



State of Ohio Environmental Protection Agency

Southeast District Office

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September 16, 2010

**GUERNSEY COUNTY
METALLURG VANADIUM CORP
DHWM/SEDO
OHD042319244**

Mr. Richard Caldwell
Metallurg Vanadium Corporation
60790 Southgate Road
Cambridge, Ohio 43725

Dear Mr. Caldwell:

I received two responses from Metallurg Vanadium Corporation following my July 6, 2010 Notice of Violation (NOV) letter. The first was a letter dated July 1, 2010. Note that this letter was not received by this office until the afternoon of July 7, 2010. The second letter was dated July 16, 2010 and received on July 20, 2010. The July 1, 2010 letter included an updated chemical plant materials list; TCLP results for floor sweepings; a manifest for wastes sent offsite on June 21, 2010, and an LDR form.

Based on the information provided in your responses noted above, Ohio EPA retracts the following violation previously cited in its July 6, 2010 letter:

OAC Rule 3745-52-34, Accumulation Time of Hazardous Waste

However, based on information MVC provided in the above two letters, MVC is instead in violation of the following Ohio hazardous waste laws:

1. ***Ohio Revised Code (ORC) § 3734.02(E) and (F), Establishing and Operating a Hazardous Waste Storage Facility:*** No person shall establish or operate a hazardous waste facility, without a hazardous waste facility installation and operation permit, nor any person store hazardous waste except at an authorized facility.

MVC established and operated a hazardous waste storage facility without a hazardous waste installation and operation permit, in violation of ORC § 3734.02(E) and (F), by storing hazardous waste in the Chemical Plant building. On April 22, 2010, I conducted an inspection of the Chemical Plant building at MVC. The Chemical Plant last operated on March 19, 2009 and lost power on August 3, 2009. The inspection of the Chemical Plant was conducted with the

use of flashlights. During the inspection, different wastes were stored in various states of mismanagement (haphazard management). See attached photos for examples. During the inspection, MVC representatives were unable to provide information regarding the wastes being managed in the Chemical Plant building.

In Ohio EPA's May 6, 2010 NOV letter, a violation of OAC rule 3745-52-11 was cited for the failure to evaluate the wastes found in the Chemical Building. On June 14, July 1, and July 16, 2010, MVC submitted waste evaluation information. This information demonstrated that MVC had stored hazardous waste in the Chemical Plant building. At a minimum, the hazardous wastes listed on Uniform Hazardous Waste Manifest 006338369JJK, dated June 21, 2010, were stored at the Chemical Plant building for greater than 90 days.

While some of the wastes discovered during the April 22, 2010, inspection were later determined to be useable commercial chemical products (unused material, off-specification materials, etc.) which were/could be recycled, those hazardous wastes which were transported off-site (see manifest) were wastes when MVC suspended operations in the Chemical Plant building on March 19, 2009, at the latest. The materials abandoned in the Chemical Plant building held no value to MVC as evidenced from the lack of care taken to maintain the contents of the Chemical Plant building (e.g., unknowns in box, containers burst, releases from containers, spillage throughout, no power/HVAC service). Photographs taken during the April 22, 2010 were forwarded to you via email on August 12, 2010. Not until the April 22, 2010 inspection did MVC realize and begin to address the situation in the Chemical Plant building and at that point began the waste evaluation process.

Due to the nature of the violation, and discussed during my August 27, 2010 meeting with you and other MVC representatives, Ohio EPA is requiring MVC to begin closure pursuant to OAC rules 3745-55-11 through 3745-55-20 and OAC rules 3745-55-42 through 3745-55-47 for the Chemical Plant building, beginning with the submittal of a closure plan in accordance with OAC rule 3745-55-12. In other words, this closure plan must be submitted to Ohio EPA within 90 days of the date of this letter. Additionally, since MVC violated ORC §3734.02(E) and (F), MVC is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have MVC begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

In addition, MVC remains in violation of the following Ohio hazardous waste laws:

- 2. OAC rule 3745-52-11, Waste Evaluation:** Any person who generates a waste must evaluate it to determine if the waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

In a July 6, 2010 NOV letter, MVC was cited for not evaluating the spent liquids in the neutralization tank and the solid residues in the associated floor sump contained in room attached to the outside of the Chemical Plant building. In MVC's July 16, 2010 response, MVC stated that the waste in tank was waste from the wash down of the vanadium chemical processing area floor. MVC stated that since the waste is ultimately used for dust suppression and additional material for the production of a product, this is not a waste. Unfortunately, more information is needed to demonstrate that this waste is conditionally excluded from regulation. Please provide information as to the materials that are potentially cleaned from the floor (include a list of all material used/stored in the area, which is rinsed down and could potentially be contained in the waste water). Please also provide a list of any products other than water that MVC may have used to wash the floor.

GENERAL COMMENTS

- (A) Currently, MVC is constructing a new containment building at their facility. Originally, MVC informed Ohio EPA this containment building would be operated solely for Variance Material in accordance with the Variance from Classification from Waste, effective November 18, 2008. During the April 22, 2010, inspection, MVC initially informed Ohio EPA of their desire to seek a hazardous waste installation and operation permit for the under construction containment building at the facility. At that time, Ohio EPA verbally informed MVC they must immediately submit a Class 3 Modification, in accordance with OAC rule 3745-50-51, for the addition of the containment building to their existing hazardous waste permit. Ohio EPA reiterated this requirement for a modification to their permit in correspondence dated May 6, 2010, and July 6, 2010. Additionally, Ohio EPA verbally repeated this request during meetings/inspections on May 26, 2010, and August 10, 2010. On August 17, 2010, Ohio EPA and MVC met to discuss the substance of a Class 3 hazardous waste permit modification, including an overview of the rule requirements and examples of siting criteria documents that have been approved by Ohio EPA.

As outlined above, MVC has informed Ohio EPA that the containment building will be used to manage hazardous waste. Again, Ohio EPA reiterates that MVC must immediately submit a permit modification for the containment building with the information as discussed in the August 17, 2010 meeting. If MVC's permit is not modified to include the containment building, the containment building would be prohibited from use to manage hazardous waste. If the modification is not submitted immediately, Ohio EPA would have to consider the enforcement options available to address the unpermitted hazardous waste management unit.

- (B) MVC should submit a copy of the signed, returned hazardous waste manifest for the shipment of waste that was sent offsite on June 21, 2010.

- (C) On August 19, 2010, Ohio EPA met with MVC to conduct a quarterly review of the MVC Part B Hazardous Waste Permit. Ohio EPA's Division of Hazardous Waste Management conducts quarterly visits of permitted facilities in an effort to identify permit modifications that are needed to keep the permit current with the facility's operating practices. Our goal is to increase the efficiency of the permit renewal process by reducing the number of permit modifications that are identified during the permit application review. During the site visit we discussed the Class 3 permit modification required for the new RMSB as described in Comment A, above; and the installation of the liner in the new RMSB.

Please submit all documentation demonstrating abatement of the above outstanding violations within 15 days of the date of this letter. Should you have any questions, feel free to contact me at (740) 380-5293.

Sincerely,



Donna Goodman
Inspector
Division of Hazardous Waste Management

DG/dh

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.