

PLAINTIFF'S
EXHIBIT

UC-931

AUGUST 1, 1984

TO: MR. T. P. NORRIS

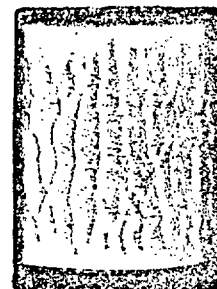
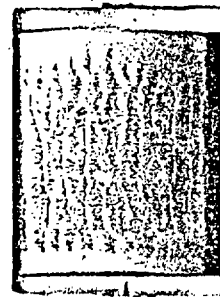
FROM: FRED R. DAVIS

ENCLOSED IS COPY OF MATERIAL WE DISCUSSED ON THE PHONE
TODAY.

REGARDS.

FRED

216-784-1291



Region V

EPA-5-84-A-28

1. Section 112(c)(1)(B) of the Act and 40 CFR 61.05(c) prohibit any owner or operator from operating any subject stationary source in violation of regulations promulgated under Section 112 of the Act.
2. The asbestos standard applicable to the manufacturing of rubber materials includes a requirement that there shall be no visible emissions to the outside air during the manufacturing of rubber materials containing commercial asbestos. 40 CFR 61.22(c)(8).
3. The asbestos standard applicable to a manufacturer of rubber materials includes a requirement that there shall be no visible emissions to the outside air during the collection, processing, packaging, transporting or deposition of any asbestos-containing waste material which is generated by the manufacturing operation. 40 CFR 61.22(j)(1). Asbestos-containing waste material means any waste which contains commercial asbestos and includes control device asbestos waste materials and bags or containers that previously contained commercial asbestos. 40 CFR 61.21(w).
4. Section 112(c)(1)(B) and Section 114(a)(1) of the Act and 40 CFR 61.05(d) prohibit any owner or operator subject to the standard from failing to report as required by the standard.
5. An owner or operator of any existing source which is subject to the asbestos manufacturing standard shall provide the information required in 40 CFR 61.10(a) and 61.24 to the U.S. EPA.

SPECIFIC FINDINGS OF VIOLATION

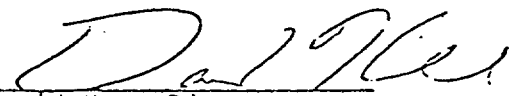
1. RCA Rubber Company is the owner and operator of an Akron, Ohio facility that manufactures rubber flooring materials. This facility includes operations in which rubber flooring products containing commercial asbestos are mixed and sanded. Hence, these operations are subject to the manufacturing standard at 40 CFR 61.22(c)(8) and the attendant waste disposal standard at 40 CFR 61.22(j)(1).
2. A Torit cyclone is used to collect dust from three Gloversville sanding machines. U.S. EPA observed visible emissions on March 1, 1983, May 31, 1983, and August 9, 1983, from the cyclone exhaust, and on August 9, 1983, from loose materials on the plant roof near the cyclone. These visible emissions are in violation of the above standards.
3. On May 31, 1983, U.S. EPA observed visible emissions during the hauling, dumping and handling of asbestos-containing materials emptied from the Torit cyclone at RCA Rubber and during the processing of these materials at Rondy, Inc. in Barberton, Ohio. These visible emissions are in violation of the above standards.
4. A Pangborn baghouse is used to control emissions from two Banbury mixers. U.S. EPA observed visible emissions on March 1, 1983, and August 9, 1983, during the shakedown and cleaning of this unit, and on August 9, 1983, from loose materials on the ground near the baghouse. These visible emissions are in violation of the above standards.
5. RCA Rubber Company failed to report the information required in 40 CFR 61.10(a) and 61.24 to the U.S. EPA.

NOTICE OF VIOLATION

The Administrator of the U.S. EPA, by authority duly delegated to the undersigned, notifies the State of Ohio and RCA Rubber Company that the Akron, Ohio facility described above is in violation of the National Emission Standard for Asbestos as set forth in the Finding of Violation.

APR 18 1984

Date



David Kee, Director
Air Management Division