



State of Ohio Environmental Protection Agency

Southeast District Office

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July 9, 2007

**JACKSON COUNTY
OHIO PRECIOUS METALS, LLC
DHWM/SEDO
OHD081319980**

Mr. Alan Stockmeister
Ohio Precious Metals, LLC
16064 Beaver Pike
Jackson, Ohio 45640

Dear Mr. Oakley:

On November 16, 2006, Melody Stewart and I inspected your facility located at 16064 Beaver Pike, Jackson, to determine its compliance with Ohio's hazardous waste laws and regulations as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC).

Ohio EPA received a response from Ohio Precious Metals on February 1, 2007 stating that information would be provided to Ohio EPA to demonstrate compliance within 30 days. However, this information has not been received by Ohio EPA.

The documentation submitted to this office in the February 1, 2007 response included the manifest identified as #00030 dated February 27, 2006. My review of this documentation reveals that OPM has adequately demonstrated abatement of the following violations discovered during the November 16, 2006 inspection:

(2) **OAC Rule 3745-52-42(A)(1), Exception Report;**

However, OPM remains in violation of the following hazardous waste laws and rules:

- (1) **OAC Rule 3745-52-11, Evaluation of Wastes:** Any person who generates a waste in the State of Ohio, as defined in rule 3745-51-02 of the Administrative Code, ...shall determine if that waste is a hazardous waste using the following method: (A) He shall first determine if the waste is excluded from regulation under rule 3745-51-04 of the Administrative Code; (B) He shall then determine if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code; and (C) For purposes of compliance with Chapter 3745-270 of the Administrative Code, or if the waste is not listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the generator shall then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either: (1) Testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or according to an equivalent method approved by the Region V Administrator of U.S. EPA pursuant to 40 CFR 260.21; or (2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the process used.

Chemicals from the lab at the former Water Street facility are currently being stored at the Beaver Pike facility and have been determined to be a waste by Ohio Precious Metals. These lab chemicals have not been evaluated to determine if they are a hazardous waste, in violation of this rule.

Spent fluorescent lamps generated by Ohio Precious Metals have not been evaluated to determine if they are a hazardous waste in violation of this rule.

In order to demonstrate compliance with this rule, Ohio Precious Metals must evaluate the stored lab chemicals and spent fluorescent lamps to determine if they are a hazardous waste and submit this information to Ohio EPA. Please note that spent fluorescent lamps are typically managed as a universal waste as regulated under the Universal Waste Rules found at Ohio Administrative Code 3745-273. Information regarding the proper management of spent fluorescent lamps can be found on Ohio EPA's web site at <http://www.epa.state.oh.us/dhwm/pdf/LampGuidance.pdf>.

(4) OAC Rule 3745-65-16(A)(1-3), (B), (C), (D)(1-4) and (E), Personnel Training:

Ohio Precious Metals, LLC violated the applicable requirements of this rule as follows:

(a) **3745-65-16(A)(1) through (3)** - Facility personnel did not complete training that teaches them to perform their duties in a way that ensure compliance with several hazardous waste rules. The program was not directed by a person trained in hazardous waste management procedures and the facility personnel were not familiar with emergency procedures.

(b) **3745-65-16(B)** - One facility employee was working in an unsupervised position for over a year and had not received the required training.

(c) **3745-65-16(C)** - The annual personnel training which instructs facility personnel on hazardous management procedures has not been given since 1999.

(d) **3745-65-16(D)(1) through(4)** - The facility did not maintain records or information pertaining to employees that have positions related to hazardous waste management or those that have received the required training.

(e) **3745-65-16(E)** - The facility did not have training records for employees that have left the facility within the last two years.

In order to demonstrate compliance with this rule, Ohio Precious Metals, LLC must immediately provide this training as required and submit documentation (e.g., copy of the sign-in sheets and training material overheads or handouts) to this office for review.

- (5) **OAC Rules 3745-65-51(A) and (B); 3745-65-52 (A), (B), (C), (D), (E) and (F); 3745-65-53(A) and (B); and 3745-65-55, Contingency Plan:** A facility shall have a contingency plan which will be implemented during an emergency. The contingency plan must describe the actions personnel will take during an emergency, describe arrangements with responders, list the emergency contact and related information, list emergency equipment, and include an evacuation plan. A copy of the contingency plan must be maintained at the facility and submitted to entities that may be required to provide emergency services. A facility must have a designated emergency coordinator who is familiar with all aspects of the contingency plan, available to respond to an emergency and has the authority to commit the resources needed to implement a contingency plan.

Ohio Precious Metals, LLC has violated the applicable rule associated with the contingency plan requirements as follows:

- (a) **3745-65-51(A)** - The facility does not have a contingency plan.
- (b) **3745-65-51(B)** - By not having a contingency plan, the facility is unable to implement such a plan during a fire, explosion, or release of hazardous waste.
- (c) **3745-65-52(A)** - The facility does not have a plan that describe actions the personnel must take.
- (d) **3745-65-52(B)** - The facility has a SPCC plan that has not been amended to incorporate hazardous waste management provisions.
- (e) **3745-65-52(C)** - The facility does not have a contingency plan that describes arrangement agreed to by local police departments, fire departments, hospitals, contractors, Ohio EPA, and local emergency responders.
- (f) **3745-65-52(D)** - The facility does not have a contingency plan that list the names, addresses, and phone numbers of persons qualified to act as emergency coordinator.
- (g) **3745-65-52(E)** - The facility does not have a contingency plan that list emergency equipment.
- (h) **3745-65-52(F)** - The facility does not have a contingency plan that includes an evacuation plan.
- (i) **3745-65-53(A)** - The facility does not maintain a contingency plan.
- (j) **3745-65-53(B)** - The facility has not submitted a contingency plan to all local police departments, fire departments, hospitals, and Ohio EPA and local emergency response teams, that may be requested to provide emergency services.
- (k) **3745-65-55** - The facility did not designate an emergency coordinator.

In order to demonstrate compliance with this rule, Ohio Precious Metals, LLC must prepare a contingency plan and submit a copy to this office for review. This plan must include all the contents to demonstrate compliance with this rule. OPM must maintain a contingency plan at its facility and submit such plan to agencies or organizations that may be required to provide emergency services. OPM must designate an emergency coordinator and identify this person in its contingency plan. The contingency plan must demonstrate compliance with this rule.

- (6) **OAC Rule 3745-66-93(A)(1)-(5); 3745-66-93(C); 3745-66-93(F); 3745-66-91; 3745-66-95, Tank Systems:** In order to prevent the release of hazardous wastes or hazardous constituents to the environment, secondary containment that meets the requirements of this rule must be provided.

Ohio Precious Metals, LLC has not provided secondary containment for the waste alkaline tanks in violation of this rule. OPM has also violated the applicable rule as follows:

3745-66-93(C) - The facility has not installed a secondary containment system that is constructed of sufficient strength to prevent failure and has not installed a leak detection system;

3745-66-93(F) - Ancillary equipment from the waste alkaline tanks is not inspected on a daily basis;

3745-66-91 - During the inspection, OPM did not have a written assessment on file which includes the tank design standards, the characteristics of hazardous waste that has been handled, corrosion protection measures, and a leak detection inspection has not been conducted;

3745-66-95 - OPM has not documented any inspections that have been conducted at the waste alkaline tank system (similar to the acid tank system inspections conducted by OPM). Documentation was not available of associated spill control equipment inspections.

In order to demonstrate compliance with these rules, OPM must install secondary containment around the alkaline tank system and provide documentation to this office that it has been certified by a professional engineer or submit documentation applying for a Director's variance for secondary containment at this tank system.

Please submit documentation demonstrating abatement of the above outstanding violations to this office **within 15 days** of your receipt of this letter.

Mr. Alan Stockmeister
Ohio Precious Metals, LLC
July 09, 2007
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Should you have any questions, please feel free to call me at (740) 380-5262. You can find copies of Ohio's hazardous waste rules and other information on the division's web page at: <http://www.epa.state.oh.us/dhwm>.

Sincerely,



John Rochotte
District Representative
Division of Hazardous Waste Management

JR/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.