



State of Ohio Environmental Protection Agency

Southeast District Office

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

July 29, 2009

**RE: NOTICE OF VIOLATION
FORMER SIMONDS INTERNATIONAL
FACILITY
641 HELLER DRIVE
NEWCOMERSTOWN, OH 43832
TUSCARAWAS COUNTY**

CERTIFIED: 70063450000190558485

Mr. Tom Woosnam
641 Heller Drive
Newcomerstown, OH 43832

Dear Mr. Woosnam:

This Notice of Violation (NOV) is in reference to the demolition project occurring at the former Simonds International facility located at 641 Heller Drive, Newcomerstown, Ohio. On April 27, 2009, Melody Stewart of Division of Hazardous Waste Management, SEDO and I inspected the facility. At the time of the inspection, the former Drop Forge Building located on the southern perimeter of the facility had been demolished and rubble from the structure had been pushed into piles. As part of the inspection, we also viewed the interior of the facility buildings. Scrapping activities were occurring at the time of the inspection. Metal pipe covered in suspect asbestos-containing material was observed on the floor of the facility.

In accordance with 40 CFR 61.145 (a) and Ohio Administrative Code (OAC) Rule 3745-20-02(A), all facilities must be inspected for the presence of asbestos prior to commencement of a demolition or renovation. Additional provisions of 40 CFR Part 61 and OAC Chapter 3745-20 referring to, "Notification Requirements" and "Procedures for Asbestos Emission Control" apply if friable asbestos materials were found and stripped from facility components in amounts exceeding 160 square feet, or 260 linear feet or 35 cubic feet. Additional sections of these rules apply to asbestos waste disposal and handling.

Additionally, pursuant to 40 CFR 61.141 and OAC Rule 3745-20-01(B)(39), these rules apply to both the owner and operator of a demolition or renovation project. Owner or operator means any person who owns, leases, operates, controls or supervises a facility or demolition or renovation operation.

Be advised that the demolition 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 (NESHAPS) codified in 40 CFR 61.140. These types of operations are also subject to 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 61.145(a) and OAC Rule 3745-20-02(A) require that all facilities be thoroughly inspected by a certified asbestos hazard evaluation specialist for the presence of asbestos prior to commencement of a demolition or renovation.

Demolition activities had been initiated at the time of the April 27, 2009 inspection of the former Simonds International facility. As of this date, and after multiple phone calls and emails which attempted to address this issue, Ohio EPA has not received a copy of a thorough asbestos inspection of the former Simonds International facility.

As such, violations of 40 CFR 61.145(a) and OAC Rule 3745-20-02(A) have occurred.

2. 40 CFR 61.145(b) and OAC Rule 3745-20-03(A) require that the owner or operator of a facility being demolished provide Ohio EPA with written notice of intention to demolish or renovate. The notification is required to be submitted at least ten (10) working days before the beginning of any demolition operation.

Demolition activities had been initiated at the time of the April 27, 2009 inspection of the former Simonds International facility. Ohio EPA did not receive a notification of intent to demolish the former Simonds International facility at least 10 working days prior to the start of demolition.

As a written notice of intention to demolish the former Simonds International facility was not properly submitted, violations of 40 CFR 61.145(b) and OAC Rules 3745-20-03 (A) have occurred.

3. 40 CFR 61.145(c)(1) and OAC Rule 3745-20-04(A)(1) require that all regulated asbestos-containing material be removed from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the materials or preclude access to the material for subsequent removal.

As identified in an January 21, 2008 Lawhon & Associates, Inc. document titled "Limited Asbestos Containing Material Inspection Report", significant quantities of damaged asbestos-containing materials (including Regulated Asbestos-Containing Material (RACM)) existed at the time of the December 31, 2007 and January 5, 2008 Lawhon & Associates facility inspections. Based upon my April 27, 2009 facility inspection, much of this damaged asbestos-containing material appears to have been removed from the former Simonds International facility. Ohio EPA does not have on record any previous notifications for asbestos abatement at the former Simonds International facility.

By disturbing/removing RACM, violations of 40 CFR 61.145(c)(1) and OAC Rule 3745-20-04(A)(1) have occurred.

Ohio EPA is requesting that all demolition and salvage operations be halted until the above violations are addressed and have been discussed with this office. Within ten (10) days after receipt of this notice, we are requesting that you submit to our office the following information:

- A response to each of the violations noted above.
- A current copy of a thorough asbestos inspection, conducted by a certified asbestos hazard evaluation specialist.
- An updated and complete Notification of Demolition and Renovation.
- A plan and schedule to address abatement of all remaining RACM at the facility.
- Any clarifications, responses, explanations or evidence on your behalf pertaining to the above-stated violations.

Failure to submit a response to this Notice of Violation may result in escalated legal action being pursued against you and your company.

For your convenience, the form for notifying Ohio EPA of demolition or renovation activities can be found at the following web link http://www.epa.state.oh.us/dapc/atu/asbestos/not_form.pdf. If you have any questions regarding this matter, please contact me at (740) 380-5231.

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 these violations or any additional violations that may be found.

Sincerely,



Steve Lowry
Environmental Supervisor
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
Melody Stewart, SEDO, DHWM
Dale Warner, SEDO, DSIWM