



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

January 18, 2013

**MORGAN COUNTY
MIBA BEARINGS US LLC
DMWM/SEDO
OHD004288056**

Ms. Heidi Suhoski
Miba Bearings US LLC
5037 N. State Route 60
McConnelsville, OH 43756

Dear Ms. Suhoski:

On December 17, 2012 I received your letter responding to my Notice of Violation letter dated November 14, 2012. The documentation you submitted included: photos, waste analytical, a revised contingency plan, an outline of the hazardous waste training content, receipts showing delivery of contingency plans to the fire department and the Morgan County EMA, and a waste profile for oily sludge. On January 11, 2013 and January 15, 2013 we also spoke by phone about your December 17, 2012 response. Our first phone conversation was followed by your January 11, 2013 e-mail about the synthec plasma cleaner filters.

My review of this documentation reveals that Miba has adequately demonstrated abatement of the following violations discovered during the inspection conducted on June 6 and 11, 2012. For clarity these abated violations are numbered consistently with the numbering used in Ohio EPA's letter dated July 27, 2012.

- (8) OAC Rule 3745-52-34(C)(1)(b), Accumulation Time of Hazardous Waste**
- (9) OAC Rule 3745-65-16(A)(2), Personnel Training**
- (11) OAC Rule 3745-65-52(A), Content of Contingency Plan**
- (22) OAC Rule 3745-279-22(D), Used Oil Storage Requirements for Generators**

Miba has partially abated the violation of:

- (2) OAC Rule 3745-52-11, 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.

Ohio EPA's July 27, 2012 Notice of Violation letter directed Miba to evaluate floor wash water; the mixture of used oil, floor wash water, and parts washer solvent accumulated in on-site tanks; oil vacuum pump filters from the Pero degreaser; oil vacuum pump filters from the Synthec plasma cleaner; and spent parts washer

solvent waste to determine if it is a listed or characteristic hazardous waste, and submit the evaluations to this office for review.

Your December 17, 2012 letter stated that the floor wash water is hazardous for lead, a D008 waste. This statement was supported by sampling data. For this waste stream Miba has returned to compliance with the waste evaluation requirement.

For the vacuum pump filters from the pero degreaser and the synthec plasma cleaner, you stated in your December 17, 2012 letter that there was no evidence of hazardous constituents. However, when I discussed these two waste streams with you by phone on January 11, 2013 and pointed out that your hazardous waste training for employees states that the pero filters are a hazardous waste and discussed with you how listed hazardous waste is not dependent on TCLP testing to make a determination, you agreed that the pero filters were a hazardous waste and confirmed that since the inspection you have been managing them as a hazardous waste. For the synthec plasma cleaner filters you followed up our phone conversation with an e-mail on January 11, 2013 in which you stated that these filters will be managed as a hazardous waste. Based on the information provided, the January 11, 2013 phone call and e-mail, Miba has returned to compliance with the waste evaluation requirement for these two filters.

Your December 17, 2012 letter stated that the spent parts washer solvent is hazardous for lead, a D008 waste. This statement was supported by sampling data. When asked, in a January 15, 2013 phone call, you stated that flashpoint for the parts washer solvent (odorless mineral spirits) was 120 °F. Therefore, the parts washer solvent is also a D001 hazardous waste for ignitability. We discussed this and you agreed that the codes that apply to the spent parts washer solvent are D001 and D008. You stated that you had not yet manifested this waste off-site (previously it was mixed with your used oil) but that you would use these two waste codes when you do manifest it off-site. For this waste stream Miba has returned to compliance with the waste evaluation requirement.

For the mixture of used oil, floor wash water, and parts washer solvent you have not provided TCLP sampling data. You have a chain of custody which shows that a sample was collected on August 1, 2012 however you have stated that the lab does not have a record of this sample. So, another sample has been taken and the results are still pending. The second sample was taken after you stopped putting the parts washer solvent in with the used oil. Therefore this sample will reflect your current waste stream and not the waste stream at the time of the inspection.

In our January 15, 2013 phone conversation I requested that you stop mixing the floor wash water into the used oil. I made this request because if the resultant mixture is a hazardous waste, while you wait for sampling results that are not expected for several more weeks, you are continuing to dispose of a hazardous

waste as used oil. As we discussed, Ohio EPA also has a concern of whether a onetime sample of the mixture of used oil and floor wash water can be representative for more than just the batch sampled. Once you have characterized the used oil and floor wash water mixture we will need to discuss how Miba will manage and continue to characterize these wastes in the future, including the potential regulatory implications for managing a hazardous waste in tanks designed to store used oil (i.e. hazardous waste tank standards, closure requirements).

In order to return to compliance with this rule, you must provide analysis results for the mixture of used oil and floor wash water within 14 days of receipt of this letter. You must also respond with your evaluation of whether or not this waste stream is a hazardous waste and if so, what hazardous waste codes apply based on your analysis results and generator knowledge.

For the following violations, Miba has failed to submit adequate documentation and/or responses and remains in violation of the Ohio Administrative Code (OAC). Miba must submit documentation demonstrating abatement of these outstanding violations to this office within 14 days of receipt of this letter. For clarity these violations are numbered consistently with the numbering used in Ohio EPA's letter dated July 27, 2012.

- (14) **OAC Rule 3745-65-52(E), Content of Contingency Plan:** The contingency plan must include a list of all emergency equipment at the facility such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment, where this equipment is required. This list must be kept up to date. In addition, the contingency plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

Miba has still failed to include a physical description of each emergency equipment items and a brief outline of its capabilities as required by this rule. According to the rule, this information must be provided as a list. In order to return to compliance, Miba must include this information in their contingency plan. Please submit revised pages of the contingency plan to demonstrate that the necessary changes have been made.

- (15) **OAC Rule 3745-65-52(F), Content of Contingency Plan:** The contingency plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

The rule requires that the plan describe the evacuation routes and alternate evacuation routes. The revised contingency plan submitted on August 14, 2012 included evacuation maps as attachments to the contingency plan but made no mention of the maps in the table of contents or text of the document. The

contingency plan submitted December 17, 2012 no longer includes the maps of the evacuation routes. Instead the plan states that evacuation maps can be found throughout the facility. To comply with this rule, evacuation routes, and alternate evacuation routes must be included within the plan itself including the table of contents or text of the document. Please submit revised pages of the contingency plan to demonstrate that the necessary changes have been made.

- (16) **OAC Rule 3745-65-53(B), Content of Contingency Plan:** A copy of the contingency plan and all revisions to the plan shall be: Submitted to all local police departments, fire departments, hospitals, and Ohio EPA and local emergency response teams, that may be requested to provide emergency services.

Documentation was provided that the plans were mailed to the local fire department and the EMA. However, Miba has failed to show that the contingency plan was submitted to the local police department and the local hospital. To return to compliance with this rule, Miba must provide their contingency plan to the local police department and the local hospital.

Newly Identified Violation

- (23) **ORC § 3734.02(E) and (F), Establishing and Operating a Hazardous Waste Facility:** No person shall establish or operate a hazardous waste facility without a hazardous waste facility installation and operation permit. No person shall dispose of hazardous waste or transport or cause hazardous waste to be transported to any other premises except to or at a hazardous waste permitted facility.

Miba generated hazardous waste from the cleanup of the used oil secondary containment. In your August 14, 2012 letter you provided a picture of the clean containment area. Therefore the hazardous waste from the cleanup material was generated sometime before August 14, 2012. In our January 15, 2013 phone conversation you stated that the waste had been manifested off-site that day. Therefore, Miba stored this hazardous waste on-site for greater than 90 days without a hazardous waste storage permit. From at least August 14, 2012 to January 15, 2013, the hazardous waste was stored for 154 days.

You have determined that the vacuum pump filters for the synthec plasma cleaner are an F001 hazardous waste. At the time of the inspection these filters were being disposed of as a solid waste. Therefore, Miba caused hazardous waste to be transported to and disposed at a facility that is not permitted to receive hazardous waste, in violation of this regulation. You stated in your January 11, 2013 e-mail that in the future these filters will be placed in a satellite container as a hazardous waste.

Please provide a copy of the January 15, 2013 manifest to demonstrate that the secondary containment waste has been properly disposed. Because Miba has violated ORC § 3734.02(E) and (F), Miba is subject to all applicable general facility

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standards found in OAC chapters 3745-54 and 55. Additionally, at any time, Ohio EPA may assert its right to have Miba begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

The following violation will remain until addressed through Ohio EPA's enforcement process:

(1) ORC § 3734.02(E) and (F), Establishing and Operating a Hazardous Waste Facility

Miba needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Miba 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, Miba 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 contact me by telephone at (740) 380-5248 or by e-mail at Elizabeth.Herron@epa.ohio.gov.

Sincerely,



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

EH/mr

cc: Mykal Mercer, SEDO, DAPC

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.