



**Environmental
Protection Agency**

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

July 5, 2011

David P Witman
Simonds International
PO Box 500
Fitchburg, MA 01420

**Re: 2009 Hazardous Waste Annual Report Requirement – Notice of Violation
Simonds Industries, Newcomerstown – OHD018221853**

Dear David Witman:

My review of customer data from Ohio Treatment, Storage, and Disposal Facilities (TSDFs) and manifest data from Michigan's Department of Environmental Quality has revealed that one or more shipments of hazardous waste were received from Simonds Industries Inc during the 2009 calendar year. The amounts reported, 123.67 tons and 105.28 tons respectively for a total of 228.95 tons, indicate that this site was a large quantity generator in 2009. Enclosed are printouts of the shipment information. Because I have not received a Hazardous Waste Annual Report for 2009, Simonds Industries may be in violation of Rule 3745-52-41 of the Ohio Administrative Code (OAC).

A large quantity generator is defined as a site which generates in any single month more than 1000 kg (2200 lbs) of non-acute hazardous waste or more than 1 kg (2.2 lb) of acutely hazardous waste. This includes wastes from one-time generation as well as wastes from ongoing production processes. Generating hazardous waste above the threshold quantity for only one month will subject a site to the Annual Report requirement. OAC Rule 3745-52-41 requires a generator who ships any hazardous waste off-site to prepare and submit to the Ohio EPA a Hazardous Waste Annual Report and to describe and certify efforts that were made to minimize hazardous wastes. These reports are due March 1 of each year and contain information about the activities of the previous calendar year. Only small quantity generators (between 220 and 2200 lb/mo of non-acutely hazardous wastes) and conditionally exempt small quantity generators (less than 220 lb/mo of non-acutely hazardous wastes) are exempt from the Annual Report requirement as described in OAC Rule 3745-52-44.

To abate the violation of OAC Rule 3745-52-41, Simonds Industries must complete and submit to Ohio EPA a 2009 Hazardous Waste Annual Report within 30 days of receipt of this letter. Failure to respond to this Notice of Violation may result in referral to the Compliance Assurance Section for consideration of escalated enforcement. The 2009 forms and instructions can be found in Adobe Acrobat PDF format at

http://www.epa.ohio.gov/dhwm/ann_report/ann_report_2009.aspx. This same web site contains detailed information about filing electronically using the eDRUMS service in Ohio EPA's eBusiness Center (eBiz) at <https://ebiz.epa.ohio.gov/login.jsp>. The Responsible Official who will sign the report must have an eBiz account and PIN before they can apply for the service. Obtaining a PIN requires mailing to Ohio EPA a notarized signature and receiving

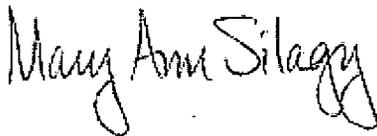
the PIN by return US mail. I encourage you to file electronically because it is efficient, easy to use, and prevents many common errors due to built-in error checking and validation.

Simonds Industries should have on file the manifest records necessary for completion of the reports. OAC Rule 3745-52-40 requires generators to keep a signed copy of each manifest for a period of at least three years from the date the waste was accepted by the initial transporter. Receiving facilities and transporters are under a similar requirement. If you need copies of the original manifest(s), contact them for assistance.

If Simonds Industries was not a large quantity generator in 2009, documentation must be submitted to this office within 30 days of receipt of this letter. This documentation must show that Simonds Industries did not generate more than the threshold quantity of hazardous waste in any month during 2009. If you believe that the information supplied by the Ohio or Michigan TSDFs is in error, please call me to discuss the discrepancy.

A letter that acknowledges receipt of the report will be sent to you after it is processed. I can answer questions concerning the Annual Report at (614) 644-2891 or maryann.silagy@epa.state.oh.us. Your prompt attention to this matter is appreciated.

Sincerely,



Mary Ann Silagy, Environmental Specialist 2
Environmental Research and Information Services
Ohio EPA - Division of Materials and Waste Management
maryann.silagy@epa.state.oh.us
614-644-2891

enclosures

cc: Shawn Ansbro, Lawhon & Associates
Central File
DMWM, SEDO

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.

Generator Facility**Generator US EPA ID:** OHD018221853**Generator Name:** Simonds Industries Inc**Address:** 641 Heller Dr
Newcomerstown, OH 43832-0028**Total Tons Shipped:** 123.97**Receiving Facility****US EPA ID:** OHD980568992**Name:** Envirote of Ohio Inc**Customer Name:** Simonds Industries, Inc.**Customer Address:** 641 Heller Drive
Newcomerstown, OH 43832-

Waste Description: D008 & F012 SOIL / WID44779						Page: 359	Subpage: 269
System Type: H111	Form: W119	Quantity: 22360.00 P	Density: 0		Lbs. / Gal.		
F012 D008							

Waste Description: D008 SOIL / WID44779						Page: 359	Subpage: 1149
System Type: H111	Form: W319	Quantity: 225580.00 P	Density: 0		Lbs. / Gal.		
D008							

GeneratorSiteID	ManifestDate	ManifestNum	TSDSiteID	TotalQty	DrMea	WasteNum	WasteNum	WasteNum	anagementCod
OHD018221853	7/8/2009	005400408JJK	MID000724831	22	Y	D009	F012	F001	H075
OHD018221853	7/8/2009	005400409JJK	MID000724831	22	Y	D008	F012	F001	H075
OHD018221853	7/8/2009	005400410JJK	MID000724831	22	Y	D008	F012	F001	H075
OHD018221853	7/8/2009	005403500JJK	MID000724831	22	Y	D008	F012	F001	H075
OHD018221853	7/8/2009	005400407JJK	MID000724831	22	Y	D008	F012	F001	H075
OHD018221853	7/21/2009	005400405JJK	MID000724831	15	Y	D008	F012	F001	H075

$$\Sigma = 125 \text{ Yd}$$

From: Melody Stewart
To: Paula Canter
Date: 9/24/2010 9:35 AM
Subject: Re: Simonds Ind

Hi Paula, I would send the letter to:

per shawn
✓

David P. Witman *ESQ*
Simonds International
P.O. Box 500
Fitchburg, MA 01420

del 10/19/2010

I don't know if Larry is still the contact. If you could cc their consultant that would be great. his name is:

~~Gerry Myers~~ *NA*
Lawhon & Associates, Inc.
975 Eastwind Drive, Suite 190
Westerville, Ohio 43081

now Shawn Ansbro? VM 6/29
818-5200

Shawn Ansbro - cc: -vac thru 7/10
975

Thanks Paula!!

>>> Paula Canter 9/23/2010 11:37 AM >>>

We need to send them an Annual Report NOV for not filing 2009. They shipped 123.67 tons off-site to in-state TSDs. The 2008 report had Larry Woods as the contact, at 2344 Larson Rd in Gnadenhutton. Is that still correct?