



State of Ohio Environmental Protection Agency

Southeast District Office

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November 5, 2008

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

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

Dear Mr. Caldwell:

I received Metallurg Vanadium Corporation's ("MVC") October 13, 2008 response to Ohio EPA's August 29, 2008 Notice of Violation (NOV) letter. MVC's letter contained a letter from an engineer regarding the repair of the RMSB floor.

My review of the documentation in MVC's October 13, 2008 letter reveals that MVC remains in violation of the following hazardous waste law and the 2006 Variance:

- (1) **OAC 3745-205-101(C), Design and Operating Standards for Containment Buildings and Section V.2.c of the Variance for Classification of Hazardous Waste:** Owners and operators of containment buildings must use controls and practices to ensure containment of the hazardous waste within the unit, and at a minimum, maintain the primary barrier to be free of significant cracks and gaps, corrosion or other deterioration that could cause hazardous waste to be released from the primary barrier. Any condition which could lead to or has caused a release of hazardous waste must be promptly repaired and notifications to the Director must be made in accordance with OAC 3745-205-101(C)(3). This includes a written plan to be submitted to the director describing the steps to be taken for repairing the containment building and a timetable for accomplishing the work. Upon completing all repairs and cleanup, the owner/operator must notify the director in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to a written plan submitted in accordance with (C)(3)(a)(iv) of OAC Rule 3745-205-101.

In MVC's August 12, 2008 NOV response to Ohio EPA, MVC states that "in the interest of moving forward and expeditiously carrying out the preventative maintenance required, METVAN will accommodate Ohio EPA's prescribed remedy" (as described in the rule above). Further, MVC states that "once the maintenance is completed METVAN will submit documentation from a registered professional engineer providing verification of maintenance activities and identified causes associated with the fractionally raised area."

On October 12, 2008, MVC submitted an NOV response letter to Ohio EPA which included a letter dated October 10, 2008 from David A. Derwacter, PE, regarding RMSB floor repairs. However, Mr. Derwacter's October 10, 2008 letter fails to describe the repairs that were made, and fails to state that repairs were **actually completed**. Specifically, the letter from Mr. Derwacter states that "the replacement work was to be completed in accordance with the recommendations presented in my June 11, 2008 letter", and that Mr. Derwacter "would expect the replaced floor to have the capacity to perform consistent to the original intent". Note that Ohio EPA has not been provided with Mr. Derwacter's June 11, 2008 letter.

In order to abate this violation, please submit: a) the June 12, 2008 Derwacter letter which describes the recommended repairs; b) a letter from a registered professional engineer which verifies what repairs were completed, and that they have been completed in accordance with Mr. Derwacter's June 12, 2008 letter; and c) the registration number of Mr. Derwacter or the engineer who signs the letter, in order to allow us to confirm that they are registered in Ohio.

General Comments

During Ohio EPA's September 30, 2009 meeting with MVC representatives, Mr. Richard Caldwell stated that the new RMSB would be designed using of "lessons learned" from the repair of the old RMSB floor, so as to avoid future uplift of the RMSB floor. On October 13, 2008, MVC submitted to Ohio EPA an NOV response letter which included the October 10, 2008 letter from Mr. David Derwacter. In this letter, Mr. Derwacter states that "there is little evidence with which to identify the true cause of the uplift irregularities, and therefore an exact determination is not possible." Given the irregularity of the two statements, please clarify "lessons learned" (structural or procedural changes), if any, that MVC has undertaken to help prevent additional uplift irregularities in the new RMSB. Ohio EPA requests this information to help us better understand your storage issues. Additionally, it could help us prevent future problems in the RMSB.

Please submit all requested information within 30 days of the date of this letter. Should you have any questions, feel free to contact me at (740) 380-5293.

Sincerely,



Donna Goodman
District Representative
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.