



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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

Certified Mail: 70063450000190559819 and 70063450000190559826

October 17, 2008

**JEFFERSON COUNTY
JEFFERSON PROCESSING
DHWM/SEDO
OHD 010467538**

Mr. Gary Smith
c/o Argo Sales Company Inc.
42 Renee Drive
Wintersville, Ohio 43952

Estate of Catherine Glorious,
Mary Lucille Smith, Executrix
c/o John Mascio, Esq.
325 North Fourth Street
Steubenville, Ohio 43952-2019

Dear Mr. and Ms. Smith:

On June 25, 2008, Rich Stewart of Ohio EPA performed an inspection of the Jefferson Processing (formerly Satralloy) site in Cross Creek Township to determine compliance with Ohio's hazardous waste laws regulations as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC), respectively. Mr. Stewart sent each of you a Notice of Violation (NOV) letter on July 16, 2008, specifying the violations observed during the inspection. To date, Ohio EPA has not received a response to the NOV letter, and therefore, Jefferson Processing remains in violation of the following:

- (1) **Ohio Revised Code (ORC) 3734.02(E) and (F), Prohibitions:** ORC 3734.02(E) prohibits the establishment or operation of a hazardous waste facility without a permit and (F) prohibits the treatment, storage, disposal or transportation of hazardous waste to a facility that is not permitted or exempt from permitting requirements pursuant to rules adopted by the Director.

Based on sample results collected by the Division of Emergency and Remedial Response (DERR) in December 2003, wastes that are hazardous for chromium (D007) have been stored and/or disposed at this site in three areas: (a) inside the North Mill building; (b) in a pile beneath the baghouse for the North Mill building; and (c) in a pile beneath the baghouse for the South Mill building. During the inspection, Michael Sherron (DERR-SEDO) and Rich Stewart observed these wastes that had

been previously sampled were still present on-site. Abatement of this violation will be demonstrated once a signed closure certification report demonstrating the attainment of the closure performance standards found in OAC rule 3745-55-11 and in accordance with a closure plan approved by the director of Ohio EPA as been received.

- (2) **OAC rule 3745-55-12(A), Closure Plan:** The owner or operator of a hazardous waste management facility shall have a written closure plan.

Since hazardous waste has been stored and/or disposed of in waste piles below the North and South Mill building baghouses and in the North Mill building, the owner and/or operator of the site is obligated to conduct closure of these unpermitted units pursuant to OAC rules 3745-55-10 through 3745-55-20.

Compliance with this rule will be demonstrated once a copy of the closure plan has been submitted to the director and to this office for review.

Based on a site visit made by Mr. Sherron and I on October 2, 2008, an additional violation of 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), was observed.

- (1) **OAC rule 3745-54-14(A)(B)(C), Security:** (A) The owner or operator must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of the facility, unless he can satisfactorily demonstrate in the permit application that: (1) Physical contact with the waste, structures, or equipment within the active portion of the facility will not injure livestock or unknowing or unauthorized persons which may enter the active portion of a facility; and (2) Disturbance of the waste or equipment, by livestock or the unknowing or unauthorized entry of persons onto the active portion of a facility, will not cause a violation of the requirements of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code.

(B) Unless the owner or operator has made a successful demonstration under paragraphs (A)(1) and (A)(2) of this rule, a facility must have: (1) A twenty-four hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) which continuously monitors and controls entry onto the active portion of the facility; or (2) (a) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which completely surrounds the active portion of the facility; and (b) A means to control entry, at all times, through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility).

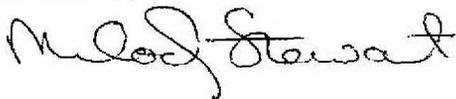
(C) Unless the owner or operator has made a successful demonstration under paragraphs (A)(1) and (A)(2) of this rule, a sign with the legend, "Danger – Unauthorized Personnel keep Out," must be posted at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach in the active portion. The legend must be written in English and be legible from a distance of at least twenty-five feet. Existing signs with a legend other than "Danger - Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

During the facility visit, evidence of recent activity at the site was observed. A paintball course has been erected inside of the North Mill building as well as evidence of camp fires, vandalism and arson of a small office within the North Mill building (photographs are attached). Throughout the site, footprints, as well as tire tracks (possibly ATV's) were observed. In some cases these footprints and tire tracks were observed in the hazardous waste piles themselves. Due to the risk associated with the hazardous waste piles, the site must be secure from the unknowing and unauthorized entry, of persons onto the facility as required by this rule. The owner/operator must respond in writing as to how the above requirements of this rule will be achieved.

Please submit the above requested documentation to this office **within 15 days** of receipt of this letter.

Should have any questions, please feel free to call me at 740.380.5256.

Sincerely,



Melody Stewart
District Representative
Division of Hazardous Waste Management

MS/mlm

Enclosure

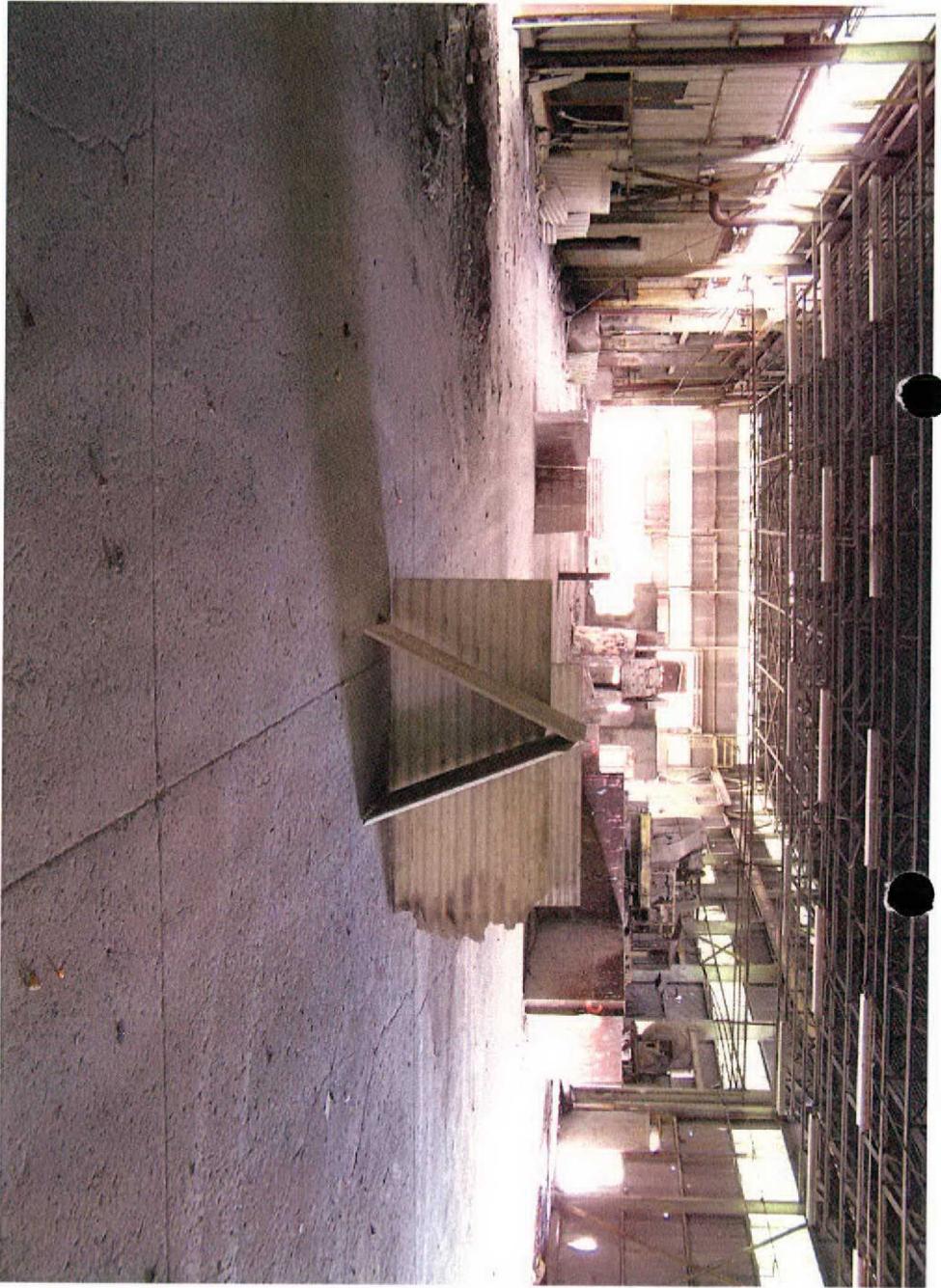
cc: Michael Sherron, DERR-SEDO
Kelly Smith, DHWM-CO
Todd Anderson, Legal-CO
Daniel Martin, EES-AGO

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.



North Mill Building 10/2/08





North Mill Building 10/2/08



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery 10-20-04</p>
<p>1. Article Addressed to:</p> <p>Estate of Catherine Glorious Mary Lucille Smith, Executrix 60 John Mascio, Esquire 325 North Fourth St. Steubenville, OH 43952</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7006 3450 0001 9055 9826</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

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Total Postage & Fees	\$ 5.49
Sent To Est. of Catherine Glorious, Mary Lucille Street, Apt. No. or PO Box No. 325 N. Fourth St. Smith City, State, ZIP+4 Steubenville, OH 43952	
PS Form 3800, August 2006 See Reverse for Instructions	



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