



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

RE: Eaton Aeroquip Inc.  
OHD005045919  
Van Wert County  
DMWM, NWDO  
Partial Return to Compliance

March 28, 2013

Mr. Carey Welker  
Eaton Aeroquip Inc.  
1225 West Main Street  
Van Wert, Ohio 45891

Dear Mr. Welker:

Thank you for your response to the Ohio Environmental Protection Agency's (Ohio EPA's) February 15, 2013, Notice of Violation (NOV). The documentation submitted by Eaton Aeroquip Inc. (EAI) was received via email on March 5, 2013, and via the United States Postal Service (USPS) on March 7, 2013. Both response documents were dated March 5, 2013, by EAI. I did not verify that both responses were identical; I only reviewed the hard copy delivered by the USPS to determine EAI's compliance.

The following is a summary of the violations observed during the January 9, 2013, January 10, 2013, and January 17, 2013, compliance evaluation inspection (CEI). Your facility's compliance with respect to each violation is outlined below. In an attempt to streamline this letter, details concerning previously abated violations or general concerns which have been addressed in previous correspondence have been omitted. **Please submit the required information within 14 days of receipt of this letter.**

**Violations:**

1. **Ohio Revised Code (ORC) Section 3734.02(E)&(F), Unpermitted Hazardous Waste Treatment, Storage & Disposal:** "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 or to any of the following: (1) A hazardous waste facility operating under a permit issued in accordance with this chapter; (2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976"..."
  - a. During the inspection, it was noted that one 55-gallon drum in the less than 90 day storage area had been stored on site for greater than 90 days.

- b. During the review of the weekly inspection log and hazardous waste manifests, it was noted by Ohio EPA that another drum of hazardous paint related waste (D001, D004, D005, D007, D008) was stored for greater than 90 days.

On March 7, 2013, Ohio EPA received documentation that EAI has changed their weekly inspection procedures in several ways to ensure that hazardous waste storage for greater than 90 days does not happen in the future. Therefore, EAI has addressed both portions of this violation. However, this violation has not been abated.

In your March 7, 2013, response to Ohio EPA's NOV, you state that EAI is not an unpermitted hazardous waste storage facility and state that closure of the less than 90 day storage area is not warranted. The fact that EAI stored waste for greater than 90 days in an area that is not a permitted hazardous waste storage area makes EAI an unpermitted hazardous waste storage facility. Due to the severity of the violations observed at EAI during the January 9, 2013, January 10, 2013, and January 17, 2013 compliance evaluation inspection, this site is being considered for escalated enforcement. If escalated enforcement is deemed necessary, it will be handled through our Central Office in Columbus. The requirement to submit a closure plan for this area is part of the escalated enforcement process and will be determined at a later date by enforcement coordinators assigned to this case. If you have further questions concerning the escalated enforcement process, please call Kelly Jeter at 614-728-5337.

**2. Ohio Administrative Code (OAC) Rule 3745-52-11, Hazardous Waste Determination: "Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."**

EAI failed to adequately evaluate the waste streams listed below to determine if they were a hazardous waste in accordance with OAC Rule 3745-52-11.

- a. Waste paint related material-**This violation is considered abated on March 7, 2013, please see below for additional information.**
- b. Waste zinc plating solution- EAI generates waste zinc plating solution on an as-needed basis. This material is shipped off site as a non-hazardous waste. However, the waste evaluation for this waste stream does not have an adequate evaluation of pH and was not analyzed for all the RCRA metals, specifically chromium. **This violation is not abated, please see below.**
- c. Oily wastewater from plating line-EAI skims oily waste from the plating lines. This material is mixed in with the used oil waste stream and is shipped off site for energy recovery. At the time of the inspection, EAI did not have an adequate waste evaluation for this waste stream. **This violation is not abated, please see below.**
- d. Oily parts washer solvent-EAI has Safety-Kleen service several parts washers at the facility which are utilized by maintenance employees. Safety-Kleen removes the oily waste from the parts washing unit and disposes of this waste stream with the other used oil on site. At the time of the inspection, EAI did not have an adequate waste evaluation for this waste stream. **This violation is not abated, please see below.**

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Waste paint related material-On March 7, 2013, Ohio EPA received documentation that the waste paint related material was sampled and analyzed by EAI. According to the cover letter of the response, EAI has determined that the waste paint related material will carry the hazardous waste codes D001, D004, D005, D007, D008, D035, F003, and F005. Please note that in addition to the waste codes listed above, the sampling results received by Ohio EPA on March 7, 2013, show that the hazardous waste paint related material is also characteristically hazardous for benzene (D018) and very close to the regulatory limit for being characteristically hazardous for trichloroethene (D040). EAI needs to update the waste profile and land disposal restriction form to ensure that this additional information is addressed. Ohio EPA recommends that additional samples of this waste be analyzed in the future to determine if this waste is hazardous for trichloroethene as the content of this constituent may vary between drums of waste.

**At this time, portion a. of this violation is considered abated on March 7, 2013.**

Waste zinc plating solution-On March 7, 2013, Ohio EPA received documentation that EAI is using generator knowledge to determine the pH of the waste zinc plating solution is between 4.9-5.2. However, the waste evaluation documentation provided by EAI during the CEI states that the waste zinc plating solution has a pH range of 2.1-5.9.

Additionally, EAI is using generator knowledge that chromium is not in this waste stream due to the fact that the chromium tank is located after the tanks that contain the zinc plating solution. However, the description of this process given by EAI and the fact that the same racks are dipped in the chromium tank and the zinc plating tank time and time again leads to concerns about chromium contaminating the other plating tanks, and thus contaminating the waste zinc plating solution.

EAI's waste evaluation for this waste stream is not adequate. Portion b. of this violation has not been abated. In order for EAI to determine whether this waste exhibits any hazardous waste characteristics, EAI must obtain a chemical analysis of a representative sample of the waste as described in my February 15, 2013, NOV. To abate this violation EAI shall submit the analytical results indicating the proper evaluation of the wastes for Ohio EPA's review. The results must document if the waste is hazardous or not and, if hazardous, whether it is restricted from land disposal. If the waste is hazardous, EAI must also submit information as to what treatment, storage, or disposal facility the waste will be sent to.

Once Ohio EPA acknowledges EAI's proper characterization of the wastes, EAI must dispose of the wastes at a proper disposal facility. EAI must then submit the appropriate manifest documents or shipping papers indicating proper disposal of the wastes to Ohio EPA.

If the waste is hazardous, I will determine the status of your compliance with other hazardous waste laws and notify you of my findings in a separate letter.

**Please notify me at least five days prior to sampling so that I may be present.**

Oily wastewater from plating line-On March 7, 2013, Ohio EPA received documentation that EAI is classifying and managing this waste as a used oil. However, this waste stream does not meet the definition of used oil.

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Ohio EPA received analytical results on March 7, 2013, that show the oily wastewater from the plating lines have flashpoints above 200 degrees Fahrenheit and pHs above 13.0. Additionally, these wastes did not have any concentrations of any other constituents. This is concerning as similar waste streams regularly contain some amounts of metals or other constituents in the waste, even if they are below the regulatory limits. Due to questions surrounding this waste stream, Ohio EPA would like to conduct additional sampling of this waste stream. Please contact me once this waste stream has been generated so that I may set up a time to sample the wastes.

At the time of the inspection, EAI indicated that approximately 100 gallons of this waste is generated per month. This waste is placed into 55 gallon drums which are sucked out via a vac truck by Cousins Waste Control, LLC. This waste is then shipped off-site using a non-hazardous waste manifest as used oil and burned for energy recovery at Usher Oil Company in Detroit, Michigan.

Please answer the following questions concerning this waste stream: 1. How many years has this waste stream been generated at EAI? 2. How many years has this waste stream been disposed of through Cousins Waste Control, LLC? 3. If Cousins Waste Control, LLC is not the only waste handler used for this waste stream over the years, please describe what other waste management companies have received the waste from EAI, their disposal methods, and the dates the type of waste management took place.

At this time, portion c. of this violation has not been abated.

Oily parts washer solvent- On March 7, 2013, Ohio EPA received documentation that EAI is classifying and managing this waste as a used oil. However, this waste stream does not meet the definition of used oil. On March 7, 2013, Ohio EPA received documentation that the oily parts washer solvent was sampled and analyzed. The results show this material is a non-hazardous waste. However, it is concerning that no constituents were detected at all in this waste. Similar wastes regularly contain some amount of metals or other constituents, even if they are below the regulatory limits.

EAI stated in the cover letter that EAI has changed management of the spent parts washer solvent and has enrolled in Safety-Kleen's continued use program. However, EAI has not submitted any documentation to show the new management of this waste from Safety-Kleen.

At this time, portion d. of this violation has not been abated. In order to abate this portion of the violation, please submit documentation showing that EAI's spent parts washer solvent has been enrolled in Safety-Kleen's continued use program.

- OAC Rule 3745-66-73(A), Management of containers:** "A container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste"

At the time of the inspection, EAI did not have the roll-off box containing wastewater treatment sludge (F006, F019) closed.

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On March 7, 2013, Ohio EPA received documentation and photographs that showed that the plastic liner for the roll-off box has been attached to the plastic sheeting. However, there are still large gaps that are located between the plastic sheeting pieces, which can be viewed in the photographs. Therefore, Ohio EPA does not consider this container closed and this violation has not been abated. If EAI wishes to discuss this issue with Ohio EPA further, please contact me at the number listed below in order to set up a conference call to discuss this issue.

In order to abate this violation, EAI must keep the roll-off box closed during storage unless waste is being added to or removed from the container. Within 14 days of receipt of this letter, EAI must close the container and submit a photograph that documents the container is properly closed.

4. **OAC Rule 3745-66-74:** Abated on February 7, 2013.
5. **OAC Rule 3745-270-07(A)(2), Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities:** "If the waste or contaminated soil does not meet the treatment standards, or if the generator chooses not to make the determination of whether his waste must be treated, with the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the generator's files..."

EAI failed to list a combination of the manifest number of the first waste shipment to the TSD, the applicable waste codes, the underlying hazardous constituents, and the specific solvents contained in the waste on one or more of the land disposal restriction (LDR) forms reviewed during the inspection:

- a. LDR form for the potassium cyanide solids-**Abated January 9, 2013.**
- b. Additionally, the LDR form for the hazardous waste paint related material did not list the manifest number, all applicable waste codes, or the specific solvents contained in the waste.

On March 7, 2013, Ohio EPA received documentation that EAI has enhanced their process of reviewing LDR forms in several way, which includes but is not limited to, adding the review of LDR forms to the facility's compliance calendar. Although EAI submitted a revised LDR form for the hazardous waste paint related material, the form does not include the newest information gathered from the sampling and analysis of this material. The form also does not list ethyl benzene, methanol, n-Butyl alcohol, and ethyl acetate as regulated hazardous constituents under section 3B even though these constituents are listed on the MSDS for the lacquer thinner utilized by EAI, Safety-Kleen Heavy Duty Lacquer Thinner 6782.

In order to abate this violation, EAI must properly fill out an LDR form for the hazardous waste paint related material which lists the additional constituents in section 3B as described above.

6. **OAC Rule 3745-65-16(D)(2), Personnel training:** "The owner or operator must maintain the following documents and records at the facility... a written job description for each position listed under paragraph (D)(1) of this rule. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position..."

EAI failed to maintain written job descriptions that included the requisite skill, education, or other qualifications for employees that handle or manage hazardous waste.

On March 7, 2013, Ohio EPA received documentation that outlined how EAI updated their written job descriptions in order to meet the requirements of this rule. The documentation also included the updated job descriptions that showed the requisite skill, education, or other qualifications that the Senior Environmental Engineer, Mark Borgmeier, Hayden Rees, Matt Mills, Don Carrier, and Mike Higginbotham must obtain in order to handle or manage hazardous waste.

**Therefore, this violation is considered abated on March 7, 2013.**

7. **OAC Rule 3745-65-16(D)(3), Personnel training:** "The owner or operator must maintain the following documents and records at the facility... a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (D)(1) of this rule..."

EAI failed to maintain a written description of the type and amount of both introductory and continuing training that will be given to each employee handling and managing hazardous waste.

On March 7, 2013, Ohio EPA received documentation that outlined how EAI updated their written training plan in order to meet the requirements of this rule. The documentation also included the updated initial and continuing training that employees receive at the facility.

**Therefore, this violation is considered abated on March 7, 2013.**

8. **OAC Rule 3745-65-16(D)(4), Personnel training:** "The owner or operator must maintain the following documents and records at the facility... Records that document that the training or job experience required under paragraphs (A), (B), and (C) of this rule has been given to, and completed by, facility personnel..."

EAI failed to adequately maintain records of all required employee training. Specifically, EAI failed to maintain documentation for all employees for training outlined in paragraph A and B of this rule. Additionally, EAI failed to maintain documentation showing that Hayden Rees was given annual refresher training during the calendar year 2012.

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On March 7, 2013, Ohio EPA received documentation that outlined how EAI updated their written training plan in order to meet the requirements of this rule. The documentation also included the most recent hazardous waste annual training sign-in sheets which show that Mark Borgmeier, Hayden Rees, Matt Mills, Don Carrier, and Mike Higginbotham have attended hazardous waste annual refresher training in 2013.

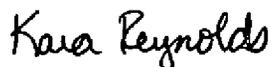
**Therefore, this violation is considered abated on March 7, 2013.**

EAI needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, EAI 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 [kara.reynolds@epa.state.oh.us](mailto:kara.reynolds@epa.state.oh.us).

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, EAI 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 call me at (419) 373-3065. Please send all correspondence **within 14 days of receipt of this letter**, to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,



Kara Reynolds  
Environmental Specialist  
Division of Materials and Waste Management

/cg

pc: Colleen Weaver, DMWM, NWDO  
Kara Reynolds, DMWM, NWDO  
Lisa Gifford, DMWM, NWDO

ec: Colleen Weaver, DMWM, 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.