



State of Ohio Environmental Protection Agency

Southeast District Office

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

January 12, 2010

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

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

Dear Mr. Elliott:

I received Marietta Industrial Enterprise's (M.I.E.) e-mail response to my November 25, 2009 Notice of Violation (NOV) letter on December 17, 2009. The e-mail documentation you submitted included an explanation of what certain piles and materials were that we observed during our inspection on November 19, 2009. You also provided M.I.E.'s plans for dealing with the piles and materials. Please note that this letter addresses the violations at M.I.E.'s ferroalloy facility.

My review of your documentation reveals that M.I.E. remains in violation of the following hazardous waste law:

(1) OAC 3745-52-11, Hazardous Waste Determination

In your response, you explain that the three drums in the parking lot north of the maintenance shop contained diesel fuel. M.I.E.'s explanation is satisfactory. Ohio EPA agrees with your proposal to label all drums, not just hazardous waste and used oil drums. **Ohio EPA observed petroleum contaminated soils in the vicinity of the three drums; this contaminated soil will need to be dug up and disposed of as a solid waste.** Please provide photographs to my attention at this office showing that this work has been completed.

You indicate that the sludge material next to the two settling ponds is not a waste, but, rather, a feedstock material to be used by Green Global, LLC. M.I.E. personnel indicated that Green Global will start processing the material this month (January) and will be completed by July, 2010. Further, M.I.E. indicated that a sample of the feedstock will be taken and analyzed for manganese content to determine if it is feasible to process the material. If the Mn content is 25% or greater, the feedstock will be processed. Ohio EPA has the following questions related to your proposal:

- The slag processed by Green Global, LLC is low Mn containing slag, in the range of 6 – 10%. We don't understand how the feedstock contains 25% or more Mn. Please explain this.

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- Green Global has operated at M.I.E.'s site for a relatively short period of time; however, the material excavated from the settling ponds represents years worth of accumulation. Please explain how the material can represent a feedstock for Green Global when it is mixed with other materials that have accumulated over the years.
- Green Global is not currently operating at the site. Please indicate when they will begin operations to process the sludge.

M.I.E.'s return to compliance with this violation is contingent upon M.I.E. demonstrating successful reprocessing of the sludge/feedstock. Part of this demonstration must include the ultimate end use of the reprocessed material.

You state that the piles we observed east of the manganese building consist of various products, and that each has a timeline for removal from the site. Please provide this timeline to my attention at this office **within 30 days** of your receipt of this letter.

If you 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

cc: Steve Wells, DSW, SEDO
Christina Wieg, DAPC, SEDO
Joe Holland, 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.