



State of Ohio Environmental Protection Agency

Central District Office

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January 14, 2007

Linda S. Furlough
Assistant General Counsel
ArvinMeritor, Inc.
2135 West Maple Road
Troy, MI 48084-7186

**Re: Notice of Violation for Failure to Submit Documents
Rockwell International On-Highway Products Site
Meritor Heavy Vehicle Systems, LLC (Meritor HVS)
Heath, Licking County, Ohio
Project Number: 145001138009**

Ms. Furlough:

Please be advised that Meritor HVS has failed to submit documents to the Ohio Environmental Protection Agency (Ohio EPA) in accordance with the time periods set forth in the December 29, 2003 Director's Final Findings and Orders (DFFOs). The documents that need to be submitted are (1) draft operation and maintenance plan for the soil cover (Ohio EPA requested 10/25/07); performance standards verification plan for ground water (Ohio EPA requested 4/10/06); (3) annual self reporting requirements for installed containment, treatment and monitoring systems, and recorded land use restrictions (DFFOs paragraph 18); and, (4) ArvinMeritor's annual report and financial statement (DFFOs paragraph 14, due 12/29/07).

Failure to provide Ohio EPA with the required submittals within the agreed time frame constitutes a violation of the DFFOs. Meritor will remain in violation of the DFFOs until Ohio EPA receives the documents listed above. In accordance with Section XXIII, paragraph 63 of the DFFOs, Ohio EPA reserves the right to seek legal and/or equitable relief to enforce the terms and conditions of the DFFOs. If Ohio EPA does not receive the past due documents listed above within the extended time frames specified in this letter, then the Agency may initiate an enforcement action. The extended due dates for the identified documents are as follows:

- **Draft Operation and Maintenance Plan for the Soil Cover:** Submit within 45 days of receipt of this letter.

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

Linda S. Furlough
Assistant General Counsel
ArvinMeritor, Inc.
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- **Draft Performance Standards Verification Plan for Groundwater:** Submit within 45 days of receipt of this letter.
- **Self Reporting Requirement:** Submit within 30 days of receipt of this letter.
- **2007 Annual Report and Financial Statement:** Submit within 30 days of receipt of this letter.

I discussed these issues with Meritor's designated site coordinator, Ihsan Al-Fayyomi, on January 7, 2008. I sent Mr. Al-Fayyomi a letter that documented our conversation and copied you on that correspondence.

Overall, Meritor has been in compliance with the DFFOs and has completed most of the tasks listed in the approved Remedial Design/Remedial Action Work Plan in accordance with the schedules or agreed upon revised schedules. The exceptions are those documents and tasks noted in this letter and the ongoing predesign studies of the high concentration zones in ground water, which are not reflected in a revised schedule. The normal due dates for annual submittals are being extended for this year only.

In addition to the documents noted in this letter, please submit a revised schedule (RD/RA WorkPlan, Figure 2-10, Remediation Project Schedule) within 30 days of receipt of this letter for the tasks that have been completed and have yet to be completed. The revised schedule can be submitted electronically in Microsoft Project or as a Microsoft Excel Spreadsheet.

If you have any questions, please contact me at (614) 728-3830.

Sincerely,



Fred Myers
Environmental Specialist
Division of Emergency and Remedial Response
Central District Office

c: Deborah Strayton, DERR/CDO Manager
Marty Cooper, Legal
David Nash, Esq., McMahon Degulis
Ihsan Al-Fayyomi, Brown and Caldwell