



John R. Kasich, Governor  
 Mary Taylor, Lt. Governor  
 Craig W. Butler, Director

June 21, 2017

Mr. Jeff Mann  
 Moyno, Inc.  
 7909 Parkwood Circle Drive  
 Houston, TX 77036

**Re: Moyno, Inc.**  
**Director's Final Findings and Orders**  
**(DFFO)**  
**DFFO**  
**RCRA C - Hazardous Waste**  
**Clark County**  
**OHD079435897**

**Subject:** Final Findings and Orders of the Director

Dear Sir:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Moyno, Inc.

If you have any questions, please contact Andrea Smoktonowicz at (614) 644-3037.

Sincerely,

A handwritten signature in black ink that reads "Tonya Andrews".

Tonya Andrews, Administrative Professional 3  
 Division of Environmental Response & Revitalization

Enclosure

cc: Randall Kirkland, DERR, SWDO  
 Mitch Mathews, DERR, CO  
 Erik Hagen, DERR, CO  
 Don Vogel, DERR, CO  
 Andrea Smoktonowicz, Legal

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Moyno, Inc.  
1895 W. Jefferson St.  
Springfield, Ohio 45506

Director's Final  
Findings and Orders

**Respondent**

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

PREAMBLE

It is agreed by the parties hereto as follows:

By: Don Bassler Date: 6/31/17

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Moyno, Inc. (Respondent), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.13, 3734.02(G) and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated there under.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Pursuant to ORC § 3734.02(G) and rule 3745-50-31 of the Ohio Administrative Code (OAC), the Director may, by order, exempt any person generating, storing, treating, or disposing of hazardous waste in such quantities or under such circumstances that, in the determination of the Director, it is unlikely that the public

health or safety or the environment will be adversely affected thereby, from any requirement to obtain a permit or comply with other requirements of ORC Chapter 3734. Any such exemption shall be consistent with and equivalent to rules promulgated under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6921 et seq., as amended.

2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A). Respondent owns a plant at the property where positive displacement progressive cavity pumps were manufactured. The property is located at 1895 W. Jefferson St., Springfield, Ohio (Facility).
3. At the time it was operating, Respondent was a "generator" of hazardous waste as that term is defined in OAC rule 3745-50-10(A)(45). Respondent generates hazardous waste as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03. Specifically, Respondent generated characteristic and listed hazardous waste (including, but not limited to, D001, D002, F003, and F005), which by definition are hazardous wastes under OAC rules 3745-51-21, 3745-51-22, and 3745-51-31. The Facility's U.S. EPA ID number is OHD079435897.
4. On December 29, 1981, Robbins & Myers, Inc. ("R & M"), Respondent's predecessor, was issued a hazardous waste permit (05-12-0539) by the former Hazardous Waste Facility Approval Board.
5. By letter dated February 25, 1985, Ohio EPA informed R & M that it was required to submit a closure plan as required by its hazardous waste permit.
6. In a letter dated March 16, 1988, Ohio EPA requested that R & M submit its Part B of its hazardous waste permit application in accordance with OAC rule 3745-50-40.
7. In a letter dated March 23, 1988, U.S. EPA informed R & M that it could withdraw its Part B permit application provided it filed a closure plan with U.S. EPA and Ohio EPA.
8. On September 15, 1988, R & M submitted a withdrawal request of Part B of their hazardous waste permit application, which included a closure plan for the hazardous waste storage area. The withdrawal and closure plan were approved with conditions by Ohio EPA on January 24 and January 26, 1989 and U.S. EPA on February 17, 1989. From then on, R & M was a hazardous waste generator only and accumulated containers of hazardous waste in the former permitted hazardous waste storage area. This hazardous waste storage area is a hazardous waste management unit.

9. R & M made several amendments to the approved closure plan over the next decade and a half, none of which were approved by Ohio EPA until November 2005.
10. On December 9, 1991, U.S. EPA conducted a RCRA Facility Preliminary Assessment and Visual Site Inspection (PA/VSI), which identified eight solid waste management units, including the hazardous waste storage area, i.e., storage pad. TCE and cyanide were noted as found previously in subsurface soils and groundwater beneath the hazardous waste storage area as the result of past operations at the Facility.
11. On August 1, 2005, Moyno Inc., the successor in interest to R & M submitted a new closure plan, which was approved by Ohio EPA on November 2, 2005. In the approval, it states the original approved closure plan was withdrawn because a different approach was necessary to meet the closure performance standards.
12. Respondent purchased the Facility in 1998.
13. In a letter dated August 19, 2015, NOV Moyno submitted to Ohio EPA a Notice of Entry into Ohio EPA's Voluntary Action Program (VAP), Memorandum of Agreement (MOA) to address site-wide corrective action under Ohio EPA's VAP, which would include any potential groundwater contamination at the Facility. The VAP was initiated with the completion of a VAP Phase I, Eligibility Determination and VAP Phase II Scope of Work in December 2010. The VAP Phase II was initiated in 2011 and is currently ongoing.
14. On November 24, 2015, Respondent submitted to Ohio EPA a draft closure plan for the Facility, and on January 13, 2016, Ohio EPA issued a notice of deficiency for the closure plan.
15. On February 5, 2016, Respondent submitted a revised draft closure plan to Ohio EPA, and Ohio EPA provided comments in a notice of deficiency dated April 18, 2016.
16. In correspondence dated July 27, 2016, Respondent submitted a revised draft closure plan to Ohio EPA, and Ohio EPA provided draft comments on October 17, 2016. The closure plan has not been approved by Ohio EPA to date.
17. As a result of Respondent's ownership of the Facility, Respondent is required to have a hazardous waste facility installation and operation permit and is subject to all general facility standards found in OAC Chapter 3745-54 and 55, including but not limited to, closure in accordance with OAC rules 3745-55-11 through 3745-55-20, the financial assurance for closure requirements contained in OAC rules 3745-55-42 through 3745-55-51 and corrective action for waste management units in

accordance with OAC rule 3745-54-101. To obtain a hazardous waste facility installation and operation permit, Respondent is required to submit "Parts A and B" of the application in accordance with OAC Chapter 3745-50.

18. The submittal of a Closure Plan for the area at the Facility where hazardous waste was stored as described in Finding No. 8. of these Orders, in lieu of the submittal of an application for a hazardous waste facility installation and operation permit is acceptable and unlikely to adversely affect the public health or safety or the environment. The Closure Plan shall comply with the administrative requirements of OAC Chapters 3745-65 and 66 and the substantive requirements of OAC Chapters 3745-54 and 55. Therefore, the Director finds that the issuance to Respondent of an exemption from the requirement to submit an application for a hazardous waste facility installation and operation permit is unlikely to adversely affect the public health or safety or the environment within the meaning of ORC § 3734.02(G), provided Respondent meet the conditions set forth in the Orders.

## **V. ORDERS**

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Respondent is hereby exempted from the requirement to submit an application for a hazardous waste facility installation and operation permit for the Facility, *provided that* Respondent complies with the following:
  - a. Within 30 days after the effective date of these Orders, Respondent shall submit to Ohio EPA for review and approval a revised Closure Plan for areas at the Facility where hazardous waste was managed as described in Finding No. 8. of these Orders. The revised Closure Plan shall include revisions to the schedule to complete closure. A copy of the revised Closure Plan shall be submitted in accordance with Section X. of these Orders and an additional copy submitted to Ohio EPA, Division of Environmental Response and Revitalization, Manager, Engineering Section, P.O. Box 1049, Columbus, Ohio 43216-1049;
  - b. This Closure Plan shall comply with the administrative requirements of OAC Chapters 3745-65 and 3745-66 and the substantive requirements of OAC Chapters 3745-54 and 3745-55, except for the groundwater protection program pursuant to OAC rules 3745-54-90 through 3745-54-100, for reasons described in Finding No. 13. of these Orders.
  - c. The Closure Plan is subject to approval by Ohio EPA. If Ohio EPA does not approve the Closure Plan and provides Respondent with a written statement of deficiencies, Respondent shall submit a revised Closure Plan

for approval addressing the deficiencies within 30 days of receiving such written statement. If Ohio EPA modifies the Closure Plan, the modified Closure Plan becomes the approved plan. Upon Ohio EPA's written approval of the Closure Plan, Respondent shall implement the approved Closure Plan in the manner and pursuant to the time frames set forth in the approved Closure Plan and OAC rules 3745-55-13/3745-66-13;

- d. Within 30 days after approval of the Closure Plan pursuant to Order No. 1.c., Respondent shall submit a closure cost estimate and documentation demonstrating that Respondent has established financial assurance and liability coverage for the areas of the Facility subject to closure, in accordance with OAC rules 3745-55-42 through 3745-55-47; and
- e. Within 60 days after completion of closure, Respondent shall submit certification of closure to Ohio EPA in accordance with OAC rules 3745-55-15.

#### **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent have performed all obligations under these Orders and Ohio EPA's Division of Environmental Response and Revitalization acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is a corporate officer who is in charge of a principal business function of Respondent.

#### **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Facility.

### **VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

### **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

### **X. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Southwest District Office  
Division of Environmental Response and Revitalization  
401 E. Fifth Street  
Dayton, Ohio 45402  
Attn: DERR Hazardous Waste Manager or Supervisor

and Ohio EPA Central Office at the following addresses:

For mailings, use the post office box number:

Craig W. Butler, Director  
Ohio Environmental Protection Agency  
Division of Environmental Response and Revitalization  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Hazardous Waste Manager, Compliance Assurance Section

For deliveries to the building:

Craig W. Butler, Director  
Ohio Environmental Protection Agency  
Division of Environmental Response and Revitalization  
50 West Town Street  
Columbus, Ohio 43215  
Attn: Hazardous Waste Manager, Compliance Assurance Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

#### **XI. RESERVATION OF RIGHTS**

In the event that a no further action letter is not issued and submitted to Ohio's Voluntary Action Program in accordance with OAC rule 3745-300-13 on behalf of Respondent, Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform groundwater investigation and remediation including soil remediation of soils which could leach to groundwater in accordance with OAC rules 3745-54-90 through 3745-54-100 and corrective action at the Facility, at some time in the future, pursuant to ORC Chapter 3734. or any other applicable law. Respondent reserves its rights to raise any administrative, legal or equitable claim or defense with respect to any final action of the Director regarding such groundwater investigation and remediation and corrective action. Respondent reserves its rights to raise any administrative, legal or equitable claim or defense with respect to any final action of the Director regarding such groundwater investigation and remediation and corrective action. Ohio EPA and Respondent reserve all other rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

#### **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the right to require Respondent to perform groundwater investigation and remediation at the Facility including soil remediation of soils which could leach to groundwater in accordance with OAC rules 3745-54-90 through 3745-54-100 and seek corrective action at the Facility by Respondent in the event that a no further action letter is not issued and submitted to Ohio's Voluntary Action Program in accordance with OAC rule 3745-300-13 on behalf of Respondent, which right Ohio EPA does not waive, compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders

notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

**XIII. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:**

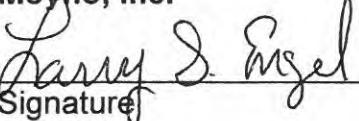
Ohio Environmental Protection Agency

  
\_\_\_\_\_  
Craig W. Butler  
Director

6/20/17  
\_\_\_\_\_  
Date

**IT IS SO AGREED:**

Moyno, Inc.

  
\_\_\_\_\_  
Signature

May 31, 2017  
\_\_\_\_\_  
Date

LARRY S. ENGEL  
\_\_\_\_\_  
Printed or Typed Name

PRESIDENT, PROCESS & FLOW TECHNOLOGIES,  
Title NATIONAL OILWELL VARCO