



State of Ohio Environmental Protection Agency

**Southeast District Office**

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

January 13, 2008

**RE: NOTICE OF VIOLATION  
WHEELING BRAKE BAND  
& FRICTION MFG., INC.  
56100 BERKLEY AVENUE  
P.O BOX 427  
BRIDGEPORT, OHIO 43912  
BELMONT COUNTY**

**Certified: 70073020000178821749  
70073020000178821756**

Mr. Rob Burgess, President  
Wheeling Brake Band & Friction Mfg., Inc.  
56100 Berkley Avenue, P.O. Box 427  
Bridgeport, Ohio 43912

Mr. William Butler, Acting Executive Officer  
Investment Capital of America Inc.  
2204 Engineers Road  
Belle Chasse, Louisiana 70037

Dear Sirs:

On October 7, 2008, I conducted an inspection of the facility grounds surrounding the Wheeling Brake Band & Friction Mfg. facility. During the inspection, I observed six tractor trailers containing waste bags filled with baghouse dust. The baghouse dust has been noted to be from past operations associated with the manufacturing of asbestos-containing brake products. I also observed several stacks and piles of waste brake products. Previous sampling and laboratory analyses indicate that the baghouse dust and waste brake products contain chrysotile asbestos. Per 40 CFR 61.141 and OAC Rule 3745-20-01(B)(4), these material are defined as asbestos-containing waste materials (ACWM).

Be advised that the operations conducted at this site are subject to compliance with the Clean Air Act and regulations promulgated thereunder, setting forth a National Emission Standard for Asbestos (NESHAPS) codified in 40 CFR 61.140. These types of operations are also subject to Ohio Administrative Code (OAC) Chapter 3745-20, "Ohio Asbestos Emission Control Rules". Pursuant to Section 112 (KK) of the Clean Air Act, the authority to implement and enforce the NESHAP has been delegated to the Ohio EPA, Division of Air Pollution Control. Parallel enforcement authority is retained by the administrator of the U.S. EPA for any violations for which Ohio is unable to initiate a required enforcement action.

**VIOLATIONS:**

1. 40 CFR 61.150(b) and OAC Rule 3745-20-05(A), in part, require that all asbestos-containing waste material be deposited as soon as practical by the waste generator at a waste disposal site in Ohio operated in accordance with the provisions of rule 3745-20-06 of the Ohio Administrative Code or at a waste disposal site not in Ohio operated in accordance with the provisions of 40 CFR 61.154.

Large quantities of ACWM are present at the Wheeling Brake Band & Friction Mfg. facility. The ACWM consists of baghouse dust and various stacked and piled asbestos-containing brake products. As these materials have been present for an extended period of time, violations of 40 CFR 61.150(b) and OAC Rule 3745-20-05(A) have occurred.

2. 40 CFR 61.150(a)(1)((i) through (iii)) and OAC Rule 3745-20-05(B)(1)((a) through (c)), in part, require that the owner or operator of any demolition, renovation, manufacturing, fabricating or spraying operation adequately wet asbestos-containing waste material as follows:

- \* Mix control device asbestos waste to form a slurry; adequately wet other asbestos-containing waste material;
- \* Discharge no visible emissions to the outside air from collecting, mixing, wetting, and handling operations; and
- \* After wetting, seal all asbestos-containing waste material while wet in durable leak-tight containers or wrapping.

ACWM present at the Wheeling Brake Band & Friction Mfg. facility is not adequately wet and is not in a condition to prevent visible emissions to the outside air; ACWM is not sealed in durable leak-tight containers or wrapping. As such, violations of 40 CFR 61.150(a)(1)((i) through (iii)) and OAC Rule 3745-20-05(B)(1)((a) through (c)) have occurred.

3. 40 CFR 61.150(a)(1)((iv) and (v)) and OAC Rule 3745-20-05(C)(1), in part, require that appropriate warning and generator labels be placed on asbestos-containing waste material during both storage and transportation.

The ACWM present at the Wheeling Brake Band & Friction Mfg. facility is not properly labeled. As such, violations of 40 CFR 61.150(a)(1)((iv) and (v)) and OAC Rule 3745-20-05(C)(1) have occurred.

Within fourteen (14) days after receipt of this notice, we are requesting that you submit to our office the following information:

- A plan and schedule to address the above-noted violations. The plan should include the proper containerization, labeling and disposal of the asbestos-containing waste material located at the Wheeling Brake Band & Friction Mfg facility. Please be aware that asbestos abatement/disposal activities are required to be conducted by properly licensed and certified companies and persons.
- Any clarifications, responses, explanations or evidence on your behalf pertaining to the above-stated violations.

Finally, be advised that this Notice of Violation in no way waives the right of the Ohio EPA or U.S. EPA to pursue additional enforcement action. Further communications may be directed to you regarding this violation or any additional violations that may be found. If you have any questions regarding this matter, please contact me at (740) 380-5231.

Sincerely,



Steve Lowry  
District Representative  
Division of Air Pollution Control

SL/mlm

cc: Bruce Weinberg, SEDO, DAPC  
Tom Buchan, CO, DAPC  
Tom Kalman, CO, DAPC  
Lisa Holscher, USEPA, Region V  
Bob Murphy, SEDO, DSIWM