



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

February 8, 2013

JACKSON COUNTY
OHIO PRECIOUS METALS
DMWM/SEDO
OHD081319980

Mr. Alan Stockmeister
Ohio Precious Metals
16064 Beaver Pike
Jackson, Ohio 45640

Dear Mr. Stockmeister:

I received your responses to my January 3, 2013 Notice of Violation letter on January 4 and 23, 2013. The documentation you submitted included inspection checklists, training sign-in sheets, a tank farm assessment and engineering drawings.

My review of this documentation reveals that OPM has adequately demonstrated abatement of the following violation discovered during the December 4 and 5, 2012 inspection:

OAC Rule 3745-66-93 (C), Containment and Detection of Releases

However, OPM remains in violation of the following hazardous waste laws:

1. ***OAC Rule 3745-52-34 (A)(2), Accumulation Time of Hazardous Waste:*** A generator may accumulate hazardous waste onsite for ninety days or less without a permit so long as certain conditions are met, including labeling of hazardous waste containers with the accumulation start date.

OPM failed to label a drum in their ninety-day accumulation area with the accumulation start date, in violation of this rule. As previously requested, in order to abate this violation, OPM must properly label all containers and submit a photograph of properly labeled containers.

2. ***OAC Rule 3745-66-74, Inspections:*** The operator must inspect areas where containers are stored weekly looking for leaks or deterioration. Inspections must be recorded in an inspection log.

OPM failed to conduct and log weekly inspections of their ninety-day accumulation area, in violation of this rule. In OPM's January 23, 2013 response, OPM submitted a copy of their inspection checklist. However, as previously

requested, in order to fully abate this violation, OPM must develop, implement and submit a written copy of their weekly inspection policy and two weeks of completed inspection logs.

3. **OAC rule 3745-65-31, Maintenance and Operation of a Facility:** Facilities should be operated and maintained in order to minimize the possibility of a fire, explosion or release of hazardous waste.

OPM has failed to operate the facility to minimize the possibility of fire, explosion or release in that OPM failed to conduct weekly inspections of hazardous waste accumulation areas, failed to conduct tank inspections seven days per week and has failed to provide a tank assessment and certification. In order to abate this violation, OPM must fully abate all other violations in this letter.

4. **OAC Rule 3745-66-92(A)(B)(D)(E)(F)(G): Design and Installation of New Tank Systems or Components:** (A) Tank system owners/operators must ensure that the tank system is designed and has the structural strength and compatibility with the hazardous waste so that it will not fail. A written tank assessment that has been reviewed and certified by a qualified professional engineer in accordance with OAC rule 3745-50-42 is required for storing of hazardous waste. (B) Prior to placing a new tank system into use, an independent, qualified professional engineer must inspect the tank system for the presence of any structural damage, inadequate construction or installation. (D) New tanks and ancillary equipment must be tested for tightness prior to use, and if not tight, repairs must be made. (E) Ancillary equipment must be supported and protected from physical damage and stress. (F) Corrosion protection must be provided if necessary. (G) The owner/operator must keep on file written statements by those persons required to certify that the design and installation of the tank system was properly installed, that a tank tightness test was conducted, that ancillary equipment was sound, and that corrosion protection, if necessary, was installed.

During the inspection, OPM was unable to provide documentation that the above tank requirements had been met. On January 4, 2013, OPM submitted a letter and drawings from an engineer stating that the secondary containment system is adequate to contain storm water and 110% capacity of the largest vessel that it holds. This documentation fails to address all the above-described requirements of the rule. In order to abate this violation, please submit the required tank assessment per (A) of this rule; and the tank installation certification per (G) of this rule that meets all applicable sections of OAC rule 3745-66-92 (A) and (B) through (F) for OPM's two hazardous waste tanks. Alternatively, please submit documentation that the hazardous waste tank system has been closed per OAC 3745-52-34.

As previously stated, Ohio EPA acknowledges that OPM plans to close the tanks in the near future, as the waste they contain are now being piped directly to an

adjacent facility for further reclamation. Please note that you should maintain documentation of these closures in your files. For information on the closure requirements for generator tanks, see section 1.10 of the following Closure Plan Review Guidance:

<http://epa.ohio.gov/portals/32/pdf/2008CPRG.pdf>

Please feel free to contact me if you wish to discuss this.

5. **OAC Rule 3745-66-95(A)(B), Tank Inspections:** Tanks must be inspected at least once each operating day to ensure that the tank system is being operated according to its design. Inspections must include spill control equipment, above-ground portion of the tanks, construction materials and area immediately surrounding the tanks for signs of erosion or release.

OPM failed to conduct tank inspections on weekends, in violation of this rule. In OPM's January 23, 2013 response, OPM submitted completed checklists which document daily tank inspections. However, as previously stated, in order to fully abate this violation, OPM must submit a copy of a daily tank inspection policy.

6. **OAC Rule 3745-273-16, Employee Training for Small Quantity Handlers of Universal Waste:** A small quantity handler of universal waste shall inform employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures for spent lamps and batteries.

OPM failed to inform employees on universal waste handling and emergency procedures. OPM submitted a training sign-in sheet which demonstrates that training on universal waste management has been done. However, as previously requested, in order to abate this violation, OPM must submit a copy of their universal waste lamp training information which describes proper handling and emergency procedures.

GENERAL COMMENTS

- A. Because OPM is a generator and storer of recyclable materials that are reclaimed for certain precious metals, it is subject to OAC rule 3745-266-70. OPM must keep the following records which document that they are not speculatively accumulating (as defined in paragraph C of OAC rule 3745-51-01) any recyclable materials that are reclaimed per this rule:

1. Records showing the volume of recyclable materials (including gold and silver accepted from customers, as well as baghouse dust, slag and other materials generated by OPM and sent offsite for reclamation) stored at the beginning of the year;

2. The amount of the above materials generated or received during the calendar year;
3. The amount of materials remaining at the end of the calendar year.

In OPM's January 23, 2013 response, OPM stated that they maintain records for all in-house recyclable by-products, and that OPM knows how much materials are shipped each year. In order to demonstrate that this rule is being met, please submit a copy of such records for the past year indicating that speculative accumulation is not occurring. If these records are confidential, please contact me to discuss this requirement.

You must immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within **14 days** of the date of this letter, you are requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to donna.goodman@epa.state.oh.us.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. If you have any questions, please contact me by telephone at (740) 380-5293 or by e-mail at donna.goodman@epa.state.oh.us.

Sincerely,



Donna Goodman
Inspector
Division of Materials and Waste Management

DG/mr

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.