



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

October 29, 2007

**TUSCARAWAS COUNTY
SIMONDS INDUSTRIES, INC.
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. As you know, the Simonds Industries' Newcomerstown facility has closed and is going through the Cessation of Regulated Operations process. During my site visit, I observed the following violations of Ohio's hazardous waste law and rules. In order to correct these violations, you must do the following and send me the required information **within 30 days** of your receipt of this letter:

- (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. The hazardous waste found in these units must be immediately manifested off-site to a permitted treatment, storage, disposal facility. Copies of the manifests must be submitted to Ohio EPA for review.

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. 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.

General Comments:

In conversations with your consultant, Lawhon & Associates has stated that site wide RCRA Corrective Action would be occurring at this site. Ohio EPA is unsure as to how Simonds will meet the RCRA Corrective Action obligations. Is Simonds preparing to conduct a formal site-wide RCRA Corrective Action to fulfill corrective action obligations? If so, there are two options for site wide RCRA Corrective Action. Option one includes a negotiated agreement with Ohio EPA in the form of Director's Final Findings and Orders. The other option is to conduct work outside of a formal agreement. This option consists of a facility submitting work plans and reports to the Division of Hazardous Waste Management (DHWM) independent of any set schedule. The documents and the work itself would be subject to DHWM oversight and would include public involvement. **Please include in your response to the above violations, what option will be taken to meet the RCRA Corrective Action obligations.**

If you have any questions regarding this letter, please call me at (740) 380-5256.

Sincerely,



Melody Stewart
District Representative
Division of Hazardous Waste Management

MS/mlm

Enclosures

cc: Todd Anderson, Ohio EPA – Legal
Harry Sarvis, DHWM-CO

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 appropriate regulations.