



State of Ohio Environmental Protection Agency

Southeast District Office

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

August 19, 2010

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

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

Dear Mr. Elliott:

I received Marietta Industrial Enterprise's (MIE) email responses to Ohio EPA's July 13, 2010 Notice of Violation letter on July 14 and 23, 2010. The email documentation that you submitted included photos of excavated and contained oily soils, and a letter from the supplier of the silicon sludge, Advanced Alloys, which states that the sludge contains water. In addition, there was a materials analysis of the pond sludge conducted by Eramet.

My review of this documentation reveals that MIE has now abated the following violation cited as a result of the June 15, 2010 site visit:

OAC 3745-279-22, Used Oil Storage Requirements for Generators

However, MIE remains in violation of the following hazardous waste law:

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

MIE has failed to submit the required TCLP analysis for pond sludge as required by this rule. The analysis submitted by MIE that was conducted by Eramet on the pond sludge does not meet the requirements of the above regulation. In order to abate this violation, you must immediately analyze this sludge for TCLP metals and submit the results to me or immediately send this material offsite for legitimate recycling, once we have approved of the recycler and the recycling process. Note that MIE's return to compliance with this violation is contingent upon MIE demonstrating that the offsite recycler who receives this sludge is a legitimate recycler and that there is an end use for the reprocessed material.

In addition, during the site visit conducted by Ohio EPA on June 15, 2010, I observed a pile of brown "silicon sludge" from Midland, Michigan being "dewatered" in the parking lot outside Building 3 C which is next to the Ohio River. As follow-up and per my request, MIE sent me an MSDS for this material. My review of the MSDS revealed that the MSDS did not appear to match the pile that was observed onsite. The material onsite was a brown, mud-like consistency, while the MSDS describes it as a gray metallic compound. Because of this discrepancy, MIE was told to sample and analyze this material per OAC 3745-52-11 and submit the results to me along with a description of how this material is to be managed while onsite and the planned disposition of the material. MIE failed to conduct sampling and instead submitted a letter from Advanced Alloys of Pensacola, Florida stating that the silicon material that MIE had received from Hemlock Semi Conductor in Hemlock, Michigan contained water, and stating that the material was "completely non-hazardous." MIE has now informed Ohio EPA that this material has been removed from the site and shipped to the end user. Please submit documentation of the offsite shipment of this silicon material in the form of bills of lading or other receipts. MIE also stated that they have requested that their customer provide an analysis in advance of any future product of this nature that they may ship to them. Please be aware that any future analyses must be a TCLP analysis per the above-cited rule or else it will be considered unacceptable to Ohio EPA.

GENERAL COMMENTS

- (a) MIE is a chronic violator of Ohio's used oil regulations and as such, escalated enforcement action may be considered.

Please submit all requested information **within 15 days** of the date of this letter. Should you have any questions, feel free to contact me at (740) 380-5293.

Sincerely,



Donna Goodman
District Representative
Division of Hazardous Waste Management

DG/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.