less than 90 day area was dated December 20, 2010. Mahle was logging inspections of their satellite accumulation area. While satellite accumulation area inspections are a good practice they are not a requirement under this rule. In your October 21, 2011 response you stated that Mahle has implemented the use of a form that includes all hazardous waste locations on one inspection log form. To demonstrate compliance with this rule, submit a copy of the inspection log you are now using.

(6) OAC Rule 3745-270-07(A)(7), Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities:

Mahle generates a D008 wastewater which has in the past been manifested to Enviroite in Canton, Ohio for treatment in a wastewater treatment system subject to the Clean Water Act. According to OAC Rule 3745-270-07(A)(7), Mahle is required to place a one-time notice in their files for this waste stream describing the generation, subsequent exclusion from the definition of hazardous waste or waste or exemption from regulation as a hazardous waste, and the disposition of the waste.

The documentation you provided on September 27, 2011 by e-mail and in your October 21, 2011 response letter does not provide the information outlined in OAC Rule 3745-270-07(A)(7).

In order to return to compliance with this rule, prepare the one-time notice for your files as described in OAC Rule 3745-270-07(A)(7) and submit a copy of the notice to me at this office for review.

General Comments

- (a) In your October 21, 2011 response letter, you stated that Mahle did not consider the wastewater that was released on May 2, 2011 "to be a 'hazardous waste' as that term is used in the definition of 'hazardous waste constituent' that would trigger the Hazardous Waste Contingency Plan..." and you wonder whether the 15 day requirement for a written report in required by OAC Rule 3745-65-56(I) is really applicable.

I have reviewed with Ohio EPA management your response to the citation of OAC Rule 3745-65-56(I). Ohio EPA is not asserting that the wastewater was a hazardous waste but that it was a waste that contained lead, which is a hazardous waste constituent. Therefore, it is Ohio EPA's determination that OAC Rule 3745-65-56(I) is applicable to the May 2, 2011 wastewater release.

Mahle needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. **Within 7 days of receipt of this letter**, Mahle 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 Elizabeth.Herron@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, Mahle is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me by telephone at (740) 380-5248.

Sincerely,



Elizabeth A. Herron
Environmental Specialist
Division of Materials and Waste Management

EAH/mlm