

**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

November 22, 2011

**RE: ELKEM METALS COMPANY
OHD 004 171 039
ASHTABULA COUNTY
CESSATION OF REGULATED
OPERATIONS
NOTICE OF VIOLATION**

CERTIFIED MAIL

David Renfrew
Elkem Metals Company
P.O. Box 266
Pittsburgh, PA 15230-0266

Dear Mr. Renfrew:

It has come to Ohio EPA's attention that Elkem Metals Company ceased regulated operations at its Ashtabula Ohio facility in 2007.

Elkem has failed to file Cessation of Regulated Operations (CRO) notification as required. In a letter to Ohio EPA dated September 7, 2006 you acknowledged that Elkem was subject to CRO as soon as all regulated operations ceased at the facility.

Elkem is in violation of the following provisions of the Ohio Administrative Code (OAC):

**1. Responsibilities of owner/operator within 30-days of CRO
3745-352-20(A)(1)(a), (b), (c)**

Not later than thirty days after CRO, the facility must:

- (a) *Submit a notice of CRO to the Director, local emergency planning agency and local fire department using form EPA 0327;*
- (b) *Secure the facility against unauthorized entry in accordance with OAC 3745-352-30;*
- (c) *Designate a contact person for the facility in accordance with OAC 3745-352-35;*

**2. Responsibilities of owner/operator within 90-days of CRO
OAC 3745-352-20(A)(2)(a),(b),(d) and (g)**

- a. *Submit to the director a copy of the most recent chemical inventory report required by section 3750.08 of the Ohio Revised Code;*

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- b. *Submit to the director a copy of the current hazardous chemicals list or each of the material safety data sheets required by section 3750.07 of the Ohio revised Code;*
- d. *Remove all regulated substances from the facility;*
- g. *Certify to the director that you have complied with this rule using form EPA 0329.*

You must immediately submit the required CRO paperwork, designate a contact person, secure the facility (until all regulated substances are removed), and immediately remove all regulated substances from the facility.

Ohio EPA is required to inspect the facility. Please contact me at (330) 963-1170 to schedule the inspection.

Failure to list specific deficiencies or violations in this communication does not relieve Elkem Metals Company from the responsibility of complying with all applicable Ohio EPA laws and regulations. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

Please feel free to contact me if you have any questions.

Sincerely,



Edward J. D'Amato
Environmental Specialist
Division of Materials and Waste Management

EJD:cl

Ec: Natalie Oryshkewych, DMWM, NEDO
Frank Popotnik, DMWM, NEDO
Marlene Kinney, DMWM, NEDO
Ralph McGinnis, DMWM, CO
Jeff Mayhugh, DMWM, CO