



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

August 21, 2013

Ms. Lindsey Larson
Babcock & Wilcox Company
180 South Van Buren Avenue
P.O. Box 622
Barberton, OH 44230-0622

**RE: *BABCOCK & WILCOX RESEARCH CENTER, OHR 000 112 540, STARK COUNTY
CRO SITE VISIT, NOTICE OF VIOLATION AND RETURN TO COMPLIANCE***

Dear Ms. Larson:

On July 30, 2012, I inspected the Babcock & Wilcox Research Center (Babcock and Wilcox) located at 1562 Beeson St. in Alliance, Ohio. The purpose of this site visit was to inspect the facility as part of the permanent Cessation of Regulated Operations process. This site visit will be used in the future to determine if this facility is in compliance with Ohio's Cessation of Regulated Operations laws and rules as found in Chapter 3752 of the Ohio Revised Code (ORC) and Chapter 3745-352 of the Ohio Administrative Code (OAC). Mr. David Budd was present for our meeting at the end of the facility tour.

Babcock and Wilcox had submitted a Temporary Cessation of Regulated Operations (CRO) form but recently have determined that all the structures at the site will be demolished and a final cessation will occur. A Final CRO 30/45 Day Form was received by Ohio EPA on July 1, 2013. At the end of the demolition process a fenced in field with security will be left. Below is a summary of CRO events.

- a. January 8, 2009 – Filing of Application of 30/45 Day Permanent/Temporary Cessation of Regulated Operations and Contact Form.
- b. November 23, 2009 – Submittal of application for waiver in connection with discontinuance of all regulated operations.
- c. January 12, 2010 – Issuance of Director's Findings and Orders granting waiver with regulated activities recommencing on June 1, 2010.
- d. May 11, 2010 – Request for renewal of waiver from June 1, 2010 to December 31, 2011.
- e. July 14, 2010 – Extension of waiver by Director until December 31, 2011.
- f. July 3, 2013 – Receipt by Ohio EPA of Application of 30/45 Day Permanent/Temporary Cessation of Regulated Operations and Contact Form requesting permanent cessation of operations.
- g. July 30, 2013 – CRO site visit by Ohio EPA Northeast District Office.

Ohio EPA is citing one violation as a result of the site visit and review of the history of the CRO events in the Northeast District files.

1. **How can I get a waiver from complying with certain requirements of rule 3745-352-20 of the Administrative Code?, OAC 3745-352-40(C) and ORC 3752.10(A) which provide that a**

waiver in connection with temporary discontinuance of regulated operations may be renewed. In addition, Babcock Wilcox is in violation of Order 2 of the July 15, 2010 Director's Final Findings and Orders.

Authorized waivers existed until December 31, 2011. Based on my review of files in Northeast District Office, a subsequent waiver was not requested nor was a Permanent/Temporary Cessation of Regulated Operations and Contact Form for Permanent Cessation submitted until July 3, 2013.

Babcock Wilcox is Returned to Compliance for the violation noted above with the submission of the CRO form for permanent cessation of regulated activities which was received on July 3, 2010. No further action is required at this time regarding this violation.

During my site visit we discussed the issue of requiring an extension for the completion of the CRO. You estimate that the demolition activities will take until at least January 2014. All the regulated substances cannot be removed within the allotted time. To ask for an extension, Babcock Wilcox will have to do the following:

- a. Write a letter to the Director of Ohio EPA, Director Scott J. Nally, at P.O. Box 1049, Columbus, OH 43216-1049.
- b. Include in the letter your facility name, address, and Hazardous Waste Identification Number.
- c. Include the date you submitted the Application of 30/45 Day Permanent/Temporary Cessation of Regulated Operations and Contact Form for permanent cessation.
- d. State why completion of CRO is not possible within the allotted time limit.
- e. Give a date by which completion of CRO should be done. Make sure you ask for adequate time.
- f. List the regulated substances which will be remaining with an estimated time table for the removal of each substance specifically.

I recommend submitting this request as soon as possible.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me at (330) 963-1266 or adrienne.lafavre@epa.ohio.gov.

Sincerely,



Adrienne La Favre
Division of Materials and Waste Management

ALF:ddw

ec: Frank Popotnik, DMWM, NEDO
Jeff Mayhugh, DMWM, CO