



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6480  
www.epa.state.oh.us

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

May 27, 2008

**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, OH 45750-0299

Dear Mr. McKinney:

I received your response to my December 18, 2007 Notice of Violation (NOV) letter on January 29, 2008. Additional documentation was faxed to this office on April 24, 2008, as a follow-up to our April 18, 2008 site visit. The documentation you submitted included waste evaluation information, a manifest and LDR form for a waste shipment, photographs of the EIChrome Department, and preventative maintenance information for equipment in the EIChrome Department.

My review of this documentation reveals that Eramet Marietta Inc. has adequately demonstrated abatement of the following violations discovered during the November 27 and 28, 2007 inspection (for reference, the violation numbers are the same as those in Ohio EPA's December 18, 2007 notice of violation letter):

- (1) **OAC Rule 3745-52-11, Hazardous Waste Determination**
- (3) **OAC Rule 3745-270-07(A)(1), Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities**
- (4) **OAC Rule 3745-279-22(B)(1), Used Oil Requirements for Generators**

However, Eramet Marietta Inc. remains in violation of the following hazardous waste law:

- 68 (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.

During the inspection on November 27 and 28, 2007, and during a follow-up site visit on April 18, 2008, green staining on the floor of the EIChrome 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 inspections, 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 should include a statement or plan from Eramet addressing spills and leaks promptly (once per shift), and training employees on operation and maintenance requirements. In addition, pump and equipment maintenance schedules should be updated (some pumps are on a 1 week maintenance schedule while others are on a 182 day interval), and leaks and spills should be included in the maintenance schedules.

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

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.

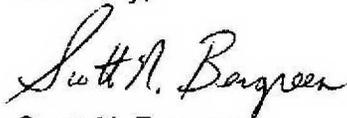
Eramet must submit to the director, for approval, a closure plan for the unpermitted hazardous waste disposal unit surrounding the 834 Crystallizer (between hot well and building) in the ElChrome Department **within 45 days** of receipt of this letter. The Ohio EPA has prepared a guidance document titled 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.htm>.

**GENERAL COMMENT**

- (a) Ohio EPA is concerned about the integrity of the sump in the basement of the ElChrome building. Please provide documentation to this office regarding the structural details of the sump including material(s) used to construct and line the sump, integrity inspections and or evaluations and/or any monitoring Eramet performs to evaluate the integrity of the system.

If you should have any questions, please feel free to contact me at (740) 380-5288.

Sincerely,



Scott N. Bergreen  
Environmental Specialist  
Division of Hazardous Waste Management

SNB/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.