

FILE NAME: Powhatan (PHN)

DATE: 1977

DOC#: PHN029

DOCUMENT DESCRIPTION: Govt Inspection Reports

Baltimore County Department of Health
Division of Air Pollution
TELEPHONE MEMORANDUM

OK to file _____ Date _____
Come Up Date _____

Incoming ☐

Outgoing ☒

Date of Call 4/13/77

Time _____

Person talked to Mr. Feckler

Title Attorney

Representing Powhatan Mining

Tel. No. 732-7600

Statement: _____

Called Mr. Feckler and requested the following
information

(1) Name of asbestos ore hauler

(2) list of customers

He will confer with Miss Matt, Powhatan owner, and
call back.

Recommendations: _____

Referred to _____ for _____

Copy to _____

Signed David Lillard

Date 4/13/77

Baltimore County Department of Health
Division of Air Pollution
TELEPHONE MEMORANDUM

OK to file _____ Date _____

Come Up Date _____

Incoming ☐

Outgoing ☒

Date of Call 5/16/77

Time 11 AM

Person talked to Mr. Ferkler

Title Attorney

Representing Powhatan Mining Co.

Tel. No. 732-7600

Statement: _____

Mr. Ferkler stated that Miss Mett has been
away and he has therefore not had an opportunity
to discuss my request with her. She should be
returning by the end of the week. Will call then.

Recommendations: _____

Referred to _____ for _____

Copy to _____

Signed David Gilbert

Date 5/16/77

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Powhatan Mining - Compliance File

Date July 7, 1977

FROM David Filbert

SUBJECT Meeting with office of Attorney General

On July 5, 1977 a meeting was held at BAQNC with John McQuade and Jeff Howard in regard to the need for legal action to secure certain information from the Powhatan Mining Co. (see telephone memo dated 6/23/77.)

With the assistance of Jeff Howard, Assistant Attorney General, a subpoena was drafted ordering the company to provide the following:

1. access to the plant property for the purpose of securing samples of the waste material from the manufacturing process and soil samples
2. a list of sources of the asbestos containing ore
3. a list of persons who deliver the ore to the plant on Windsor Mill Road
4. a customer list, including product descriptions and quantities
5. access to the daily production records to determine when the plant process is in operation

Following the meeting Jeff Howard called Mr. Ferkler, Powhatan's Attorney, who stated that they would provide everything listed above upon receipt of a written request. Thus, no subpoena will be necessary. Jeff Howard will forward a written request.

David Filbert
David Filbert, Program Supervisor
Technical Services Section

DF:mrg

July 13, 1977

Ms. Frances E. Mett
President
Powhattan Mining Company
6721 Windsor Mill Road
Baltimore, Maryland 21207

Dear Ms. Mett:

As you know, the Maryland Department of Health and Mental Hygiene has been concerned for some time about a possible risk to the health and welfare of the people of Maryland from sources of asbestos in the State. Because of the nature of the operation of your Windsor Mill Road Plant, we feel that it is essential that your Plant receive close scrutiny.

Mr. Jeffrey E. Howard, Assistant Attorney General for the Department for air quality matters recently discussed the Department's need for certain information and cooperation regarding your Plant with Mr. Harry W. Ferkler, who we understand is the attorney representing your Company on this matter. Mr. Howard made it clear that the information requested could be subpoenaed if necessary and that Article 43, Sections 2, 3 and 690 et seq. of the Annotated Code of Maryland provide ample authority to support such a subpoena. Mr. Howard indicated that he hoped a subpoena would not be necessary, and Mr. Ferkler agreed that a letter would suffice at this time.

The information and cooperation which we are requesting is the following:

- 1) access to your Windsor Mill Road premises and plant for the purpose of gathering samples of waste products from your manufacturing operations, and soil and dust samples from any place or places on the premises or in the plant. We would like to be able to collect these samples by no later than July 31, 1977;
- 2) a list of the sources of supply to your Windsor Mill Road Plant of asbestos containing ores, during the period from July 1, 1976 through June 30, 1977, including the identity of persons who transport the ore to your plant. We would like this information by July 31, 1977;
- 3) a list of all customers and their addresses who purchased products manufactured from asbestos containing ore at your Windsor Mill Road Plant

Mrs. Frances R. Mett
page 2
July 13, 1977

during the period from July 1, 1976 through June 30, 1977, including a description of these products and the approximate quantities involved. We would like this information by July 31, 1977. It will be kept confidential, consistent with the Public Information Act, Article 76A, Section 3(c)(v) of the Annotated Code of Maryland;

- 4) inspection of your records upon request for the period commencing July 1, 1977 through December 31, 1977, in order to determine when your Windsor Mill Road Plant has been or will be in operation during this period; and
- 5) the future production schedule for your Windsor Mill Road Plant to the extent this schedule has been determined. We would like this information periodically, upon request from the Department.

I hope that you are able to comply with this request and that we can work cooperatively on these matters in the future.

Sincerely yours,

George P. Ferreri, Director
Bureau of Air Quality and Noise Control

GPF:JH:ps

cc: Mr. Harry W. Ferklar

bcc: Mr. Phillips ✓
Mr. Beman
Mr. McQuade
Mr. Howard

July 13, 1977

Ms. Frances E. Mett
President
Powhattan Mining Company
6721 Windsor Mill Road
Baltimore, Maryland 21207

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- 5) the future production schedule for your Windsor Mill Road Plant to the extent this schedule has been determined. We would like this information periodically, upon request from the Department.

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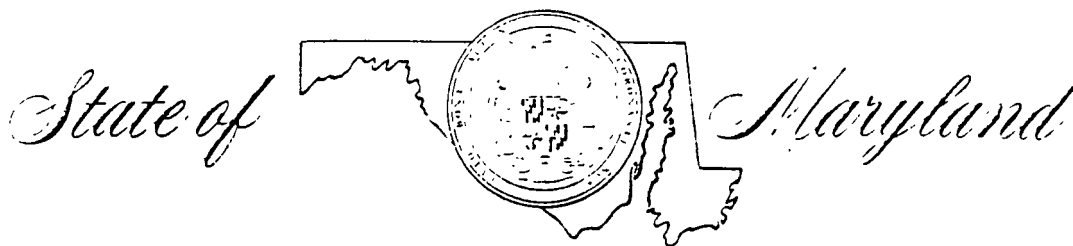
Sincerely yours,

George P. Ferreri, Director
Bureau of Air Quality and Noise Control

GPF:JH:ps

cc: Mr. Harry W. Ferkler

bcc: Mr. Phillips ✓
Mr. Beman
Mr. McQuade
Mr. Howard



DEPARTMENT OF HEALTH AND MENTAL HYGIENE
ENVIRONMENTAL HEALTH ADMINISTRATION

NEIL SOLOMON, M.D., PH.D.
SECRETARY

P.O. BOX 13387
201 WEST PRESTON STREET
BALTIMORE, MARYLAND 21203
PHONE • 301-383- 2740

DONALD H. NOREN
DIRECTOR

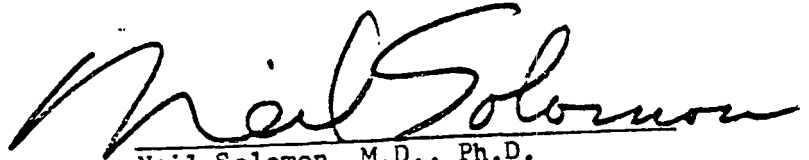
August 19, 1977

SUBPOENA DUCES TECUM

To: Ms. Frances E. Mett
President
Powhattan Mining Company
6721 Windsor Mill Road
Baltimore, Maryland 21207

1. All excuses set aside and pursuant to Article 43, Section 3 of the Annotated Code of Maryland, you are hereby ORDERED to provide this Department the following documents and information:
 - (a) A list of the sources of supply (including their addresses and telephone numbers) to your Windsor Mill Road plant of asbestos containing ores, during the period from July 1, 1976, through the date of this Subpoena, including the identity of persons who transport the ore to your plant.
 - (b) A list of all customers, and their addresses and telephone numbers, who purchased products manufactured at your Windsor Mill Road plant from asbestos containing ore during the period from July 1, 1976 through the date of this Subpoena, including a description of these products and the approximate quantities involved.
 - (c) A list of those persons, and their addresses and telephone numbers, who purchased or who were given waste products from the asbestos refining operations at your Windsor Mill Road plant during the period from July 1, 1976, through the date of this Subpoena, including a description of these waste products and the approximate quantities involved.
 - (d) A list of those places not at the Windsor Mill Road plant where your company has disposed of waste products from the asbestos refining operations at your Windsor Mill Road plant during the period from July 1, 1976, through the date of this Subpoena, including a description of these waste products and the approximate quantities involved.
 - (e) To the extent known, the anticipated production schedule for your Windsor Mill Road plant for the period commencing August 1, 1977, through December 31, 1977.

2. You are ORDERED to provide the above information to Mr. George P. Ferreri, Director, Bureau of Air Quality and Noise Control, 201 West Preston Street, Baltimore, Maryland 21201, not later than ten days (Saturdays and Sundays excluded) following receipt of this Subpoena.
3. In lieu of providing the information as required above, you may provide the information in a manner mutually agreeable to you and Mr. Ferreri, or person(s) he may designate, provided agreement as to this manner is ready not later than the date which the information is required by Paragraph 2 to be provided to the Department.

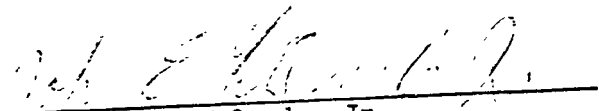


Neil Solomon, M.D., Ph.D.
Secretary of Health and Mental Hygiene

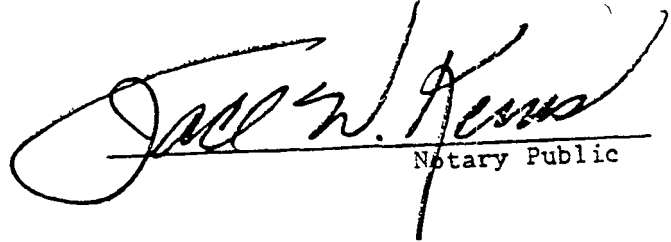
RETURN OF SERVICE

The undersigned hereby certifies that he is over 21 years of age and an employee of the Department of Health and Mental Hygiene of the State of Maryland and that he executed service of this Subpoena upon the party to whom it is directed by delivering and leaving with Ms. Frances E. Mett a copy of same on August 22, 1977 at 6721 Windsor Mill Road, State of Maryland, County of Baltimore:

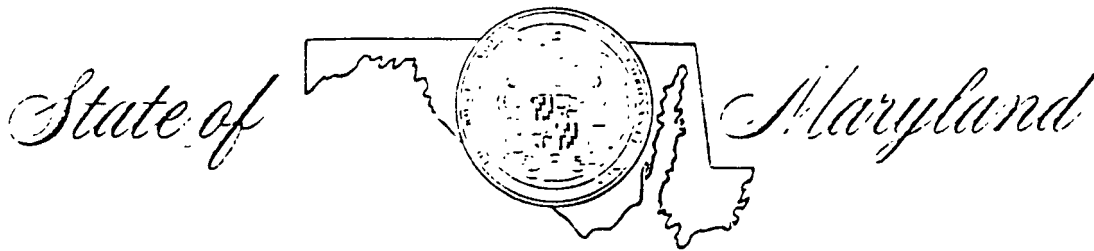
Before me, the undersigned, a notary public in and for the State and County aforesaid, personally appeared John E. McQuade this 24th day of August, 1977 and made oath in due form of law that the matters and facts hereinabove set forth are true.



John E. McQuade, Jr.
Environmental Health Administration
Bureau of Air Quality & Noise Control



Notary Public



DEPARTMENT OF HEALTH AND MENTAL HYGIENE
ENVIRONMENTAL HEALTH ADMINISTRATION

NEIL SOLOMON, M.D., PH.D.
SECRETARY

P.O. BOX 13387
201 WEST PRESTON STREET
BALTIMORE, MARYLAND 21203
PHONE • 301-383- 2740

DONALD H. NOREN
DIRECTOR

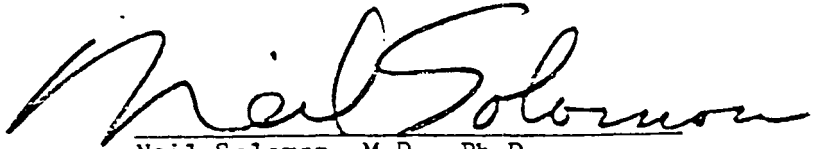
August 19, 1977

SUBPOENA DUCES TECUM

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President
Powhattan Mining Company
6721 Windsor Mill Road
Baltimore, Maryland 21207

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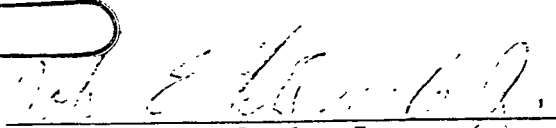
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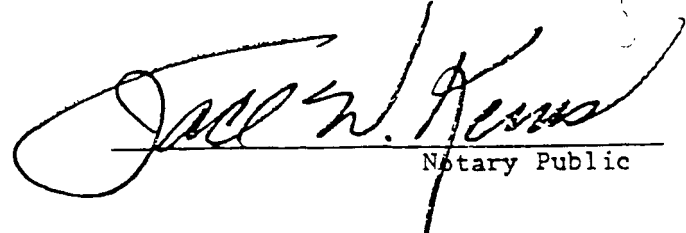

 Neil Solomon, M.D., Ph.D.
 Secretary of Health and Mental Hygiene

RETURN OF SERVICE

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Before me, the undersigned, a notary public in and for the State and County aforesaid, personally appeared John E. McQuade, Jr. this 24th day of August, 1977, and made oath in due form of law that the matters and facts hereinabove set forth are true.


John E. McQuade, Jr.
 Environmental Health Administration
 Bureau of Air Quality & Noise Control


 Notary Public