



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

August 28, 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, RESCISSION OF CRO VIOLATION***

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 has 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. December 19, 2011 – Ohio EPA receives letter dated December 13, 2011 requesting an additional extension until June 30, 2013
- g. 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.
- h. July 30, 2013 – CRO site visit by Ohio EPA Northeast District Office.
- i. August 2, 2013 Ohio EPA sent a letter describing the site visit.
- j. August 21, 2013 Ohio EPA sent a Notice of Violation for not requesting an extension of the waiver granting an extension for the completion of CRO to December 21, 2011.

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Through a message left on voice mail followed by an email, you informed me that Babcock and Wilcox had requested an extension, item f. in the list above. You provided a copy of the request as well as proof that the request was received by Ohio EPA in the form of a signature on a United States Postal Service proof of receipt post card. I have also confirmed that Ohio EPA has the request letter in our office in Columbus.

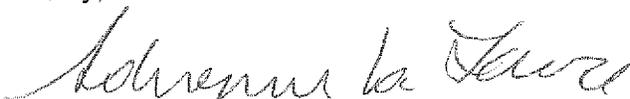
Ohio EPA is rescinding the following violation documented in the Notice of Violation dated August 21, 2013. Therefore, Babcock and Wilcox has been and is in compliance with CRO.

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.

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.

I apologize for this error. 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
Natalie Oryshkewych, DMWM, NEDO
Jeff Mayhugh, DMWM, CO
Marlene Kinney, DMWM, NEDO
Ralph McGinnis, DMWM, CO