



State of Ohio Environmental Protection Agency

Southeast District Office

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

November 25, 2009

**WASHINGTON COUNTY
MARIETTA INDUSTRIAL ENTERPRISES
DHWM/SEDO
OH0000098772**

Mr. Scott Elliott
Marietta Industrial Enterprises
17943 State Route 7
Marietta, Ohio 45750

Dear Mr. Elliott:

On November 19, 2009, Ohio EPA inspected Marietta Industrial Enterprises (MIE) to determine 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 Marietta Industrial Enterprises identify ways to prevent pollution by reducing waste. This letter will explain the violation we found, what you need to do to correct the violation, and other general concerns we identified during the inspection.

We found the following violation of Ohio's hazardous waste laws. In order to correct this violation, 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.

During the inspection, Ohio EPA observed the following wastes at the site that have not been evaluated:

- three 55-gallon drums in the parking lot just north of the maintenance shop;
- a sludge material east of the former manganese building (near the runoff pond); and
- piles of unknown material east of the former manganese building (near the runoff pond).

Marietta Industrial Enterprises has not evaluated the above wastes to determine if they are hazardous wastes, in violation of this rule.

Marietta Industrial Enterprises must evaluate the above wastes in accordance with this rule and submit the results of the evaluation to this office for review.

GENERAL COMMENTS

- (a) During the inspection of MIE's used oil storage area at the maintenance shop, we discussed the need for a secondary containment berm around the concrete pad. Ohio EPA recommends that MIE place such a berm around the pad to minimize used oil releases to the adjacent soils.

As we discussed during the inspection, your company 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/ocapp_recycle.html. 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.

Enclosed, you will find a copy of the checklists that were completed during the inspection. Should you have any questions, please feel free to contact 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

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.

Ohio Environmental Protection Agency
**RCRA SUBTITLE C SITE
IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to
tammv.mcconnell@epa.state.oh.us or mail it to Tammy
McConnell, Central Office

| | | | | | | | | | |
|--|---|--|--------------------------------------|---|-------------------------------------|---------------------------------------|---------------------------------------|-----------------------------------|-----------------------------------|
| 2. Site EPA ID No. | EPA ID Number: OH0000098772 | | | | | | | | |
| 3. Site Name | Name: Marietta Industrial Enterprises | | | | | Website: (Optional) | | | |
| 4. Site Location Information | Street Address: State Route 7 South | | | | | | | | |
| | City, Town, or Village: Marietta | | | | | State: OH | | | |
| | County Name: Washington | | | | | Zip Code: 45750 | | | |
| 5. Site Land Type (check only one) | 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"/> | |
| 6. NAICS code(s) www.census.gov/epcd/www/naics.html | | | | | | | | | |
| 7. Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address | First Name: Trent | | | MI: | | Last Name: Elliott | | | |
| | Phone Number: (740) 373-2252 | | | | Phone Number Extension: | | | | |
| | E-Mail Address: telliott@miacorp.com | | | | | | | | |
| | Fax Number: (740) 373-6359 | | | | Fax Number Extension: | | | | |
| | Street or P.O. Box: 17943 State Route 7 | | | | | | | | |
| | City, Town or Village: Marietta | | | | | State: OH | | Country: USA | Zip Code: 45750 |
| | | | | | | | | | |
| 8. 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: | | | | | Date Became Owner (mm/dd/yyyy): | | | |
| | Owner Type: | Private <input 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: | | | | | | | | |
| | City, Town or Village: | | | | | Owner Phone #: | | | |
| | State: | | | | | Country: | | Zip Code: | |
| | Name of Site's Operator: Marietta Industrial Enterprises | | | | | Date Became Operator (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: 17943 State Route 7 | | | | | | | | |
| | City, Town or Village: Marietta | | | | | Operator Phone #: (740) 373-2252 | | | |
| | State: OH | | | | | Country: USA | | Zip Code: 45750 | |
| 9. Violations Cited? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | |
| 10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes) | | | | | | | | | |
| <input type="checkbox"/> Not Regulated | | | | <input checked="" type="checkbox"/> Conditionally Exempt Small Quantity Generator | | | | | |
| <input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 | | | | <input type="checkbox"/> United States Importer of Hazardous Waste | | | | | |
| <input type="checkbox"/> Large Quantity Generator (LQG) | | | | <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator | | | | | |
| <input type="checkbox"/> Small Quantity Generator (SQG) | | | | | | | | | |
| <input type="checkbox"/> Hazardous Waste Transporter | | | | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace | | | | | |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste | | | | <input type="checkbox"/> Small Quantity On-Site Burner Exemption | | | | | |
| <input type="checkbox"/> Recycler of Hazardous Waste | | | | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption | | | | | |
| <input type="checkbox"/> Underground Injection Control Facility | | | | | | | | | |

| | | | |
|---|---|---|---|
| 10B. Universal Waste Activities (Indicate types of universal waste managed (check all boxes that apply)) | | | |
| <input type="checkbox"/> Small Quantity Handler of Universal Waste | | <input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more) | |
| <input type="checkbox"/> Destination Facility for Universal Waste | | | |
| Check all boxes below that apply for each of the three types of facilities above | | 10C. Used Oil Activities (Indicate Type(s) of Activity(ies)) | |
| | Managed | <input checked="" type="checkbox"/> Used Oil Generator | <input type="checkbox"/> Off-Specification Used Oil Burner |
| Batteries | <input type="checkbox"/> | <input type="checkbox"/> Used Oil Transporter | <input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil |
| Pesticides | <input type="checkbox"/> | <input type="checkbox"/> Used Oil Transfer Facility | <input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner |
| Mercury containing equipment | <input type="checkbox"/> | <input type="checkbox"/> Used Oil Processor | |
| Lamps | <input type="checkbox"/> | <input type="checkbox"/> Used Oil Re-refiner | |
| 11. 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 if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record. | | | |
| 12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc. | | | |
| Announced | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Additional Facility Representatives: Mike Holland |
| Tanks | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Other Comments: |
| Containers | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |
| 13. Name of Inspector(s) | Name of Inspector(s) | | Date of Inspection/Time (mm/dd/yyyy) (hh:mm) |
| Scott Bergreen/Steve Wells | Trevor Irwin/Christina Wieg | | 11/19/2009 9:30-11:30 am |
| 14. OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. | | | |
| Signature of Owner, Operator, or an Authorized Representative | Name and Title (Print) | | Date (mm/dd/yyyy) |
| | | | |

PROCESS, WASTE, P2 SUMMARY SHEET

| | | | |
|---|-----------------------------|-------------------------------------|-------------------------------|
| Facility Name: Marietta Industrial Enterprises | Facility Type: CESQG | Date of Inspection: 11/19/09 | EPA ID #: OH0000098772 |
|---|-----------------------------|-------------------------------------|-------------------------------|

| Waste Generated | | | On- or Off-Site Management | | P2 Activities | |
|--|---|--|---|--|------------------------------|-------------------------|
| Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, general maintenance, etc) | Waste Description (e.g. sludge, solvent, ash, used oil, spent lamps, etc.) and EPA Waste Code, if applic. | QTY Generated per Month, Type of Accumulation (container, tank, etc) and location of waste accumulation area | Type of On-Site Treatment (recycle, wwt, etc) | Name, state, and type of activity occurring at the off-site facility. | Current P2 Activities | P2 Opportunities |
| 1 Equipment Maintenance | Used Oil | ~300 gallons/month Tank & 55 gallon drums located on concrete pad next to maintenance shop | N/A | Crystal Clean | Recycle used oil | |
| 2 Equipment Maintenance | Spent Batteries | Varies Batteries stored at maintenance shop | N/A | Marietta Ignition Marietta, OH Ashley;s Recycling Mineral Wells, WV | Recycle spent batteries | |

REMARKS-GENERAL INFORMATION

General Process Information:

Marietta Industrial Enterprises (MIE) operates an intermodal transfer business (barge, rail, truck loading and unloading, and warehouse storage) along the Ohio River between Marietta and Belpre. The products that MIE handles includes sand, gravel, cinders, limestone, coal, coke, ores, fertilizers, frac sand, silicomanganese, carbon anodes, potassium nitrate, sodium nitrate, boric acid, silicon brick, lithium carbonate, and calcium fluoride. The facility sizes ores, ferroalloys, and anode carbon by crushing and grinding for subsequent storage in the warehouses, or direct delivery to customers. MIE's briquetting operation has not been functional for several years. MIE operates a maintenance shop where trucks and company equipment is maintained.

Regulatory/Enforcement History:

The last compliance evaluation inspection was conducted at Marietta Industrial Enterprises on June 12, 2007.

Additional P2 remarks and information:

Would this facility be interested in a P2 assessment? Yes* _____ No X

*If yes, refer promptly to your district P2 coordinator. Office of Compliance Assistance and Pollution Prevention – 1-800-329-7518 or p2mail@epa.state.oh.us or www.epa.state.oh.us/ocapp/ocapp.html

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤ 100 Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
 SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.
 LQG: $\geq 1,000$ Kg. (~300 gallons) of waste in a calendar month or ≥ 1 Kg. of acutely hazardous waste in a calendar month.
 NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

WASTE EVALUATION

| | | |
|----|--|--|
| 1. | Have all wastes generated at the facility been adequately evaluated? [3745-52-11] | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
|----|--|--|

GENERATOR CLASSIFICATION

| | | |
|----|---|--|
| 2. | Does the generator produce < 100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")] | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
|----|---|--|

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

| | | |
|----|---|--|
| 3. | Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
|----|---|--|

TREATMENT OF HAZARDOUS WASTE

| | | |
|----|---|--|
| 4. | Does the generator treat hazardous waste in a: | |
| a. | Container that meets 3745-66-70 to 3745-66-77? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| b. | Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| c. | Drip pads that meet 3745-69-40 to 3745-69-45? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| d. | Containment building that meets 3745-256-100 to 3745-256-102? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

MIX HAZARDOUS WASTE WITH USED OIL

| | | |
|----|---|--|
| 5. | Does the CESQG mix its hazardous waste with used oil for the purpose of burning for energy recovery? [3745-51-05(J)] If so: | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| a. | Does the CESQG manage the mixture in accordance with 3745-279-21? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

PROHIBITIONS

| | | |
|----|---|--|
| 1. | Does the generator manage used oil in a surface impoundment or waste pile? If yes: | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| a. | Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

NOTE: For example, used oil contaminated scrap metal stored in a pile.

| | | |
|----|---|--|
| 2. | Is used oil used as a dust suppressant? [3745-279-12(B)] | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| 3. | Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

GENERATOR STANDARDS

| | | |
|----|---|--|
| 4. | Does the generator mix hazardous waste with used oil? If so, | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| a. | Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

| | | |
|----|--|--|
| 5. | Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
|----|--|--|

NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

| | | |
|----|--|--|
| 6. | Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)] | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 7. | Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 8. | Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 9. | Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)] | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| a. | Stopped the release? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| b. | Contained the release? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| c. | Cleaned up and properly managed the used oil and other materials? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| d. | Repaired or replaced the containers or tanks prior to returning them to service, if necessary? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

ON-SITE BURNING IN SPACE HEATER

| | | |
|-----|--|--|
| 10. | Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so: | |
| a. | Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

| | | |
|----|--|--|
| b. | Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| c. | Are the combustion gases from heater vented to the ambient air? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).

GENERATOR TRANSPORTATION

| | | |
|-----|--|--|
| 11. | Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24] | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 12. | If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] | |
| a. | Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator? [3745-279-24] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| b. | Does the generator transport more than 55 gallons of used oil at any time? [3745-279-24] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).

COLLECTION CENTERS AND AGGREGATION POINTS

| | | |
|-----|---|--|
| 13. | Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 14. | Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 15. | Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.