



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

May 27, 2010

**WASHINGTON COUNTY
CYTEC INDUSTRIES INC.
RCRA-LDF
OHD004341509
04-84-0023**

Mr. Anton Marek
Director, Remediation
Environmental Services Department
Cytec Industries Inc.
5 Garret Mountain Plaza
Woodland Park, NJ 07424

Dear Mr. Marek:

On May 3, 2010, Ohio EPA inspected Cytec's Marietta facility to determine compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC), Chapter 3745. of the Ohio Administrative Code (OAC) and Cytec's Part B hazardous waste permit. Mr. Rick Petty of Kemron Environmental Services and you accompanied Scott Bergreen and me during the inspection, which included an overview of facility operations and a review of written documentation.

I found the following violations of Ohio's hazardous waste laws and/or Cytec's Part B permit. In order to correct these violations, you must do the following and send me the required information **within 30 days** of the date of this letter:

- (1) **Permit Condition B. 5 and OAC Rule 3745-54-15 (A)and(D), General Inspection Requirements:** (A)The owner/operator must inspect the facility for malfunctions and deterioration, operator errors and discharges which may be causing or may lead to a release of hazardous constituents to the environment or is a threat to human health. The owner/operator must follow a written schedule; (B) inspection logs must include the following information: the date and time of the inspection, name of inspector, notation of observations made, and the date and nature of any repairs or other remedial actions.

During the inspection, we observed that a pipe leading from the Equalization Tank and/or Spill Basin (SWMUs #21 and 22) had failed, draining wastewater from one or both of these tanks into a sump located below them. It was later determined that the sump led to the Marietta POTW. Cytec was unable to determine how long this pipe was leaking. As a result, (A) Cytec personnel or their designated representative failed to adequately inspect the facility wastewater treatment system for malfunctions or deterioration in accordance with Table F2 of the permit application. (B) In general, Cytec failed to include on their inspection checklists the date and nature of any repairs or other remedial actions.

In order to abate these violations, Cytec must (A) determine why inspections were not being conducted adequately by personnel, and begin to inspect and record the WWTP weekly in accordance with their permitted inspection schedule; and (B) In general, revise all company inspection checklists to include a notation of corrective actions taken. In addition, Cytec must, pursuant to section (C) of the above-cited rule, provide to this office a summary of the conditions which led to the release of tank liquids, and actions taken to remedy the deterioration.

GENERAL COMMENTS

- (a) During the inspection, Ohio EPA observed a drum of soda ash located in the truck unloading station of the WWTP. In accordance with our recommendation, Cytec relocated this drum to a nearby storage shed in order to prevent any potential spillage, should the drum leak or spill in the future.
- (b) Cytec should take steps to re-seed the eastern end of the cap of Pond 1, as minor erosion was beginning to occur at the corner between the cap and the WWTP.
- (c) Cytec should abandon old SVE test wells in the old west tank farm area as soon as practicable. A cap should be replaced on one of the wells if the wells will be left in place for an extended time.

Enclosed you will find a copy of the checklists that were completed as a result of the inspection. Should you have any questions, please feel free to call me at 740-380-5293. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Donna Goodman
Inspector
Division of Hazardous Waste Management

DG/mlm

Enclosures

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.

Send to Central Office <input checked="" type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
---	---	-----------------------

Completed verification forms required to be submitted to CO should be e-mailed to kristina.durnell@epa.state.oh.us.

Site EPA ID No.	EPA ID Number: OHD004341509								
Site Name	Name: Cytec Industries Inc.	Website: (Optional)							
Site Location Information	Street Address: 1405 Greene Street								
	City, Town, or Village: Marietta	State: OH							
Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	County Name: Washington	Zip Code: 45750							
	<table border="1" style="width:100%; border-collapse: collapse; font-size: x-small;"> <tr> <td style="text-align: center;">Private <input checked="" type="checkbox"/></td> <td style="text-align: center;">County <input type="checkbox"/></td> <td style="text-align: center;">District <input type="checkbox"/></td> <td style="text-align: center;">Federal <input type="checkbox"/></td> <td style="text-align: center;">Indian <input type="checkbox"/></td> <td style="text-align: center;">Municipal <input type="checkbox"/></td> <td style="text-align: center;">State <input type="checkbox"/></td> <td style="text-align: center;">Other <input type="checkbox"/></td> </tr> </table>	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>		
	325132								

Facility Representative	First Name: Anton	MI:	Last Name: Marek
Additional names can be recorded in number 12	Phone Number (973) 569-4009		Phone Number Extension:
	E-Mail Address: anton.marek@cytec.com		
Only provide address information if it is different than the site address	Fax Number: (973)569-4011		Fax Number Extension:
	Street or P.O. Box: 5 Garret Mountain Plaza		
	City, Town or Village: Woodland Park		
	State: NJ	Zip Code: 07424	

Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: Cytec Industries Inc.		Date Became Owner (mm/dd/yyyy):	
	Owner Type: Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>
	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box: 5 Garret Mountain Plaza			
	City, Town or Village: Woodland Park		Owner Phone #: (973)569-4011	
	State: NJ		Country:	Zip Code: 07424
	Name of Site's Operator: Cytec Industries Inc.		Date Became Operator (mm/dd/yyyy):	
	Operator Type: Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>
	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box: 5 Garret Mountain Plaza			
	City, Town or Village: Woodland Park		Operator Phone #: (973)569-4011	
	State: NJ		Country:	Zip Code: 07424

VIOLATIONS CITED? Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

<input type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
		<input type="checkbox"/> Small Quantity Generator (SQG)
		<input type="checkbox"/> Conditionally Exempt Small Quantity Generator
		<input type="checkbox"/> U.S. Importer of Hazardous Waste
		<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Underground Injection Control Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input checked="" type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED)

(CHECK ALL BOXES THAT APPLY)

- Small Quantity Handler of Universal Waste Destination Facility for Universal Waste
 Large Quantity Handler of Universal Waste
(accumulates 5,000 kg. or more)

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

- Batteries
 Pesticides
 Mercury containing equipment
 Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))

- Used Oil Generator
 Used Oil Transporter
 Used Oil Transfer Facility
 Used Oil Processor
 Used Oil Re-refiner
 Off-Specification Used Oil Burner
 Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
 Used Oil Fuel Marketer to Off-Specification Used Oil Burner

Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRA Info source record, you do not need to list them. Instead just indicate the date of the most recent source record.

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced Yes No Additional Facility Representatives:
Tanks Yes No
Containers Yes No

Name of Inspector(s)
Donna Goodman

Name of Inspector(s)
Scott Bergreen

Date of Inspection/Time
(mm/dd/yyyy) (hh:mm)
05/03/10

Comments:

PROCESS, WASTE, P2 SUMMARY SHEET

Facility Name: Cytex Industries Inc.		Facility Type: Non - Generator		Date of Inspection: 05/03/10		EPA ID #: OHD004341509	
Waste Generated				On- or Off-Site Management		P2 Activities	
Process/Activity Generating Waste <small>(e.g. plating bath, machining, baghouse, painting, general maintenance, etc)</small>	Waste Description <small>(e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic.</small>	QTY Generated per Month, Type of Accumulation <small>(container, tank, etc) and location of waste accumulation area</small>	Type of On-Site Treatment <small>(recycle, wwt, etc)</small>	Name, state, and type of activity occurring at the off-site facility.	Current P2 Activities	P2 Opportunities	
1	Cytex did not generate or ship any hazardous waste for the time period covered by this inspection						

REMARKS-GENERAL INFORMATION

General Process Information:

The Cytec Industries (FKA American Cyanamid) facility is located at 1405 Greene Street in Marietta, Washington County. Industrial activity was initiated at the site in 1915 and included the extraction of chemicals from wood chips to manufacture dyes. Different companies operated at the site until 1946, when American Cyanamid purchased the facility and operated it as a specialty chemical manufacturing plant. Some of the specialty chemicals manufactured at the plant included rubber additives, ultraviolet absorbers, DDT and other pesticide products, flame retardants, and a rocket fuel burn regulator. At the present time, the facility has completed closure of Pond 1 and Pond 2, and Cytec is conducting post-closure care of these units. All industrial operations have been terminated by Cytec at the plant. In April, 2008, Cytec leased building 10 to a third party who conducts toll processing (milling, blending and packaging) of dry solid materials for use at Cytec's Willow Island, WV plant. This company will soon be closing moving operations to another location in Belpre. As a result of the long industrial operations at Cytec, several solid waste management units and areas of concern have been identified which are being addressed under the RCRA corrective action program.

As required by the Part B permit, Cytec submitted a sitewide RFI Report to Ohio EPA in September, 2004, which Ohio EPA approved in a letter to Cytec dated May 3, 2005. On June 16, 2008, Cytec received approval of the CMS Report.

Regulatory/Enforcement History:

Cytec has a part B permit for closure, post-closure, and corrective action activities effective on June 18, 2004. The last compliance evaluation inspection was conducted at Cytec on January 15, 2009.

Other:

During the past year, Cytec did not generate or ship any hazardous waste from the Marietta facility.

**OHIO PART B PERMITTED FACILITY
RCRA INSPECTION CHECKLIST**

Facility: Cytec Industries Inc.

Address: 1405 Greene Street

City/State/Zip: Marietta, OH 45750 County: Washington

Facility Phone: (740) 374-7171

Ohio Permit No: 04-84-0023 U.S. EPA ID: OHD004341509

Inspection Date: 05/03/10 Time: 9:30 a.m. - 12:15 p.m.

Advance notice of inspection given? YES NO

If so, how far in advance? One week

	Name	Agency	Phone#
Inspectors:	Scott Bergreen	Ohio EPA	(740) 380-5288
	Donna Goodman	Ohio EPA	(740) 380-5293
Facility Representative(s):	Rick Petty	Kemron	(740) 373-4308
	Tony Marek	Cytec	(973) 569-4009

Is facility operating as a generator? YES NO

* During the time period covered by this inspection, Cytec did not generate or ship any hazardous waste.

If so, complete the applicable sections of the Generator Requirements Checklist for wastes being managed under generator status.

PERMIT STATUS

Permit Issued: June 18, 2004
 Permit Effective Date: June 18, 2004
 Permit Expiration Date: June 18, 2014

AUTHORIZED ACTIVITIES					
STORAGE		TREATMENT		DISPOSAL	
<input type="checkbox"/>	Container	<input type="checkbox"/>	Tank	<input type="checkbox"/>	Injection Well
<input type="checkbox"/>	Tank	<input type="checkbox"/>	Surface Impoundment	<input type="checkbox"/>	Landfill
<input type="checkbox"/>	Waste Pile	<input type="checkbox"/>	Incinerator	<input type="checkbox"/>	Land Application
<input type="checkbox"/>	Surface Impoundment	<input type="checkbox"/>	Thermal Treatment	<input type="checkbox"/>	Surface Impoundment

NOTE: Cytec is permitted for closure, post-closure, and corrective action activities.

GENERAL PERMIT COMPLIANCE AND ACTIVITIES

1. Has the expiration date of the permit passed? If so, Yes No N/A ___RMK#
- a. Is the permittee continuing any activity regulated by the permit after the expiration date of the permit? Yes No N/A ___RMK#
- b. Has the facility submitted an application for a permit renewal to the Director no later than 180 days prior to the expiration date of the permit? (or upon a later date if the permittee can demonstrate good cause for late submittal) [Condition A.6.(a)] Yes No N/A ___RMK#

NOTE: The Permittee may continue to operate in accordance with the terms and conditions of the expired permit until a renewal permit is issued or denied if:

- i. The Permittee has submitted a timely and complete application for a renewal permit under OAC rule 3745-50-40. [Condition A.6.(b)(i)]; and
- ii. Through no fault of the Permittee, a new permit has not been issued pursuant to OAC rule 3745-50-40 on or before the expiration date of the permit. [Condition A.6.(b)(ii)]

2. Has the Permittee submitted the annual permit fee, payable to Treasurer, State of Ohio to Ohio EPA on or before the anniversary of the date of issuance during the term of the permit? [Condition A.26] Yes No N/A ___RMK#
3. Is the Permittee conducting any hazardous waste management activities (not otherwise exempt by law) which are not authorized by the permit? [Condition A.1.(b) and A.5] Yes No N/A ___RMK#
4. Have any provisions of the permit been identified as invalid? [Condition A.4] Yes No N/A ___RMK#
5. Has the facility identified any instances of noncompliance with the permit, ORC Chapter 3734, or the rules adopted thereunder, which may endanger human health or the environment? If so: Yes No N/A ___RMK#
- a. Did the facility immediately report the following to Ohio EPA's Emergency Response Section: [Condition A.20(b)]

- i. Information concerning a release of any hazardous waste that may cause an endangerment to public drinking water supplies. Yes No N/A __RMK#
- ii. Information concerning a release of hazardous waste, fire, explosion at the facility which could threaten human health or the environment, including a description of:
- a. Name, address and telephone number of the owner/operator? Yes No N/A __RMK#
- b. Name, address and telephone number of the facility? Yes No N/A __RMK#
- c. date, time, and type of incident Yes No N/A __RMK#
- d. Name and quantity of material(s) involved? Yes No N/A __RMK#
- e. The extent of injuries, if any? Yes No N/A __RMK#
- f. An assessment of the actual or potential hazard to the environment and human health inside and outside the facility where applicable? Yes No N/A __RMK#
- g. Estimated quantity and disposition of recovered material that resulted from the incident? Yes No N/A __RMK#
6. Did the Permittee provide a written report to Ohio EPA's Emergency Response Section within five days of the time the Permittee became aware of the circumstances reported in Question No. 5? [Condition A.21] If so, did the report contain:
- a. A description of the noncompliance (including exact dates and times)? Yes No N/A __RMK#
- b. Whether the noncompliance has been corrected and if not, the anticipated time noncompliance is expected to continue? Yes No N/A __RMK#
- c. Steps taken or planned to minimize the impact on human health and the environment and to Yes No N/A __RMK#

reduce and prevent occurrence of the noncompliance?

7. Has the Permittee expeditiously taken all steps necessary to minimize or correct any adverse impact on the environment or public health resulting from noncompliance with the permit? [Condition A.8] Yes No N/A __RMK#
8. Has the Permittee identified any other instances of noncompliance not provided for in Question No. 5?, If so:
- a. Did the Permittee report these instances to the Director within a month of becoming aware of the noncompliance? [Condition A.22.] Yes No N/A __RMK#
- b. Do the reports provided contain the information set forth in Condition A.20? [Condition A.22.] Yes No N/A __RMK#
- c. Has the Permittee expeditiously taken all steps necessary to minimize or correct any adverse impact on the environment or public health resulting from noncompliance with the permit? [Condition A.8] Yes No N/A __RMK#
9. Has the Permittee planned any change in the permitted facility or activity which may result in noncompliance with the conditions of the permit? If so:
- a. Has the facility provided Ohio EPA with advance notice of such changes? [Condition A.15] Yes No N/A __RMK#

NOTE: Such notification does not waive the Permittee's duty to comply with the permit pursuant to Condition A.5.

REMARKS

PERMIT MODIFICATION, REVISION, REVOCATION

1. Has the Permittee filed a request for a permit modification, revision or revocation since issuance of the permit? [Condition A.2.] Yes No N/A __RMK# 1
2. Has the permit been transferred to a new owner/operator? [Condition A.18.] If so: Yes No N/A __RMK#
- a. Has the transfer been conducted in accordance with ORC Chapter 3734. and the rules adopted thereunder? [Condition A.18.(a)] Yes No N/A __RMK#
- b. Before transferring ownership did the Permittee notify the new owner in writing of the requirements of ORC Chapter 3734. and the rules adopted thereunder and the applicable Ohio hazardous waste rules? [Condition A.18(a)] Yes No N/A __RMK#
3. Has the Permittee submitted reports of compliance or noncompliance with, or any progress reports on the requirements contained in any compliance schedule of the permit to Ohio EPA no later than 14 days following each scheduled date, unless otherwise specified? [Condition A.19] Yes No N/A __RMK#
4. Has the Permittee furnished relevant information which Ohio EPA has requested to determine whether cause exists for modifying, revising, revoking or suspending the permit, or to determine compliance with the permit? [Condition A.10] Yes No N/A __RMK#
5. Has the facility furnished Ohio EPA, upon request, with copies of records required to be kept by the permit? [Condition A.10] Yes No N/A __RMK#
6. Has the Permittee become aware that it failed to submit any relevant facts in the permit or issuance proceedings or that it submitted incorrect or incomplete information in permit issuance proceedings or other submissions to the Director? If so: Yes No N/A __RMK#
- a. Has the Permittee promptly submitted such facts or corrected information to the appropriate entity? [Condition A.24] Yes No N/A __RMK#

7. Is the Permittee maintaining records of all data used to complete the approved application and any amendments, supplements, revisions or modifications to the application? [Condition A.14(c)] Yes No N/A __RMK#
8. Is the Permittee retaining a complete copy of the approved application on-site? [Condition A.14(c)] Yes No N/A __RMK#
9. Is the Permittee maintaining records from all ground water monitoring wells for the active life of the facility? [Condition A.14(d)] Yes No N/A __RMK#
10. Is the Permittee maintaining records for at least three years after all corrective action activities have been completed? [Condition A.14(e)] Yes No N/A __RMK#
11. Is the Permittee planning any physical alterations or additions to the permitted facility? If so: Yes No N/A __RMK#2
- a. Has the Permittee given notice to the Director of such alterations/additions? [Condition A.15] Yes No N/A __RMK#2
- b. Have such changes been made in accordance with OAC rule 3745-50-51? [Condition A.15] Yes No N/A __RMK#2

REMARKS

- #1) Cytec has submitted requests for permit modifications since issuance of the permit.
- #2) In April, 2008, Cytec leased Building 10 to a third party that conducts toll processing of dry solids.

SITE ENTRY - AVAILABILITY OF RECORDS

1. As specified in Condition A.11, has the Permittee allowed the Director or an authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, to:
- a. Enter at reasonable times upon the premises where a regulated activity is located or where records are kept under the conditions of the permit, within 15 minutes of arrival on-site? ■ Yes No N/A __RMK#

 - b. Have access to and copy any records required to be kept under the conditions of the permit? ■ Yes No N/A __RMK#

 - c. Inspect and photograph at reasonable times facility's equipment (including control and monitoring equipment), practices or other operations regulated under the conditions of the permit? ■ Yes No N/A __RMK#

 - d. Sample or monitor any substance or parameter at any location of the facility to assure compliance with the permit or as otherwise authorized by ORC Chapter 3734. and the rules adopted thereunder? ■ Yes No N/A __RMK#

REMARKS

COMPLIANCE SCHEDULE - DOCUMENTS

1. Did the Permittee submit the following documents to Ohio EPA, within the specified timeframes, as required by the permit:

- a. A Sitewide RFI Report within 90 days of the effective date of the permit? [Condition A.27] Yes No N/A __RMK#

- b. An updated closure/post-closure cost estimate within 60 days after permit journalization? [Condition A.27.b.i.] Yes No N/A __RMK#

- c. An updated financial assurance mechanism for closure within 60 days after permit journalization? [Condition A.27.b.ii.] Yes No N/A __RMK#3

- d. Updated liability requirements within 60 days after permit journalization? [Condition A.27.b.iii.] Yes No N/A __RMK#

REMARKS

#3) A Notice of Compliance letter was sent to Cytec from DHWM Central Office on 6/08/09 stating that no violations of financial assurance regulations were found.

RECORD KEEPING REQUIREMENTS

CONFIDENTIALITY

CONFIDENTIALITY

1. Has the Permittee requested confidentiality of any information of the permit in accordance with ORC Chapter 3734. and the rules adopted thereunder? [Condition A.25] Yes No N/A __RMK#

OPERATING RECORD

2. Is the Permittee maintaining a written operating record at the facility as set forth in OAC rules 3745-54-73 and 3745-54-74 which contains the following elements: [Condition B.22]
- a. A description and the quantity of each hazardous waste received? Yes No N/A __RMK#4
- b. Method(s) and date(s) of treatment, storage or disposal at the facility? Yes No N/A __RMK#4
- c. The location of each hazardous waste within the facility and the quantity at each location? Yes No N/A __RMK#4
3. Is the Permittee maintaining, until closure is complete and certified, the following documents and amendments, revisions and modifications to these documents: [Condition A.28]
- a. Closure plan in accordance with OAC rule 3745-55-12 and the conditions of the permit? Yes No N/A __RMK#
- b. Cost estimate for facility closure in accordance with OAC rule 3745-55-42 and the conditions of the permit? (Estimate only - adequacy of permit will be evaluated by central office financial assurance personnel) Yes No N/A __RMK#
- c. Personnel training plan and records for the duration of activities conducted on-site, required by OAC rule 3745-54-16 and the conditions of the permit? Yes No N/A __RMK#

- d. Operating record, required by OAC Rule 3745-54-73 and the terms and conditions of this permit? Yes No N/A __RMK#
- e. Inspection schedules, developed in accordance with OAC Rules 3745-54-15, 3745-55-74 and 3745-55-95 and the terms and conditions of this permit? Yes No N/A __RMK#
- f. Post-closure plan, as required by OAC Rule 3745-55-18(A) and the terms and conditions of this permit? Yes No N/A __RMK#
- g. Annually-adjusted cost estimate for facility closure and post-closure, as required by OAC Rules 3745-55-42 and 3745-55-44 and the terms and conditions of this permit? Yes No N/A __RMK#
4. Is the Permittee maintaining copies of all inspection logs at the facility for a period of at least three years from the date of inspection? [Condition A.28(b)] Yes No N/A __RMK#

ANNUAL REPORT REQUIREMENT

5. Is the Permittee complying with annual report requirements set forth in OAC rule 3745-54-75 and the additional reporting requirements set forth in OAC rule 3745-54-77 and the conditions of the permit? [Condition B.25] Yes No N/A __RMK#

- c. Date(s) analyses were performed? Yes No N/A __RMK#
- d. Individual(s) who performed the analyses? Yes No N/A __RMK#
- e. Results of the data validation review including: report completeness, chain of custody, sample receipt form, signed statement of validity, technical holding time review, data qualifiers including their definitions, dilutions, blank data, spikes, spike recovery %, surrogate recovery, and an explanation of any rejected results consistent with the US EPA and Ohio EPA guidelines for data review? Yes No N/A __RMK#
- f. Analytical technique(s) or method(s) used? Yes No N/A __RMK#
- g. Results of such analyses? Yes No N/A __RMK#
7. Have the methods used to obtain a representative sample of the waste to be analyzed included the appropriate SW-846 method (most current edition) or an equivalent method specified in the approved waste analysis plan? [Condition A.12(a)] Yes No N/A __RMK#
8. Has Ohio EPA requested submittal of any reports or other information required by the conditions of the permit from the Permittee? If so: Yes No N/A __RMK# 5
- a. Have the submittals been signed and certified according to OAC rule 3745-50-42? [Condition A.13] Yes No N/A __RMK# 5

REMARKS

- #4) Cytec is not receiving hazardous waste for treatment, storage, or disposal from off-site sources. Cytec generates hazardous waste on an infrequent basis as an episodic generator.
- #5) On 10/07/09 Ohio EPA received the Baseline Ecological Risk Assessment (BERA). OEPA responded to this in a July 8, 2009 letter. Separate assessments were conducted for aquatic habitat related to Duck Creek, and the remaining largely terrestrial habitat associated to the SWMUs. OEPA is not requiring a revised BERA at this time.

OFF-SITE SHIPMENTS/MANIFEST REQUIREMENTS

1. Is all hazardous waste transported from the facility by a properly registered transporter of hazardous waste in accordance with all applicable laws, rules and standards? [Condition A.16]

Yes No N/A __RMK#

2. Has the Permittee complied with all applicable regulations regarding land disposal prohibitions and restrictions as required by OAC Chapters 3745-270? [Condition B.40]

Yes No N/A __RMK#

REMARKS

Mr. Jeffrey McKinney
Eramet Marietta Inc.
December 18, 2007
Page 5

As we discussed during the inspection, you may be able to reduce the waste your company generates. If you find ways to recycle, reduce or altogether eliminate the amount of waste that your company generates, you may be able to reduce treatment and disposal costs, and you may possibly reduce your regulatory requirements. The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You may benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. You can find more information about pollution prevention, including fact sheets, at the following web address: <http://www.epa.state.oh.us/opp>. If you would like to be considered for an in-depth on-site pollution prevention assessment, or if you would like more information about pollution prevention assessments, please contact me at (740) 380-5288.

Enclosed, you will find a copy of the checklist(s) that were completed during the inspection. Should you have any questions, please feel free to call me at (740) 380-5288. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,



Scott N. Bergreen
Environmental Specialist
Division of Hazardous Waste Management

SNB/mlm

cc: Trevor Irwin, DSIWM, SEDO

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.

Mr. Jeffrey McKinney
Eramet Marietta Inc.
December 18, 2007
Page 4

Eramet must submit to the director, for approval, a closure plan for the unpermitted hazardous waste disposal unit surrounding the 834 Crystallizer (between hot well and building) in the EChrome Department *within 45 days* of receipt of this letter. The Ohio EPA has prepared a guidance document titled Closure Plan Review Guidance that may assist you in the preparation of a closure plan which is available at <http://www.epa.state.oh.us/dhwm/cprg.html>.

- (6) **OAC Rule 3745-65-31, Maintenance and Operation of Facility:** Facilities shall be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

During the inspection, staining on the ground surrounding the 834 Crystallizer in the EChrome Department was documented by Ohio EPA from a noticeable spill or leak. The contingency plan was not implemented, emergency procedures were not followed, and Eramet did not report the spill or leak to Ohio EPA, in violation of this rule. Eramet must maintain the facility to minimize future spills and/or leaks, and must submit documentation to Ohio EPA that this rule is being met.

GENERAL COMMENTS

- (a) As you requested, attached is a copy of the pictures we took during the inspection.
- (b) Eramet should be aware that disposal of Wheelabrator dust near the Quonset hut area, and disposal of scrubber sludges by vac truck at the North Impoundment disposal area may constitute disposal of a solid waste. Please contact Trevor Irwin in the Division of Solid and Infectious Waste Management, at (740) 380-5443, for more information regarding these practices.
- (c) Ohio EPA recommends that Eramet use a drip pan underneath the used oil tank outlet pipe at the Loco shop to minimize oil spills and leaks onto the ground.
- (d) As we discussed, Ohio EPA recommends that used oil filters generated at the Loco shop be recycled. Attached is a listing of used oil filter recyclers for your information.
- (e) A spill from a 5-gallon can of sheet membrane primer was observed on the floor of the Quonset hut which needed cleaned up. Please provide documentation that this spill was cleaned up.
- (f) Sludge buildup along the walls of the UNOX wastewater treatment plant was substantial. As we discussed, this sludge material will have to be evaluated per the requirements of **OAC 3745-52-11, Hazardous Waste Determination**, before final disposal.
- (g) As we discussed, annual training must occur within 365 days from the previous training event.

- (5) **OAC Rule 3745-279-22(C), Used Oil Storage Requirements for Generators:** Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

During the inspection, several drums of used oil at the Loco shop drum storage area were not labeled "used oil", in violation of this rule. Eramet properly labeled the drums during the inspection to return to compliance with this rule. No further action is necessary.

- (6) **OAC Rule 3745-273-14(E), Labeling/Marking - Standards for Small Quantity Handlers of Universal Waste:** Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

The box of fluorescent bulbs in the maintenance area was not labeled properly, in violation of this rule. Eramet properly labeled the box during the inspection to return to compliance with this rule. No further action is necessary.

Eramet remains in violation of the following Ohio hazardous waste laws resulting from the March 16, 17, and 22, 2005 inspections (for reference, the violation numbers are the same as those in Ohio EPA's November 10, 2005 partial return to compliance letter):

- (1) **ORC Section 3734.02(E)(F), Prohibitions:** Treatment, storage, transportation, or disposal of hazardous waste is prohibited except by permitted and registered facilities in accordance with Chapter 3734 of the Ohio Revised Code.

During the 2005 inspections, Ohio EPA observed staining on the ground surrounding the 834 Crystallizer in the ElChrome Department from a noticeable spill or leak. This is considered an illegal disposal unit, subject to all the treatment, storage, and disposal (TSD) requirements. This unit must be closed in accordance with all applicable regulations (OAC 3745-55-10 through 3745-55-15). To return to compliance with this rule, Eramet shall submit a closure plan to Ohio EPA as detailed below.

Ohio EPA observed partially full aerosol cans of stencil ink in a trash dumpster outside the Simplex Department. Eramet removed the aerosol cans from the dumpster during the inspection. A review of the MSDS for the stencil ink revealed that the ink product contained 33% acetone. Disposal of the aerosol cans in the dumpster constituted illegal disposal of a hazardous waste, in violation of this statute. Eramet's action of removing the stencil ink from the dumpster returned Eramet to compliance with this violation.

- (2) **OAC Rule 3745-55-12, Closure Plan:** This rule requires treatment, storage, and disposal facilities to develop a written closure plan which contains various specific elements. This rule also requires the closure plan to be submitted to the director for approval at least 180 days prior to implementation; the date of implementation must be within 30 days of final receipt of hazardous waste, or the director's approval.

During the inspection, green staining on the floor of the ElChrome Department was observed in several areas by Ohio EPA from noticeable spills and/or leaks of chromium solution. Eramet explained that some of the spilled and/or leaked chromium solution material is washed down the drain as hazardous waste (D007) for treatment at the UNOX waste water treatment plant and other spilled chromium solution material is recycled by pumping back to the leach tanks. During the inspection, Eramet could not demonstrate that these systems were operating efficiently. Eramet must maintain the facility to minimize future spills and/or leaks, and must submit documentation to Ohio EPA that this rule is being met. Documentation could include a statement or plan from Eramet on how these spills will be addressed in a prompt fashion, and photodocumentation that the current leaks/spills have been addressed. In addition, the photos would need to show that the Elchrome system is operating efficiently.

- (3) **OAC Rule 3745-270-07(A)(1), Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities:** A generator of a hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in Rules 3745-270-40, 3745-270-45, or 3745-270-49 of the Administrative Code. This determination can be made either by testing the waste, or by using knowledge of the waste.

Eramet has failed to determine if the following materials, observed during the inspection, are hazardous wastes:

- 5-gallon containers in the dam hollow area on the left side of the haul road entering the North Impoundment. Containers were observed on the ground and in a box trailer.

Eramet must immediately evaluate these wastes to determine if they are hazardous wastes that must be treated before land disposal, and submit documentation of this evaluation to this office for review.

Please note that if any of these materials identified above are determined to be a characteristic hazardous waste, Eramet must identify underlying hazardous constituents in compliance with **OAC Rule 3745-270-09** and Eramet is to meet the notification and certification requirements in **OAC Rule 3745-270-07**, and submit documentation to Ohio EPA.

- (4) **OAC Rule 3745-279-22(B)(1), Used Oil Requirements for Generators:** Condition of Units. Containers and aboveground tanks used to store used oil at generator facilities must be in good condition (no severe rusting, apparent structural defects, or deterioration).

One 55-gallon drum of used oil outside the #18 furnace maintenance shop was in poor condition with rusting on top of the drum. Eramet must use drums that are in good condition and submit documentation in the form of pictures, indicating this rule is being met.



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

December 18, 2007

**WASHINGTON COUNTY
ERAMET MARIETTA INC.
DHWM/SEDO
OHD004325411**

Mr. Jeffrey McKinney
Environmental Manager
Eramet Marietta Inc.
P.O. Box 299
16705 State Route 7
Marietta, Ohio 45750-0299

Dear Mr. McKinney:

On November 27 and 28, 2007, Ohio EPA inspected Eramet Marietta Inc.'s facility near Marietta, Ohio to determine Eramet's compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). During the inspection, we also helped you identify ways to prevent pollution by reducing waste. This letter will explain the violations we found, what you need to do to correct the violations, other general concerns we have, and what you need to do to respond to our general concerns.

We found the following violations of Ohio's hazardous waste laws. In order to correct these violations, you must do the following and send me the required information **within 30 days** of your receipt of this letter:

- (1) **OAC Rule 3745-52-11, Hazardous Waste Determination:** Any person who generates a waste must evaluate the waste to determine if the waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

Eramet has failed to determine if the following materials, observed during the inspection, are hazardous wastes:

- 5-gallon containers in the dam hollow area on the left side of the haul road entering the North Impoundment. Containers were observed on the ground and in a box trailer.

Eramet must evaluate these wastes to determine if they are a listed or characteristic hazardous waste as required by this rule, and submit documentation of this evaluation to this office for review.

- (2) **OAC Rule 3745-65-31, Maintenance and Operation of Facility:** Facilities shall be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.