



**Environmental
Protection Agency**

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

July 17, 2012

Mr. Michael McAdams
Robbins & Myers Inc.
51 Plum Street, Suite 260
Dayton, OH 45440

**RE: Robbins & Myers: Moyno Inc. – Springfield, OH
Financial Record Review: Notice of Violation
OHD 079 435 897**

Dear Mr. McAdams:

On July 17, 2012, I conducted a financial record review of documentation on file for the Moyno Inc. (Moyno), Springfield, OH facility. Robbins and Myers Inc. (R&M) currently owns and provides financial assurance for the Moyno facility. I evaluated the facility for compliance with the closure financial assurance, closure cost estimates, and liability requirements as set forth in Ohio Administrative Code (OAC) rules 3745-55-42, 3745-55-43 and 3745-55-47.

To demonstrate financial assurance for closure care, R&M utilizes an insurance policy. On April 29, 2011, Ohio EPA received a revised Certificate of Insurance for closure care for \$500,000.00. This Insurance Policy No. PLC 5222759-09 issued by Steadfast Insurance Company (SIC) is effective as of January 2, 2011. The most recently submitted closure cost estimate totaling \$218,000.00 was supplied by R&M on April 29, 2011.

To demonstrate third party liability coverage, a Hazardous Waste Facility Certificate of Liability Insurance, with SIC was provided, effective October 24, 2003. The SIC policy, No. PLC 3986856-02, satisfies the third-party liability requirements for sudden accidental occurrences. The limits of liability are \$1,000,000 per occurrence and \$2,000,000 in the aggregate, exclusive of legal defense costs. An Acor Certificate of Liability Insurance was submitted on December 29, 2011, verifying the existing coverage.

I found the following violation of Ohio's hazardous waste laws. In order to correct these violations you must do the following and send me the required information **immediately** upon of your receipt of this letter:

1. **OAC Rule 3745-55-42(E), Copy of Facility's Detailed Closure Cost Estimate must be submitted annually to the Director:** During the active life of the facility, a copy of the facility's current, detailed closure cost estimate prepared and maintained in accordance with paragraphs (A) and (B) of this rule must be submitted annually to the director of Ohio EPA.

R&M has failed to submit an adjusted closure cost estimate for the Moyno facility. The last closure cost estimate was submitted on April 19, 2011. In accordance with OAC 3745-55-42(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. For the Moyno facility, the cost estimate should have been adjusted for inflation within 60 days prior to January 2, 2012.

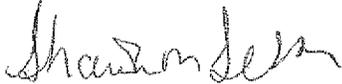
- R&M must immediately submit an adjusted closure cost estimate. The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent "Implicit Price Deflator for Gross National Product" published by the U.S. department of commerce in its "Survey of Current Business." The annual inflation factor calculated within the 60 day prior to January 2, 2012 was 0.96%.

R&M needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, R&M 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 Shawn.Sellers@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, DuPont is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions, please feel free to call me at (614) 644-2933 or email me at shawn.sellers@epa.ohio.gov.

Sincerely,



Shawn M. Sellers, P.E.
Engineering, Remediation, and Authorizations
Division of Materials and Waste Management

SMS/jm

ec: Brian Marlatt, DERR, SWDO
cc: Scott Wilson, Robbins & Myers

Notice:

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