



State of Ohio Environmental Protection Agency

Northeast District Office

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

December 10, 2007

RE: ASHTABULA COUNTY
THE ESAB GROUP, INC.
OHIO EPA PERMIT NO. 3IC00071
NPDES PERMIT NO. OH0063789

NOTICE OF VIOLATION

Mr. George Gilbert, Plant Manager
The ESAB Group, Inc.
3325 Middle Road
Ashtabula, OH 44005

Dear Mr. Gilbert:

The above permit has compliance requirements in Part 1.C. of the permit. These requirements were to be submitted within the specified timeline for the facility to remain in compliance with the permit. However, the requirements have not been submitted; therefore, the facility is in violation of the NPDES permit. The requirements are as follows:

- A. Industrial Construction Schedule - Copper Limit at Outfall 3IC00071002
1. The permittee shall achieve compliance with the final Copper effluent limitations at outfall 3IC00071002 as specified in Part I.A. of this NPDES permit as expeditiously as practicable. In any event, the permittee shall attain final compliance not later than the dates developed in accordance with the following schedule:
 - a. The permittee shall submit to the Ohio EPA Northeast District Office, Division of Surface Water, a status report on submitting a complete and approvable Permit to Install (PTI) application and detailed plans for achieving final compliance at outfall 3IC00071002 as soon as possible, but no later than 6 months after the effective date of the permit. (Event Code 95999)
 - b. The permittee shall submit to the Ohio EPA Northeast District Office, Division of Surface Water, a complete and approvable PTI application, if necessary, and detailed plans for achieving final compliance for outfall 3IC00071002 as soon as possible, but not later than 9 months after the effective date of the permit. (Event Code 01299)
 - c. If necessary, the permittee shall initiate construction as soon as possible, but not later than 12 months after the effective date of the permit. (Event Code 03099)
 - d. The permittee shall have completed construction, if applicable, as soon as possible, but not later than 17 months after the effective date of the permit. (Event Code 04599)

- e. The permittee shall have attained full compliance with the final effluent limitations at outfall 3IC00071002 as soon as possible, but not later than 18 months after the effective date of the permit. (Event Code 05599)
2. The permittee shall submit written verification to the Ohio EPA Northeast District Office, Division of Surface Water, of the completion of steps A.1.c., A.1.d., and A.1.e. of this schedule of compliance within 14 days after completion of each requirement.

B. Industrial WET Limits at Outfall 3IC00071002

1. The permittee shall achieve compliance with the final Whole Effluent Toxicity (WET) limits of 1.0 TUa and 11.0 TUc at outfall 3IC00071002 as specified in Part I.A. of this NPDES permit as expeditiously as practicable. In any event, the permittee shall attain final compliance not later than the dates developed in accordance with the following schedule:
 - a) Within 12 months of the effective date of this permit, the permittee shall submit a specific plan to the Ohio EPA Northeast District Office, Division of Surface Water, detailing any necessary construction, process changes or other related items that are sufficient to cause compliance with the final WET limits.(Event Code 34099)
 - b) Within 13 months of the effective date of this permit, the permittee shall implement the plan in order to attain compliance with the final WET limits.
 - c) Starting with a report 18 months after the effective date of this permit and lasting until compliance with the 1.0 TUa and 11.0 TUc limits is achieved, the permittee shall submit semi-annual status reports to Ohio EPA. These status reports shall include any biomonitoring results or other relevant information obtained during the previous 6 months. (Event Code 95999)
 - d) Within 36 months of the effective date of this permit, the permittee shall attain compliance with the final WET limits. (Event Code 90899)
2. The permittee shall submit written notification to the Ohio EPA Northeast District Office, Division of Surface Water, after completion of items B.1.b, B.1.c., and B.1.d., above. Notification must be submitted within fourteen (14) days after completion of each requirement.

Per our discussion on December 7, 2007, and a following discussion with Mr. Hank Stonerook of Stone Environmental, to address the above, the following should be completed:

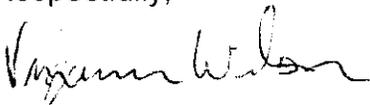
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- The facility is currently working on addressing the copper exceedances at the facility. This work will require a design change to the current system which will need to be approved through a permit-to-install (PTI) from Ohio EPA. To meet the requirements of A.1.a, a report needs to be submitted detailing when the PTI will be completed for submittal to Ohio EPA showing the new design of the system (It should be noted that design changes should be approved through a PTI from Ohio EPA prior to being implemented).
- In order for the renewal of the permit to occur, the PTI required by Item A.1.b. above and detailed in item A.1.a. must be submitted as soon as possible.
- To address Item A.1.c. above, the facility can note the construction that has been performed already to address the copper exceedances. The renewal permit will outline a new compliance schedule which will require the submittal of the date of the start of construction of the PTI.
- Items A.1.d. and e. do not need to be addressed.
- Item B.1.a. should be addressed by submitting a plan to indicate how the WET limits will be met through changes to the facility if an issue exists.
- Item B.1.b. should indicate when the above plan will be implemented, if needed.
- Item B.1.c. should be addressed by submitting the above noted reports.
- Item B.1.d. should be addressed by submitting a letter detailing if/when the WET limits were met and include a plan if a plan needs to be submitted.
- Item B.2. has been addressed above.

Please note that the above violations are subject to an enforcement action which could result in fines of \$10,000 per day per violation.

If there are any questions or comments regarding this notification, please contact this office.

Respectfully,



Virginia Wilson, P.E.
Geological Engineer
Division of Surface Water

VW/mt

cc: Hank Stonerook

File: Industrial/ESAB/PC