



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: The Gorman-Rupp Company
OHD 004 154 308
Hazardous Waste
Richland County
Partial Return to Compliance

November 8, 2007

Ms. Jane Yonally
Environmental, Safety & ISO Administrator
The Gorman-Rupp Company
305 Bowman Street
Mansfield, Ohio 44901-1217

Dear Ms. Yonally:

Thank you for your May 14, 2007, response to Ohio EPA's Notice of Violation (NOV) dated April 18, 2007. This NOV was issued to address violations and issues of concern found during Ohio EPA's compliance evaluation inspection (CEI) conducted at your facility located at 305 Bowman Street, Mansfield, Ohio, on February 27, 2007.

The information you submitted has been reviewed and the status of the violations cited and issues of concern is as follows:

1. Illegal Disposal and Treatment to the Air

Ohio Revised Code (ORC) Section 3734.02 (E) & (F) states in part that no person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at:

- (1) A hazardous waste facility operating under a permit issued in accordance with this chapter.

The Gorman-Rupp Company (GRC) disposes of listed acetone solvent waste used in the cleaning of the paint gun(s) in its fiberglass booth by spraying the spent cleaning solvent (acetone) onto cardboard and allowing this spent solvent to evaporate. Both of these actions are performed in violation of ORC 3734.02 (E) & (F). This spent solvent is considered hazardous waste due to the fact that it contains regulated levels of a listed hazardous waste constituent (acetone).

GRC stated in the May 14, 2007, response letter that this practice was stopped immediately on February 27, 2007 when you became aware of it. You included a copy of the newly developed standard operating procedure on how to properly handle the spent solvent, training outline, and employee training sign-in sheets.

2. **Hazardous Waste Determination**

Ohio Administrative Code (OAC) Rule 3745-52-11 states in part that any person who generates a waste, as defined in Rule 3745-51-02, must determine if that waste is a hazardous waste.

GRC failed to attempt to make this determination for either the spent acetone from the fiberglass gun cleaning or the cardboard contaminated with spent acetone from the fiberglass booth.

On May 14, 2007, GRC submitted a copy of the laboratory analysis and subsequent waste determination sheet of a sample taken of the waste acetone from the paint gun cleaning process. This spent solvent is considered hazardous waste due to the fact that it contains regulated levels of a listed hazardous waste constituent (acetone). This violation has been abated.

3. **Testing, Tracking, and Record Keeping Requirements for Generators**

OAC Rule 3745-270-07(A)(1) states in part that a generator of a hazardous waste must determine if the waste has to be treated before it can be land disposed.

GRC failed to make or document this determination for either the spent acetone from the gun cleaning process at the fiberglass booth or for the cardboard upon which the spent acetone was sprayed prior to its disposal as a solid waste.

On May 14, 2007, GRC submitted documentation on the testing, tracking, and record keeping requirements for generators of spent solvent. This violation has been abated.

4. **Special Rules Regarding Waste that Exhibits a Characteristic**

OAC Rule 3745-270-09(A) states in part that the initial generator of a waste must determine each EPA hazardous waste number applicable to the waste in order to determine the applicable treatment standards.

GRC failed to make or document this determination for either the spent acetone from the gun cleaning process at the fiberglass booth or for the cardboard upon which the spent acetone was sprayed prior to its disposal as a solid waste.

On May 14, 2007, GRC submitted documentation regarding the laboratory analysis and hazardous waste determination form. The waste code applicable to spent acetone was determined to be D001, F003. *This violation has been abated.*

5. **Exception Report
OAC Rule 3745-52-42(A)(2)**

A generator of greater than one thousand kilograms of hazardous waste in a calendar month shall submit an exception report to the Ohio EPA if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within forty-five days of the date the waste was accepted by the initial transporter.

GRC failed to submit an exception report for the April 28, 2006, bulk shipment (TT – 748 gallons) of waste mineral spirits (D001, F005, D035). GRC was an episodic Large Quantity Generator (LQG) during April 2006.

GRC obtained via email a signed and dated copy of this manifest from the designated facility during the February 27, 2007 inspection.

This violation was abated at the time of the inspection.

6. **Universal Waste Lamps – Packaging
OAC Rule 3745-273-13(D)(1)**

This rule states in part that a small quantity generator of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment by packaging lamps in containers that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. These containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

GRC failed to store their universal waste lamps in closed containers.

On May 14, 2007, GRC submitted photographic documentation to show that the spent lamps are being properly managed as universal waste. *This violation has been abated.*

7. **Universal Waste Lamps – Labeling/Marking
OAC Rule 3745-273-14(E)**

Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste Lamp(s)", or "Waste Lamp(s)", or "Used Lamp(s)."

GRC failed to label their universal waste lamps.

This violation was abated at the time of the inspection on February 27, 2007.

8. **Universal Waste – Accumulation Time**
OAC Rule 3745-273-15(C)

This rule states in part that a small quantity handler of universal waste who accumulates universal waste shall demonstrate the amount of time that the universal waste has been accumulated on-site.

GRC has failed to document or maintain any inventory system on-site that identifies the accumulation start dates for their universal waste streams.

On May 14, 2007, GRC submitted photographic documentation to show that the spent lamps are being properly managed as universal waste. GRC is now writing the date on the storage container label when a spent lamp initially goes into the storage container, thus keeping track of the accumulation time. *This violation has been abated.*

Areas of Concern:

1. **Waste Evaluation**

Any person who generates a waste must evaluate the waste to determine if the waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

GRC must supply me with their waste evaluation documentation for the following waste streams:

- Non-Haz Sandblast Waste
- Non-Haz Lapping Sludge
- Non-Haz Paint Booth Waste (if not included as part of the Non-Haz Lapping Sludge evaluation).

In addition, based upon my review of the MSDSs for the thinner and the two-part polyamide/epoxy Tneme-Fascure manufactured by the Tnemec Company and used in your two-part epoxy paint booth, the paint filter stream from this booth must be re-evaluated to determine if these waste filters are a listed or characteristic hazardous waste as required by OAC Rule 3745-52-11. Once GRC has made this determination, please send me the documentation.

On May 14, 2007, GRC submitted analytical documentation to show the waste evaluation of all the waste streams previously listed. All wastes were determined to be non-hazardous except the two-part epoxy paint booth filters which exceeded the hazardous levels for chromium (D007). This waste stream will be managed as hazardous waste from now on. *This concern has been addressed.*

2. Container Management & Satellite Accumulation

During the inspection we observed that the spent filters from the paint booth where the two-part polyamide/epoxy Tneme-Fascure is applied were not properly containerized – if they are determined to be hazardous during the waste evaluation requested above. These paint filters were placed in plastic bags just outside the paint booth area.

You indicated at the time of the inspection that these filters were waiting to be taken to your container storage area by maintenance personnel as there was a disconnect between the paint booth operator who performed the filter removal and the maintenance personnel responsible for the waste containerization.

According to OAC Rule 3745-66-73, you must keep your containers that are holding hazardous waste closed while in storage except when it is necessary to add or remove hazardous waste. In addition, you must ensure that such containers are not opened, handled or stored in a manner which may rupture the container or cause it to leak.

You can accumulate your hazardous waste under the reduced requirements for satellite accumulation at or near the point of generation. The hazardous waste also must be under the control of the person who is operating the process that generates the waste. There is no limit on how long you are allowed to accumulate the hazardous waste at or near the point of generation as long as you accumulate up to 55 gallons of hazardous waste generated from a point of generation (less than one quart for acute hazardous waste). You must also mark the container with the words "Hazardous Waste" or other words that identify the contents of the container and keep the container closed except when adding or removing hazardous waste when you first add hazardous waste to the container. Your containers must also be in good condition and be compatible with the hazardous waste.

On May 14, 2007, GRC submitted a copy of a standard operating procedure to handle the hazardous two-part epoxy paint booth filters. *This concern has been addressed.*

3. Used Oil Recycling

The best way to manage your used oil is to send it to a used oil recycler. Used oil recyclers conduct various recycling methods such as:

- **Reconditioning** – Involves removing impurities and reusing the oil.
- **Re-refining** – Involves treating the used oil and removing impurities. Re-refining returns the oil to close to its original state so that it can be used to make new products.
- **Reusing** – Used oil is returned to a petroleum refiner to be used as a feedstock for gasoline or coke production.
- **Burning for energy recovery** – Used oil is treated to remove impurities such as water and solids. It is then burned as a fuel to generate heat.

If you plan to send your used oil off-site to a used oil recycler, you must use a used oil transporter who has a U.S. EPA identification number

During the inspection, I did not review your shipping paperwork (documenting that your used oil transporter has a U.S. EPA identification number) or receipts for your used oil shipments. Please send me copies of this documentation for all your used oil shipments during 2006.

On May 14, 2007, GRC submitted a copy of shipping records of the used oil generated at the facility. The used oil/coolant is being recycled by PermaFix Environmental Services, Dayton, Ohio. *This concern has been addressed.*

4. **Determination of Generator Status**

The violation cited above (**Exception Report – OAC Rule 3745-52-42(A)(2)(a) & (b)**) also brought to our attention (yours and mine) that GRC had been a LQG for the month of April 2006.

Your generator category determines which hazardous waste management requirements you must follow for hazardous waste generated during any calendar month. In general, the more hazardous waste you generate or accumulate on-site, the more requirements apply. Since your generator category and hence the requirements you must follow are based on the amount of hazardous waste you generate in a calendar month or the total amount you have on-site at any given time, you may fluctuate between categories depending upon production levels, seasonal changes, etc. This fluctuation between generator categories has been termed episodic generation.

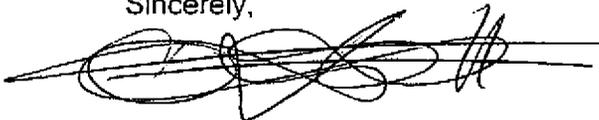
Please send me your plan for tracking/documenting GRC's monthly generator status. Please include a copy of any forms you will use to track/document your monthly generator status.

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On May 14, 2007, GRC submitted a copy of a monthly hazardous waste generator tracking log which GRC is planning to use at the facility. Please keep in mind that as previously stated, you must comply with the hazardous waste management requirements depending on the generator status you may be in any particular month. In addition, it appears that you will be operating, as previously reported, as a small quantity generator of hazardous waste unless a large cleanup project changes your hazardous waste monthly generating quantities. *This concern has been addressed.*

Should you have any questions, please feel free to call me at (419)373-3015.

Sincerely,



Edgar V. Pulido
Division of Hazardous Waste Management

/cs

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM; NWDO File - The Gorman-Rupp Company

ec: Ed Pulido, DHWM, NWDO

NOTICE: Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.