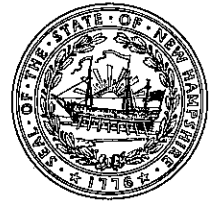




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

July 15, 2009

MPB Corporation
d/b/a Timken Aerospace
1835 Dueber Avenue SW, GNE-12
Canton, OH 44706

Re: Docket No. AF 09-031 - Administrative Fine by Consent Agreement

Dear Mr. Bauman:

Enclosed for your records is a copy of the fully executed and accepted Administrative Fine by Consent Agreement in the above-captioned matter.

On behalf of the Department of Environmental Services, thank you for your cooperation in resolving this matter. This letter does not provide relief against any existing or future violations.

Sincerely,

COPY

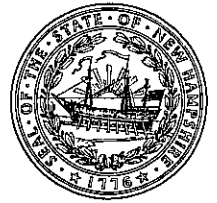
Jane Murray
Executive Secretary
DES Legal Unit

cc: K. Allen Brooks, Chief, AGO-Environmental Protection Bureau Head, NH DOJ
DES Public Information Officer
Lebanon Select Board
Pamela Hoyt-Denison, P.E., Administrator, WMP
John J. Duclos, Administrator, HWMB-WMD
Linda R. Birmingham, HWMB-WMD

cc: DES Legal Unit



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

MPB Corporation
d/b/a Timken Aerospace
1835 Dueber Avenue SW, GNE-12
Canton, OH 44706

Re: Timken Aerospace
336 Mechanic Street, Lebanon, NH
EPA ID# NHD073964496

**ADMINISTRATIVE FINE
BY CONSENT**

No. AF 09-031

I. INTRODUCTION

This Administrative Fine by Consent is entered into by and between the Department of Environmental Services, Waste Management Division, and MPB Corporation, pursuant to RSA 147-A. This Administrative Fine by Consent is effective upon signature by all parties.

II. PARTIES

1. The Department of Environmental Services, Waste Management Division ("DES") is a duly-constituted administrative agency of the State of New Hampshire, having its main office at 29 Hazen Drive, Concord, New Hampshire.
2. MPB Corporation ("Timken") doing business as 'Timken Aerospace' is a corporation registered to do business in New Hampshire having a mailing address of 1835 Dueber Ave SW GNE-12, Canton, OH 44706.

III. BACKGROUND

1. Pursuant to RSA 147-A, the Department of Environmental Services regulates the management and disposal of hazardous waste. Pursuant to RSA 147-A:3, the Commissioner of DES has adopted NH CODE ADMIN. RULES Env-Hw 100-1100 [was Env-Wm 100-1100] ("Hazardous Waste Rules") to implement this program.
2. Pursuant to RSA 147-A:17-a, the Commissioner of DES is authorized to impose fines of up to \$2,000 per offense for violations of RSA 147-A or rules adopted pursuant thereto. Pursuant to this section, the Commissioner has adopted NH CODE ADMIN. RULES Env-C 612 to establish the schedule of fines for such violations.
3. Timken is a hazardous waste generator that notified the United States Environmental Protection Agency ("EPA") of its activities through DES on August 18, 1980, as 'The Timken Co.' Timken manufactures high precision ball bearings for the aviation and aerospace industry. EPA Identification Number NHD073964496 was assigned to Timken's site located at 336 Mechanic Street, Lebanon, New Hampshire (the "Facility").

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-2867 • TDD Access: Relay NH 1-800-735-2964

4. On July 18, 2008, DES personnel inspected the Facility for compliance with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules. As a result of the violations of the Hazardous Waste Rules observed during this inspection, DES issued Letter of Deficiency No. WMD 08-110 to Timken on September 3, 2008. Based on the violations observed during the inspection listed above, DES believes that an administrative fine is appropriate in this case for the Class I violations.

IV. ALLEGATIONS, ADMINISTRATIVE FINES

1. Timken failed to conduct an adequate hazardous waste determination, as required by Env-Hw 502.01 [was Env-Wm 502.01], for the Quench Oil ("Violation 1"). For this violation, Env-C 612.05(a) authorizes a fine of \$1,500 per determination not made.
2. Timken failed to maintain a personnel training program and provide hazardous waste training for the following employees with hazardous waste duties, as required by Env-Hw 509.02(a)(2) [was Env-Wm 509.02(a)(2)] ("Violation 2"): one (1) year of annual training for Alternate Emergency Coordinator Steve Davis; one (1) year of annual training for Hazardous Waste Handler Chester Stoddard; two (2) years of annual training for Hazardous Waste Handler Leo Dube; and four (4) years of annual training for Hazardous Waste Handler David Shaw. Note: Alternate Emergency Coordinator Steve Davis missed four (4) years of annual training. (DES is only seeking a fine for one (1) year of annual training for Steve Davis due to the fact that Timken had a trained Primary Emergency Coordinator who left Timken in June 2008). For this violation, Env-C 612.07(b) authorizes a fine of \$1,000 per individual not trained for annual updates, for a potential fine of \$8,000.
3. Timken failed to maintain a complete contingency plan on-site, as required by Env-Hw 509.02(a)(5) [was Env-Wm 509.02(a)(5)] ("Violation 3"). For this violation, Env-C 612.07(e) authorizes a fine of \$2,000.
4. Timken failed to properly store hazardous waste acid in one (1) 3 ft x 3 ft x 2 ft single wall storage tank (approximately 135 gallons), as required by Env-Hw 509.02(a)(7) [was Env-Wm 509.02(a)(7)], that meets the specifications of 40 CFR 265 Subpart J—Tank Systems and complies with applicable tank standards ("Violation 4"). For this violation, Env-C 612.07(g) authorizes a fine of \$2,000 per tank.
5. Timken failed to post, as required by Env-Hw 509.02(b) [was Env-Wm 509.02(b)], adequate emergency information at the nearest telephone to the Main Hazardous Waste Storage Area ("Violation 5"). For this violation, Env-C 612.07(h) authorizes a fine of \$1,000 per area.
6. Timken failed to provide hazardous waste training, as required by Env-Hw 509.03(b) [was Env-Wm 509.03(b)], for three (3) satellite storage operators, with hazardous waste duties at two (2) satellite storage areas (*i.e.*, Black Oxide and Nital Etch Areas) ("Violation 6"). For this violation, Env-C 612.07(j) authorizes a fine of \$1,000 per satellite storage area, for a potential fine of \$2,000.
7. Timken failed to mark, as required by Env-Hw 807.06(b)(4) [was Env-Wm 807.06(b)(4)], one (1) 55-gallon container of used oil located in the used oil storage area and three (3) 55-gallon containers stored in the Ultrafiltration Area with the words "Used Oil for Recycle" ("Violation

7"). For this violation, Env-C 612.10(a)(1), which references Env-Wm 807.06(b)(2) [now Env-Hw 807.06(b)(4)] authorizes a fine of \$100 for each container that is 55-gallons or greater, for a potential fine of \$400.

8. Timken failed to close, as required by Env-Hw 807.06(b)(5) [was Env-Wm 807.06(b)(5)], one (1) 3-gallon container of used oil located in the Final Wash area ("Violation 8"). For this violation, Env-C 612.10(b)(3), which references Env-Wm 807.06(b)(3) [now Env-Hw 807.06(b)(5)] authorizes a fine of \$50 for each container that is 5-gallons or less.

V. PAYMENT, WAIVER OF HEARING

1. For purposes of settlement of this action, DES agrees to waive fines associated with Violations 3 and 5 through 8 because they are not Class I violations.

2. Timken agrees to pay a fine in the amount of \$10,000 as itemized below for Violations 1, 2, and 4, which are Class I violations, upon execution of this agreement by an authorized representative of Timken:

a. No fine for Violation 1 because Timken documented that the Quench Oil was analyzed and determined to be non-hazardous;

b. \$8,000 for Violation 2; and

c. \$2,000 for Violation 4.

3. Payment under paragraph "V.2" shall be paid by certified or corporate check made payable to "Treasurer, State of New Hampshire" and mailed to:

DES Legal Unit
Attn: Legal Assistant
PO Box 95
Concord, NH 03302-0095

4. If any payment is made by check or money order that is returned due to insufficient funds, pursuant to NH RSA 6:11-a, DES may charge a fee in the amount of 5% of the face amount of the check or money order or \$25.00, whichever is greater, plus all protest and bank fees, in addition to the amount of the check or money order, to cover the costs of collection.

5. By executing this Administrative Fine by Consent, Timken waives its right to a hearing on or any appeal of the administrative fines identified in this Administrative Fine by Consent and agrees that this Administrative Fine by Consent may be entered into and enforced by a court of competent jurisdiction.

6. The effective date of this Administrative Fine by Consent will be the date on which it is signed by an authorized representative of MPB Corporation, the Director of the Waste Management Division, and the Commissioner of DES.

7. No failure by DES to enforce any provision of this Administrative Fine by Consent after any breach or default will be deemed as a waiver of its rights with regard to that breach or default, nor will such failures be construed as a waiver of the right to enforce each and all provisions of this agreement on any further breach or default.

WHEREFORE, the parties voluntarily accept the terms of this Agreement.

MPB Corporation

~~COPY~~
By: Robert J. Bauman, Plant Manager
Duly Authorized

July 6, 2009
Date

Department of Environmental Services

~~COPY~~
Michael J. Wimsatt, P.G., Director
Waste Management Division

7/14/09
Date

~~COPY~~
Thomas S. Burack, Commissioner

9/14/09
Date

cc: DES Legal Unit
RCRA/DB/AF

ec: Public Information Officer, DES PIP Office
K. Allen Brooks, Chief, AGO-Environmental Protection Bureau
Pamela Hoyt-Denison, P.E., Administrator, WMP
John J. Duclos, HWMB
Lebanon Select Board