



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

July 6, 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 a response to my May 6, 2010 Notice of Violation (NOV) letter on June 14, 2010. The documentation you submitted included corrected manifests and evidence of training of employees responsible for completing manifests.

My review of the documentation reveals that MVC has adequately demonstrated abatement of the following violations discovered during the April 22 and 28, 2010 inspections:

- (1) OAC 3745-52-20(A) (1), Manifest, General Requirements; and Variance From Classification as a Hazardous Waste, V.2.a.i.; and**
- (2) OAC Rule 3745-52-60 (D), Imports of Hazardous Waste from a Foreign County, and Variance From Classification as a Hazardous Waste, V.2.a.i.**

In addition, based on information submitted on June 14, 2010, Ohio EPA has determined that the following violations did not apply at the time of the inspection and, therefore, retracts those violations:

- (3) OAC Rule 3745-52-60(B) (1), Imports of Hazardous Waste from a Foreign County, and Variance From Classification as a Hazardous Waste, V.2.a.i.; and**
- (4) OAC Rule 3745-52-34 (A)(3) and (A)(4), Accumulation Time of Hazardous Waste.**

However, based on information provided in MVC's June 14, 2010 response, MVC is now in violation of the following Ohio's hazardous waste laws:

- (5) 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.

While MVC did submit a list of "Chemical Plant Materials", MVC failed to include a waste evaluation of spent liquids observed in the neutralization tank and residues left in a sump tank, both of which were located in a room attached to the outside of the chemical building.

In order to abate this violation, MVC must submit a waste evaluation for the above described wastes, and documentation which demonstrates how each waste was reused or reprocessed onsite or sent offsite for recycling or disposal, including manifests and LDR forms, if applicable.

- (6) OAC Rule 3745-52-34, Accumulation Time of Hazardous Waste:** A generator may not accumulate hazardous waste onsite for longer than 90 days without a hazardous waste permit.

MVC was cited in the May 6, 2010 NOV with failure to evaluate lab chemicals, unused raw materials, unsold off-spec products, tank residues, waste waters, containers of unknown contents, old paint, and materials or wastes observed in the Chemical Plant during the inspection. As MVC stated in their June 14, 2010 response, "the chemical plant was not in operation." In fact, the chemical plant has not been in operation since it last processed materials on March 19, 2009. As further demonstration of this, the electrical power supply to the building ceased on August 3, 2009. In accordance with OAC rule 3745-51-02, materials are a waste if they are abandoned by being accumulated onsite for longer than ninety days prior to being disposed of, burned or incinerated. Based on the waste evaluation of "Chemical Plant Materials" submitted by MVC in the June 14, 2010 response, nine hazardous waste streams were accumulated onsite for longer than ninety days. These are now destined for hazardous waste treatment or disposal.

MVC should submit the volume of each of the hazardous waste streams destined for treatment or disposal, as well as any other hazardous wastes identified in the building since the list was compiled. In addition, please submit the manifest and LDR forms for each, and if not yet sent offsite, a timetable for treatment or disposal.

GENERAL COMMENTS

- (a) The following permit modifications must be submitted as soon as possible and a timetable for submittal must be established: The Class 1 and 2 permit modification that Ohio has already reviewed in draft form, the Class 1 permit modification that includes MVC's name change, and the Class 3 modification that will include the new RMSB.

Mr. Richard Caldwell
Metallurg Vanadium Corporation
July 6, 2010
Page 3

Please submit 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

Donna Goodman
Inspector
Division of Hazardous Waste Management

DG/mlm

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.