



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/
Notice of Violation**

August 20, 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, and March 28, 2013, Notices of Violation (NOV). The documentation submitted by Eaton Aeroquip Inc. (EAI) was received via email on April 16, 2013, and via the United States Postal Service (USPS) on April 17, 2013. Both response documents were dated April 16, 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. I also received additional information from Mark Borgmeier during my site visit on April 25, 2013, and via email on June 7, 2013, which has abated violations outlined below.

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. **Please note that EAI has been found to be in violation of additional citations based upon the review of the documentation submitted on April 17, 2013, April 25, 2013, and June 7, 2013, in response to the February 15, 2013, and March 28, 2013, NOV's.** 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:**

- 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, and D008 as described in Ohio Administrative Code (OAC) rule 3745-51-21 and OAC rule 3745-51-24) was stored for greater than 90 days.

EAI has addressed both portions of this violation by response on March 7, 2013. These violations have not been abated; however, no further action is required at this time. Please be aware that past or present instances of non-compliance may cause EAI to be the subject of pending or future enforcement actions. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve EAI from having to comply with all applicable regulations.

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-Abated on March 7, 2013
- 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 considered abated on April 25, 2013, please see below.**
- c. Oily wastewater from plating line-EAI skims oily waste from the plating lines. This material is shipped off site for energy recovery as used oil. At the time of the inspection, EAI did not have an adequate waste evaluation for this waste stream. **This violation is considered abated on June 7, 2013, please see below.**
- d. Oily parts washer solvent-**This violation is considered abated on April 17, 2013, please see below.**

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Waste zinc plating solution-On April 17, 2013, Ohio EPA received documentation that EAI would sample this waste stream during the week of April 22, 2013. Ohio EPA met EAI at the site on April 25, 2013, in order to sample the waste stream. Prior to sampling, EAI informed Ohio EPA that due to a change in process (increased backwashing of the filtration system); this waste stream would no longer be generated in the future and was not currently being accumulated on site. The only zinc plating solution on site at the time of the April 25, 2013, sampling event was product zinc plating solution. Although Ohio EPA sampled the product zinc plating solution, the sampling results cannot be utilized as an adequate waste evaluation for the waste zinc plating solution. **Since this waste stream will not be generated in the future, this violation is considered abated on April 25, 2013. However, if EAI generates this waste in the future, then EAI will be required to have an adequate waste evaluation per OAC rule 3745-52-11. At such time, the waste evaluation will be required to include an adequate pH and RCRA metals evaluation which includes chromium.**

Oily wastewater from plating line-On March 7, 2013, Ohio EPA received documentation that EAI is classifying and managing this waste as used oil. However, this waste stream does not meet the definition of used oil. Wastewaters that are generated from the use of aqueous cleaning solutions are not used oil; they are spent materials and are a waste, as defined in OAC rule 3745-51-02, that must be properly evaluated pursuant to OAC rule 3745-52-11. For more information, the Used Oil Determination Flow Chart and the Ohio Hazardous Waste Notifier, dated Spring 2007, have been enclosed.

Ohio EPA received analytical results from EAI on March 7, 2013, for the rack plating line and the barrel plating line that show the oily wastewater from the plating lines are characteristically hazardous waste for corrosivity (D002). On June 7, 2013, Ohio EPA received additional analytical from EAI for the rack plating line which again showed the waste is hazardous waste for corrosivity (D002). Analytical for the barrel plating line was not available due to an accident involving the sample at the laboratory. However, since both the rack plating line and the barrel plating line are identical lines except for the way they transport parts through the system (one via a rack, the other via a barrel) the wastes are identical as well.

Ohio EPA sampled both the rack line and the barrel line plating wastes on April 25, 2013. Analytical results show that these wastes are both characteristically hazardous for corrosivity (D002), chromium (D007), and lead (D008) as described in OAC rule 3745-51-22 and OAC rule 3745-51-24. Although EAI's sampling results did not indicate that metals were present in the wastes at hazardous levels, Ohio EPA's samples did indicate that the wastes are characteristically hazardous for toxicity for both chromium (D007), and lead (D008).

Therefore, these wastes must be managed as hazardous waste and properly disposed using the waste codes D002, D007, and D008. **This violation is considered abated on June 7, 2013.**

Oily parts washer solvent-On April 17, 2013, Ohio EPA received documentation that EAI has changed management of the spent parts washer solvent and has enrolled in Safety-Kleen's continued use program. A signed Continued Use Program Customer Notification & Certification Form from Safety-Kleen was received on April 17, 2013. Please note that if EAI removes the spent parts washer fluid from the continued use program in the future, then this waste will need to be re-evaluated per OAC rule 3745-52-11 at that time as it may be considered a hazardous waste. **This violation is considered abated on April 17, 2013.**

3. **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.

On April 17, 2013, Ohio EPA received documentation and photographs that showed the roll-off box containing wastewater treatment sludge (F006, F019) is now being stored in a closed position.

Therefore, this violation is considered abated on April 17, 2013.

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.

The LDR form included in the April 17, 2013 response was not complete. However, on April 25, 2013, Ohio EPA received an updated LDR form for the hazardous waste paint related material.

Therefore, portion b. of this violation is considered abated on April 25, 2013.

6. **OAC Rule 3745-65-16(D)(2)**-Abated on March 7, 2013
7. **OAC Rule 3745-65-16(D)(3)**-Abated on March 7, 2013
8. **OAC Rule 3745-65-16(D)(4)**-Abated on March 7, 2013

The following violations have been cited after review of the documents received on April 17, 2013, April 25, 2013, and June 7, 2013.

9. **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 evaluate the mixture of used oil and hazardous waste oily wastewater (from the plating line) to determine if this mixture is a hazardous waste in accordance with OAC Rule 3745-52-11.

During the original inspection, Ohio EPA received information that EAI generates approximately 100 gallons of the hazardous waste oily wastewater from the plating lines every month which EAI mixes with other used oil generated at EAI, prior to being shipped offsite.

In order to abate this violation, EAI must describe in detail, how EAI plans to manage the hazardous oily wastewater from the plating line in the future. If EAI intends to continue mixing the hazardous oily wastewater with used oil on site then EAI must describe how EAI will mix these materials and how EAI will comply with OAC rule 3745-279-10(B)(2). Please call me to set up a conference call if you would like to discuss this issue further.

10. **OAC Rule 3745-52-34(C)(1)(b)**, **Accumulation time of hazardous waste:** "A generator may accumulate as much as fifty-five gallons of hazardous waste... without a permit ... provided he... marks his containers ... with the words "Hazardous Waste".

EAI failed to mark the 55-gallon drum next to the rack line which contains the hazardous waste oily wastewater from the plating lines with the words "Hazardous Waste" or with other words identifying the content.

In order to abate this violation, EAI must mark the 55-gallon drum next to the rack line with the words "Hazardous Waste" or with other words identifying the content. EAI must submit photographic documentation that this container has been properly labeled.

11. **OAC Rule 3745-52-34(A)(2)**, **Accumulation time of hazardous waste:** "...a generator may, for ninety days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit, provided that...the date upon which each period of accumulation and/or treatment begins is clearly marked and visible for inspection on each container..."

EAI failed to mark the 350-gallon tote near the barrel lines which contains the hazardous waste oily wastewater from the plating lines with an accumulation start date.

In order to abate this violation, EAI must describe how they will comply with this rule in the future. EAI must also submit photographic documentation that the 350-gallon tote has been marked with the accumulation date.

12. **OAC Rule 3745-52-34(A)(3)**, **Accumulation time of hazardous waste:** "...a generator may, for ninety days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Ohio hazardous waste permit, provided that... while being accumulated and/or treated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste..."

EAI failed to mark the 350-gallon tote near the barrel lines which contains the hazardous waste oily wastewater from the plating lines with the words "Hazardous Waste".

In order to abate this violation, EAI must describe how they will comply with this rule in the future. EAI must also submit photographic documentation that the 350-gallon tote has been marked with the words "Hazardous Waste".

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13. OAC Rule 3745-66-74, Inspections: "The owner or operator must inspect areas where containers are stored, at least once during the period from Sunday to Saturday, 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."

During the April 25, 2013, sampling event, Ohio EPA noted that EAI accumulated hazardous oily wastewater from the barrel plating line in a 350-gallon tote. Thus, this area is a less than 90 day hazardous waste storage area which is required to be inspected weekly. EAI failed to inspect this less than 90 day hazardous waste storage area and record the inspections in a log or summary.

In order to abate this violation, EAI must describe how they will manage this waste stream in this area in the future. EAI must also describe how they will comply with this rule in the future. If EAI continues to manage this waste area as a less than 90 day hazardous waste storage area, then EAI must submit three consecutive weeks of inspections logs showing this area has been inspected properly.

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.

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.

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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

Kara Reynolds
Environmental Specialist
Division of Materials and Waste Management

/llr

Enclosures

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

ec: Colleen Weaver, DMWM, NWDO
Kelly Smith, DMWM, CO
Elissa Miller, DMWM, CO

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.