

**Environmental  
Protection Agency**

**Governor  
Lt. Governor  
Director**

November 9, 2011

RE: ASHTA CHEMICALS  
OHIO EPA PERMIT 3IE00016  
ASHTABULA TWP., ASHTABULA COUNTY  
FACILITY DESIGN MODIFICATIONS

**NOTICE OF VIOLATION**

Mr. John Reese, Vice President  
ASHTA Chemicals  
3509 Middle Road  
Ashtabula, OH 44004

Dear Mr. Reese:

Ohio EPA's Division of Surface Water (DSW) has been informed of a release of mercury containing sludge that occurred on November 1, 2011, as documented in your letter of November 7, 2011. In reviewing the documentation submitted, Ohio EPA notes that the spill occurred adjacent to a yard drain. In responding to this letter, please provide Ohio EPA with the following information:

- Clarify where this yard drain flows to: 1) The Process Water Recovery System (PWRS); 2) Outfall 001; 3) Outfall 002; or 4) Outfall 003.
- Any water sampling data conducted in conjunction with the spill and its subsequent cleanup.
- Ultimate disposal of any waters associated with the spill and its subsequent cleanup.

In accordance with your Storm Water Pollution Prevention Plan (SWPPP) and other authorizing documents, you notified Ohio EPA environmental response verbally on November 1, 2011, and provided a follow-up report on November 7, 2011.

To follow up on an earlier inspection, on September 21, 2011, a limited scope compliance inspection was conducted at the above referenced facility. The inspection was conducted by John Schmidt of this office, and Ron Williams and Tonya Fritz represented ASHTA Chemicals (ASHTA) during the inspection. Ohio EPA issued a letter documenting the inspection on September 29, 2011, and advised ASHTA that diverting any flow from Outfall 002 into Outfall 003 will require a permit-to-install (PTI) as a process change and modification of the facility design. It was also noted that at the time of the inspection, storm water in the Outfall 002 ditch was being pumped back to a manhole which flows to the Process Water Recycle System (PWRS). Although not noted in the inspection letter, diversion of the flow from Outfall 002 into the PWRS would also require a PTI as a process change and modification of the facility design.

To-date, Ohio EPA has not received a PTI for the referenced activity and is therefore in violation of Ohio Administrative Code (OAC) 3745-42-02(A)(1)(a). To return to compliance, ASHTA must do the following:

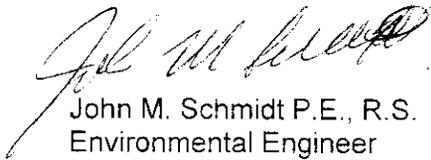
- Within 14 days of the date of this letter, ASHTA shall sample the water impounded at the Outfall 002 and submit this data to Ohio EPA.

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- If the Outfall 002 ditch sample is determined to be at a concentration of 250 ng/l (ppt) or less, ASHTA shall reestablish the flow from Outfall 002 in accordance with your NPDES permit by opening the gate valve. Sampling should be performed in accordance with the NPDES permit.
- If the Outfall 002 ditch sample is determined to be at a concentration greater than 250 ng/l (ppt), ASHTA shall provide to Ohio EPA the steps necessary to remove the source of the mercury, including excavation and removal of accumulated sediments in accordance with federal and state laws and regulations and immediately submit a PTI to reroute the Outfall 002 storm water to the PWRS. Ohio EPA will expect this PTI no later than 30 days from the date of this letter.

If you have any questions or comments regarding this notification, please feel free to contact me at (330) 963-1175.

Respectively,



John M. Schmidt P.E., R.S.  
Environmental Engineer  
Division of Surface Water

JMS/cs

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