



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6480
www.epa.state.oh.us

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

November 23, 2007

**TUSCARAWAS COUNTY
SIMONDS INDUSTRIES
DHWM/SEDO
OHD 018 221 853**

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

Dear Mr. Witman:

On October 10, 2007, I conducted a site visit at the Simonds Industries' facility in Newcomerstown Ohio and issued a Notice of Violation letter to Simonds on October 29, 2007. On November 14, 2007, Ohio EPA received a response from Simonds Industries' consultant Lawhon & Associates. In this response, it was stated that waste was being removed from the storage units and that an extension to the CRO time period had been sent to Ohio EPA. To adequately abate the violations cited in the October 29, 2007 Notice of Violation, Simonds Industries must provide the documentation as requested below:

- (1) **Ohio Revised Code § 3734.02 (E) and (F), Prohibitions:** (E) No person shall establish or operate a hazardous waste facility for the storage, treatment, or disposal of any hazardous waste, without obtaining a hazardous waste facility installation and operation permit. (F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises except to a hazardous waste facility operating under a permit issued in accordance with this chapter.

During the site visit, it was discovered that hazardous waste had been stored for greater than 90 days. Specifically, hazardous waste (D008) has been stored in the hazardous waste tank since June 2007, 1500-2000 gallons of hazardous waste (F012) in a WWTP tank, and approximately 1000 gallons of hazardous waste acid (D002) in a former process tank. According to facility representatives, the product acid tank and the WWTP had not been used since December 2006.

As a result of the storage of hazardous waste greater than ninety days without a permit, closure plans, in lieu of a hazardous waste facility installation and operation permit, for all hazardous waste storage units discussed above must be developed and submitted to Ohio EPA for review and approval. This closure plan must be submitted in compliance with OAC rule 3745-55-12.

- (2) **What are my responsibilities if I am an owner or operator? 3745-352-20(A)(2):** You have different responsibilities depending on whether you have permanently ceased or temporarily discontinued all regulated operations. What are my responsibilities as an owner or operator if I have permanently ceased all regulated operations? Not later than ninety days after cessation of regulated operations, you must comply with this rule. I have attached a copy of this rule for your convenience.

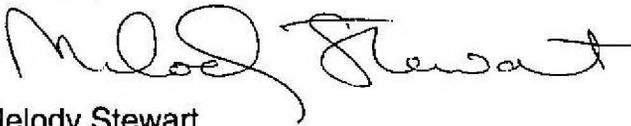
Simonds was required to submit the Regulated Substance & Equipment Removal (90 Day-Final Form) by September 27, 2007. To date, Ohio EPA has not received an extension request. Simonds must submit this form or request an extension, in compliance with OAC rule 3745-352-20(A)(3).

Since Simonds violated ORC §3734.02(E) and (F), Simonds is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have Simonds begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Please submit the above requested documentation to this office **within 15 days** of receipt of this letter demonstrating that all violations have been abated.

Should have any questions, please feel free to call me at 740-380-5256.

Sincerely,



Melody Stewart
District Representative
Division of Hazardous Waste Management

MS/mlm

cc: Harry Sarvis-DHWM/CO
Nyal McKenna, DHWM/NEDO

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.