



State of Ohio Environmental Protection Agency

**Northwest District Office**

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

Re: Eaton Corporation  
(Aeroquip)  
OHD 005045919  
Van Wert County  
Large Quantity Generator  
**Return to Compliance**

September 19, 2008

Mr. Brian DeLucenay  
Chemical Process Engineer  
Eaton Corporation  
1225 West Main St.  
Van Wert, Ohio 45891

Dear Mr. DeLucenay:

Ohio EPA has recently reviewed its records and determined that it had not returned Eaton Corporation (EC) to compliance for violations first discovered during an inspection on December 3 and December 5, 2003. I have reviewed your company's response letter, dated February 17, 2004. The documentation you submitted with this letter included: waste analysis, U.S. EPA Interpretive letter, manifests, Land Disposal Restriction documentation, a training plan, training records and inspection records.

My review of this documentation reveals that EC has adequately demonstrated abatement of the following violations discovered during the December 3 and December 5, 2003, inspection:

**1. Waste Evaluation  
OAC Rule 3745-52-11**

A generator must first determine whether its waste is listed as a hazardous waste and then determine if it is a hazardous waste by testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 or by applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

EC has failed to adequately evaluate the waste paint and cleaning solvent (F003 & F005), using generator knowledge. Specifically, EC generates a waste paint and cleaning solvent (F003 & F005) which should be evaluated for the presence of TCLP metals.

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If the waste is found to contain any TCLP metal above the regulatory limit, EC must change its manifests and labels to reflect the new hazardous waste numbers and submit to me a copy of these revised records.

Also, EC failed to fully evaluate its wastewater treatment sludge. EC performs sulfuric acid anodizing of aluminum, which is a conversion coating process, and should have listed the sludge as a F019 waste in addition to F006. In order to correct this violation, EC must change its manifests and labels to include this additional waste number.

**Attached to your February 17, 2004, response letter is a copy of the waste paint analyses. It demonstrates that the waste paint is also hazardous for chromium (D007), lead (D008) and o-cresol (D023). Also attached to the response letter is a copy of a manifest that includes all the appropriate waste numbers. Attached to the response letter is a copy of a manifest demonstrating that the waste number F019 is used to describe the waste water treatment sludge, (in addition to F006). I also note that the Annual Report for 2007 lists both F006 & F019 for the wastewater treatment sludge. Therefore, this violation has been corrected.**

**2. Land Disposal Restriction  
OAC Rule 3745-270-09(A)**

The initial generator of a waste shall determine each Ohio EPA hazardous waste number (waste code) applicable to the waste in order to determine the applicable treatment standards.

EC has failed to thoroughly evaluate its wastewater treatment sludge. In order to correct this violation, EC must follow the requirements for correcting violation number one. EC must report to me any new treatment standards determined as a result of its waste evaluation.

**Attached to your February 17, 2004, response letter is Land Disposal Restriction documentation for the wastewater treatment sludge. Therefore, this violation has been corrected.**

**3. Manifest General Requirements  
OAC Rule 3745-52-20**

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A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage, or disposal must prepare a uniform hazardous waste manifest before transporting the hazardous wastes off-site.

EC has failed to correctly prepare a complete hazardous waste manifest for its wastewater treatment sludge (F006 & F019). Manifests for this waste for 2003 do not properly list the hazardous waste.

In order to correct this violation, EC must submit to me a properly completed copy of the hazardous waste manifest for wastewater treatment sludge for December 2003 and January 2004.

**Attached to your February 17, 2004, response letter is a copy of the manifest (#03210) from January 19, 2004, which lists F019, in addition to F006. Therefore, this violation has been corrected.**

**4. Personnel Training**  
**OAC Rule 3745-65-16(A)**  
**OAC Rule 3745-65-16(D)**

Facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the hazardous waste management regulations. The owner or operator shall maintain the following documents and records at the facility: (1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; (2) A written job description for each position ... including the duties of facility personnel assigned to each position; (3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position; and (4) Records that document that the training ... has been given to, and completed by, facility personnel.

EC has failed to provide the required training and has failed to maintain the required documents for each painter at the facility. In order to correct this violation, EC must submit to me the name of each painter at the facility, a job description which describes their hazardous waste management duties/responsibilities; an outline of the initial and continuing training to be provided to them (including their response to emergencies at the facility); and records that demonstrate that they have completed the training.

**Attached to your February 17, 2004, response letter is a training outline which includes hazardous waste management activities; the names of various painters; a job description for various painters and records demonstrating the painters have completed training. Therefore, this violation has been corrected.**

**5. Personnel Training  
OAC Rule 3745-65-16(B)&(C)**

Facility personnel shall successfully complete the training program within six months of their assignment to a position with hazardous waste management duties and shall take part in an annual review of the initial training.

EC has not provided any hazardous waste management training or review to each painter at the facility. In order to correct this violation, EC must provide the required training for each painter and submit to me records that demonstrate that they have completed the training. EC must also indicate when the review for all painters will be conducted. For the purpose of compliance with these rules, annual means within a 365 day period.

**Attached to your February 17, 2004, response letter is a training outline which includes hazardous waste management activities; the names of various painters; a job description for various painters and records demonstrating the painters have completed training. Therefore, this violation has been corrected.**

**6. Container Inspections  
OAC Rule 3745-66-74**

The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. The owner or operator must record inspections in an inspection log or summary.

EC has failed to conduct and record all required weekly inspections of its container storage areas. I observed some gaps in the record for the years 2002 and 2003. In order to correct this violation, EC must conduct and record inspection of all container storage areas and submit to me a copy of the records for the month of December 2003 and January 2004. For the purpose of compliance with this rule, weekly means a 7 (seven) day period.

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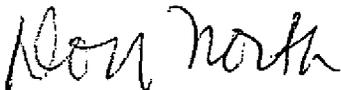
**Attached to your February 17, 2008, response letter are inspection records for December 4, 12, 19, 23 and 26, 2003 and January 2, 9, 16, 23, and 30, 2004. Therefore, this violation has been corrected.**

This letter documents a return to compliance for the violations observed in December 2003 and a review of your response letter dated February 17, 2004. Continued compliance will be evaluated during a future compliance evaluation inspection.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

Should you have any questions, please feel free to contact me at (419) 373-3074. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/opp>.

Sincerely,



Don North  
District Representative  
Division of Hazardous Waste Management

/lb

pc: Colleen Weaver, DHWM, NWDO  
Cindy Lohrbach, DHWM, NWDO  
~~DHWM, NWDO File~~

ec: Don North, 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.