



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

September 5, 2008

**RE: NOTICE OF VIOLATION  
FORMER WIERTON STEEL PLANT  
BOILER HOUSE AND  
DEMINEALIZATION BUILDING  
200 SLACK STREET  
STEBENVILLE, OHIO 45952  
JEFFERSON COUNTY**

**CERTIFIED: 70063450000190563236**

Mr. John Evan  
Howland Company LLC  
16 Wick Ave. Suite 703  
Youngstown, Ohio 44503

Dear Mr. Evan:

This notice is in reference to the asbestos abatement and demolition project your company is conducting at the former Wierton Steel Plant, Boiler House and Deminealization Building, located at 200 Slack Street, Steubenville Ohio. On May 22, 2007, Howland Company LLC submitted an original "Ohio Environmental Protection Agency Notification of Demolition and Renovation" form stating, in part, that 2,250 linear feet and 8,750 square feet of Regulated Asbestos-Containing Material (RACM) was going to be removed from the above-stated location beginning on June 6, 2007 and ending on July 20, 2007. The most recent revision to the notification states that abatement will be completed by August 31, 2008.

Be advised that the asbestos abatement being conducted at this site is subject to compliance with the Clean Air Act and regulations promulgated thereunder, setting forth a National Emission Standard for Asbestos (NESHAP) 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 USEPA for any violations for which Ohio is unable to initiate a required enforcement action.

In accordance with 40 CFR 61.145 (a), all facilities must be inspected for the presence of asbestos prior to commencement of a demolition or renovation. Paragraphs (b), "Notification Requirements", and (c), "Procedures for Asbestos Emission Control" of this section apply if friable asbestos materials were found and stripped from facility components in amounts exceeding 160 square feet, or 260 linear feet from pipes. Section 61.150, "Standard for Waste Disposal," would also apply. Similarly, in accordance with OAC Rule 3745-20-02, "Standard for Demolition and Renovation Applicability," all of the requirements of OAC Rule 3745-20-03, "Standard for Notification," OAC Rule 3745-20-04, "Demolition and Renovation

Procedures for Asbestos Emission Control," and OAC Rule 3745-20-05, "Standard for Asbestos Waste Handling," apply if friable asbestos materials were found and stripped from facility components in amounts exceeding 160 square feet or 260 linear feet from pipes. Finally, pursuant to 40 CFR 61.141 and OAC Rule 3745-20-01 (B) (20), "owner or operator" means any person who owns, leases, operates, controls or supervises a facility or demolition or renovation operation.

On August 14, 2008, I conducted an inspection of the exterior of the boiler house and demineralization facility. There were no representatives of the Howland Company on site at the time of the inspection. I viewed the exterior of the work area, including the asbestos waste disposal dumpster.

1. The asbestos waste dumpster was approximately half full of bagged asbestos waste. During the inspection I observed approximately 6 bags of asbestos-containing waste material with ripped outer 6 mil bags. The vast majority of the waste bags did not have waste generator labels attached to them.

OAC Rule 3745-20-05(C)(2) states that asbestos-containing waste materials shall be sealed in plastic bags having a thickness of at least 0.006 inch (six-mils). A second clean, leak-tight plastic bag having a thickness of at least 0.006 inch shall fully contain the first bag.

40 CFR 61.150(a)(1)(v) states that each owner or operator shall, for asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated. OAC Rule 3745-20-05(C)(1) also requires similar labeling.

On August 18, 2008, I called the Howland Company office and informed the office manager of my findings. I also left you a voice message describing my findings.

On August 28, 2008, I conducted an inspection of the majority of the former Weirton Steel facility. Present during the inspection were Allen Richards of the Ohio Department of Health and Harry Manganaro of Dave Sugar Excavating. The violations observed during the August 14<sup>th</sup> inspection were again observed.

1. During the August 28, 2008 inspection, I observed two asbestos abatement glove bags in the dumpster. The glove bags contained inadequately wetted mag-block asbestos insulation. The glove bags were not contained in second leak tight plastic bags. The glove bags did not have generator labels attached to them.

40 CFR 61.150(a)(1)(i) and OAC Rule 3745-20-05(B)(1)(a) state that each owner or operator shall adequately wet asbestos-containing waste material.

40 CFR 61.150(a)(1)(iv) states that each owner or operator shall label the containers or wrapped material using warning labels specified by OSHA. OAC Rule 3745-20-05(C)(1) also requires asbestos warning labels.

40 CFR 61.150(a)(1)(v) states that each owner or operator shall, for asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated. OAC Rule 3745-20-05(C)(1) also requires similar labeling.

OAC Rule 3745-20-05(C)(2) states that asbestos-containing waste materials shall be sealed in plastic bags having a thickness of at least 0.006 inch (six-mils). A second clean, leak-tight plastic bag having a thickness of at least 0.006 inch shall fully contain the first bag.

The above issues were discussed with Harry Manganaro.

Within ten (10) days after receipt of this notice, we are requesting that you submit to our office the following information:

- ▶ A summary of how the above violations were or are to be addressed.
- ▶ An update regarding your company's current and future asbestos abatement and demolition activities for the Former Weirton Steel Plant, including the amount and type of RACM that may still need to be removed from the premises.
- ▶ 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  
Ohio EPA District Representative  
Division of Air Pollution Control

SL/mim

cc: Bruce Weinberg, SEDO/DAPC  
Tom Buchan, CO/DAPC  
Tom Kalman, CO/DAPC  
Lisa Holscher, USEPA/Region V  
Dave Sugar, Dave Sugar Excavating Inc.  
Harry Manganaro, Dave Sugar Excavating Inc.