

OHIO E.P.A.

DEC 20 2012

ENTERED DIRECTOR'S JOURNAL

Date Issued: DEC 20 2012

Date Effective: DEC 20 2012

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

EMC Ashtabula LP  
P.O. Box 266  
Pittsburgh, PA 15230

: Director's Final Findings  
: and Orders  
:

and

EMC Metals, Inc.  
P.O. Box 266  
Pittsburgh, PA 15230

Respondents

**PREAMBLE**

It is hereby agreed by and between the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are hereby issued to Respondents pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under sections 6111.03 and 3745.01 of the Ohio Revised Code ("ORC").

**II. PARTIES**

These Orders shall apply to and be binding upon the Respondents and their successors in interest liable under Ohio law. No changes in ownership relating to Respondents will in any way alter the Respondents' responsibilities under these Orders. The Respondents' obligations under these Orders may be altered only by the written approval of the Director of Ohio EPA.

I, \_\_\_\_\_, certify that this is a true and accurate copy of the  
final documents as filed in the case of \_\_\_\_\_  
in Case No. \_\_\_\_\_.

*Denise Lassiter* 12-20-12

### III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in ORC Chapter 6111. and the rules promulgated thereunder.

### IV. FINDINGS OF FACT

The Director has determined the following:

1. Respondent EMC Ashtabula LP., formerly known as Elkem Metals Company - Ashtabula LP ("Respondent EMC - Ashtabula") is a foreign limited partnership with a mailing address of 1013 Centre Road in Wilmington, Delaware, which owns and operates a calcium carbide production plant located at 2700 Lake Road East in Ashtabula, Ohio ("Ashtabula Plant"). Respondent EMC Metals, Inc., formerly known as Elkem Metals, Inc. ("Respondent EMC, Inc.") is a general partner of EMC Ashtabula LP with a mailing address of Airport Office Park, Building 2, 400 Rouser Road in Moon Township, Pennsylvania.
2. Respondent EMC Ashtabula LP owns and operates an industrial process wastewater treatment plant ("Industrial Process WWTP") located at 2700 Lake Road East (State Route 531), Ashtabula Township, Ashtabula County. Respondent EMC Ashtabula LP holds an NPDES permit No. 31N00036\*MD (modified with effective date of July 1, 2012, and expiration date May 31, 2013.)
3. The Industrial Process WWTP consists of a series of settling ponds and processes to adjust the pH for cyanide removal when the facility manufactured calcium carbide.
4. When the EMC Ashtabula plant was operating, tailings waste from the production of calcium carbide and other material were placed into Settling Ponds 1, 2, 3, 3a, and 5c. Drainage from these ponds flowed through perimeter ditches around each pond, terminating at an impounded section of a ditch along Russel Rd. (Russel Rd. Ditch). Here, waste water entered a pump station and was pumped into a series of three ponds (Ponds 5c, 4a, and 4b) for additional settling. Following settling, the waste water flowed through a now non-operable pH adjustment system for cyanide removal, where chlorine, acids and caustics were used in rapid mix tanks to raise the pH to 9.3. Following pH-chlorine adjustment, waste water was pumped to a series of two additional ponds (Ponds 4c and 4d) where the waste underwent now inoperable pH neutralization to lower the pH to acceptable levels again through the use of chlorine, acids, and caustics in rapid mix tanks. Discharged waste water flowed through a channel and piping to Lake Erie through Outfall 001.

5. Sanitary wastes from EMC Ashtabula, Praxair, USALCO, ASHTA Chemicals, and ESAB Welding flow to a pump station, where wastes are pumped to EMC Ashtabula's waste water treatment plant (Sanitary WWTP). Preliminary treatment consists of digestion and primary settling through Imhoff tanks, one tank for sanitary waste water from the EMC Ashtabula facility and another tank for sanitary waste water from USALCO, Praxair, ESAB Welding, and ASHTA. Secondary treatment consists of a dosing siphon/chamber and trickling filter. The waste water is then pumped and disinfected, accomplished through chlorination and post-chlorination aeration, with dechlorination through sulfur dioxide. Monitoring is conducted at a manhole (Outfall 601). Treated sanitary waste water joins storm water at a manhole prior to discharge through Outfall 002 at the First Energy Ashtabula Plant north of the EMC Ashtabula facility. Sludge is removed from the Imhoff tanks on as needed basis and dewatered on sludge drying beds. Dewatered sludge is transported to an off-site landfill for disposal.
6. Pursuant to ORC Section 6111.07(A), no person shall violate or fail to perform any duty imposed by ORC Sections 6111.01 to 6111.08 or violate any order, rule, or term or condition of a permit issued or adopted by the Director of Ohio EPA pursuant to those sections. Each day of violation is a separate violation.
7. Respondent violated terms and conditions of its NPDES permit on numerous occasions as documented in letters attached hereto as Attachment I. Each violation cited in Attachment I constitutes a separate violation of ORC Section 6111.07. Attachment I is hereby incorporated into these Findings and Orders as if fully stated herein.
8. Pursuant to Director's Final Findings and Orders issued on October, 2012. Respondents are required to submit a management plan for the proper treatment of the discharge from Ponds 3 and 3A to Ohio EPA Northeast District Office Division of Surface Water for Ohio EPA's review and approval no later than October 1, 2013.
9. This document does not modify NPDES Permit No. 3IN00036\*MD, with the exception of the Schedule of Compliance, Item No. A 2.b. The purpose of this document is to correct a condition of noncompliance with NPDES Permit No. 3IN00036\*MD and not to alter said permit with the exception of Item A 2.b noted above.
10. The following Orders do not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer system. Any such construction or

modification is subject to the Permit to Install (PTI) requirements of Ohio Administrative Code ("OAC") Chapter 3745-42.

11. Compliance with the ORC Chapter 6111 is not contingent upon the availability or receipt of financial assistance.
12. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purposes of ORC Chapter 6111.

#### V. ORDERS

1. Respondent EMC - Ashtabula shall make all necessary repairs to the sanitary waste water treatment system to ensure compliance of Respondents' NPDES Permit and to remedy the violations in Notice of Violation letter from Ohio EPA Northeast District Office Division of Surface Water dated August 14, 2012, not later than December 31, 2012.
2. Within 30 days after Ohio EPA's approval of the a management plan referenced in Finding 8, Respondent EMC - Ashtabula shall submit a PTI for the upgrade of the industrial or sanitary onsite wastewater treatment system or the construction of a new system for treating the leachate from Ponds 3 and 3A.
3. Respondent EMC - Ashtabula shall submit requested revisions to the above PTI within 30 days of the date of any deficiency letter.
4. Respondent EMC - Ashtabula must receive approval for the above PTI by March 1, 2014.
5. Respondent EMC - Ashtabula shall commence construction of the wastewater treatment system in accordance with its PTI required by these Orders within 30 days of approval.
6. Respondent EMC - Ashtabula shall complete construction of the wastewater treatment system or upgrades no later than July 1, 2014.
7. Respondent EMC - Ashtabula shall submit an application for an individual variance from the water quality standards to Ohio EPA Northeast District Office Division of Surface Water no later than November 30, 2012 along with the renewal NPDES permit application for Permit No. 3IN00036\*MD. OAC Rule 3745-33-07(D)(1-3) provides information on the applicability and conditions of an individual variance. OAC Rule 3745-33-07(D)(4) lists

the information that must be included in the application.

8. Respondent EMC – Ashtabula shall complete the in-place closure of Pond 5C no later than December 31, 2013, unless due to circumstances beyond Respondent EMC – Ashtabula control additional time is required. The parties agree to extend such time schedule, which such extension shall be memorialized in a modification to Respondents' NPDES permit.
9. Respondent EMC – Ashtabula shall complete the in-place closure of Ponds 1 and 2 by no later than December 31, 2014.
10. Respondent EMC – Ashtabula shall complete the closure of Ponds 1A and the 4 series ponds by no later than December 31, 2014, unless due to circumstances beyond Respondent EMC – Ashtabula control additional time is required. The parties agree to extend such time schedule, which such extension shall be memorialized in a modification to Respondents' NPDES permit.
11. Respondent EMC – Ashtabula shall submit a quarterly status report on the pond closure activities to Ohio EPA Northeast District Office Division of Surface Water until closure is completed (January 1st, April 1st, July 1<sup>st</sup>, and October 1<sup>st</sup>).

## **VI. TERMINATION**

Respondents' obligations under these Orders shall terminate when Respondents certify in writing and demonstrates to the satisfaction of Ohio EPA that Respondents have performed all obligations under these Orders and the Chief of Ohio EPA's Division of Surface Water acknowledges, in writing, the termination of Respondents' obligations under these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondents of the obligations that have not been performed, in which case Respondents shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of the Respondent. For purposes of these Orders, a responsible official is defined in OAC Rule 3745-33-03(F)(1) for a corporation, OAC Rule 3745-33-03(F)(2) for a partnership, OAC Rule 3745-33-03(F)(3) for a sole proprietorship, and OAC Rule 3745-33-03(F)(4) for a municipal, state, or other public facility.

## **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to activities occurring on or at the site.

## **VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondents.

## **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

## **X. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XI of these Orders. Nothing herein shall restrict the right of Respondents to raise any administrative, legal or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Respondents.

## **XI. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondents consent to the issuance of these orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondents' liability, including for any and all civil penalties, for the violations specifically cited and attached herein to these Orders.

Respondents hereby waive the right to appeal the issuance, terms and conditions, and service of these Orders and Respondents hereby waive any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondents agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such an event, Respondents shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

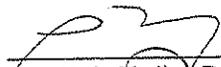
#### **XII. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

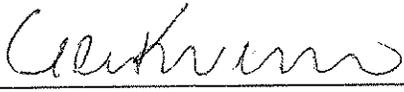
**XIII. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:**

  
\_\_\_\_\_  
Scott J. Nally, Director  
Ohio Environmental Protection Agency

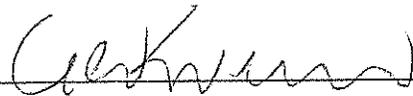
**EMC - Ashtabula LP (Respondent EMC - Ashtabula)**

By:  10/24/12

Date

Title: PRESIDENT

**EMC Metals, Inc. (Respondent EMC, Inc.)**

By:  10/24/12

Date

Title: PRESIDENT

# Attachment I



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0789  
www.epa.state.oh.us

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

March 26, 2007

RE: ASHTABULA COUNTY  
ELKEM METALS COMPANY  
NPDES PERMIT RENEWAL  
3IN00036  
OH0000027

Mr. Dave Renfrew, Director  
Human and Environmental Resources  
Elkem Metals Company - Ashtabula LP  
P.O. Box 266  
Pittsburgh, PA 15230-0266

Dear Mr. Renfrew:

On March 13, 2007, a pre-permit inspection was conducted at the above referenced facility by the undersigned. The purpose of the inspection was to evaluate the facility's compliance status with respect to the terms and conditions of the NPDES permit. In addition, information gathered during the inspection will be utilized in determining the renewal status of the National Pollutant Discharge Elimination System (NPDES) permit.

A review of the self-monitoring reports received by Ohio EPA for the period March 2005 through March 2007 indicates violations of the terms and conditions of your NPDES permit. The specific instances of noncompliance are as follows:

**LIMIT VIOLATIONS**

Reporting Period	Station	Parameter	Limit Type	Limit	Reported Value	Violation Date
May 2005	001	Total Suspended Solids	30D Conc	3.2	4.	5/1/2005
May 2005	601	Fecal Coliform	1D Conc	400	450.	5/13/2005
June 2005	601	Total Suspended Solids	1D Conc	45	52.	6/30/2005
January 2006	601	Total Suspended Solids	30D Conc	30	32.75	1/1/2006
January 2006	601	Total Suspended Solids	1D Conc	45	71.	1/5/2006
March 2006	601	Total Suspended Solids	1D Conc	45	71.	3/24/2006

**REPORTING CODE VIOLATIONS**

Reporting Period	Station	Parameter	Reported Value	Violation Date
December 2005	601	Nitrogen, Ammonia (NH3)	AB	12/21/2005

**REPORTING FREQUENCY VIOLATIONS**

Reporting Period	Violation Date	Station	Parameter	Sample Frequency	Expected	Reported
April 2005	4/22/2005	002	Water Temperature	1/Week	1	0
April 2005	4/22/2005	002	Total Suspended Solids	1/Week	1	0

Mr. Dave Renfrew  
 Elkem Metals Company  
 March 26, 2007  
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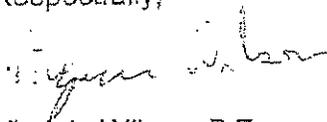
April 2005	4/22/2005	002	pH	1/Week	1	0
April 2005	4/22/2005	002	Cyanide, Total	1/Week	1	0
April 2005	4/22/2005	601	Total Suspended Solids	1/Week	1	0
April 2005	4/22/2005	601	CBOD 5 day	1/Week	1	0
April 2005	4/22/2005	601	pH	1/Week	1	0
April 2005	4/22/2005	601	Dissolved Oxygen	1/Week	1	0
July 2005	7/1/2005	002	Water Temperature	1/Week	1	0
July 2005	7/1/2005	002	Total Suspended Solids	1/Week	1	0
July 2005	7/1/2005	002	pH	1/Week	1	0
July 2005	7/1/2005	002	Cyanide, Total	1/Week	1	0
July 2005	7/1/2005	601	Total Suspended Solids	1/Week	1	0
July 2005	7/1/2005	601	CBOD 5 day	1/Week	1	0
July 2005	7/1/2005	601	Chlorine, Total Residu	1/Week	1	0
July 2005	7/1/2005	601	pH	1/Week	1	0
July 2005	7/1/2005	601	Dissolved Oxygen	1/Week	1	0
August 2005	8/1/2005	001	Acute Toxicity, Ceriod	1/Quarter	1	0
August 2005	8/1/2005	001	Chloroform	1/Quarter	1	0
August 2005	8/1/2005	001	Fluoride, Total (F)	1/Quarter	1	0
August 2005	8/1/2005	001	Phenolic 4AAP, Total	1/Quarter	1	0
October 2005	10/8/2005	001	Chlorine, Total Residu	3/Week	3	2
April 2006	4/22/2006	002	Water Temperature	1/Week	1	0
April 2006	4/22/2006	002	Total Suspended Solids	1/Week	1	0
April 2006	4/22/2006	002	pH	1/Week	1	0
April 2006	4/22/2006	002	Cyanide, Total	1/Week	1	0
April 2006	4/22/2006	601	Total Suspended Solids	1/Week	1	0
April 2006	4/15/2006	601	Nitrogen, Ammonia (NH3)	1/2Weeks	1	0
April 2006	4/22/2006	601	CBOD 5 day	1/Week	1	0
April 2006	4/22/2006	601	pH	1/Week	1	0
April 2006	4/22/2006	601	Dissolved Oxygen	1/Week	1	0
May 2006	5/1/2006	001	pH	1/Day	1	0
May 2006	5/2/2006	001	pH	1/Day	1	0
May 2006	5/6/2006	001	pH	1/Day	1	0
May 2006	5/7/2006	001	pH	1/Day	1	0
May 2006	5/8/2006	001	pH	1/Day	1	0
May 2006	5/9/2006	001	pH	1/Day	1	0
May 2006	5/13/2006	001	pH	1/Day	1	0
May 2006	5/14/2006	001	pH	1/Day	1	0
May 2006	5/15/2006	001	pH	1/Day	1	0
May 2006	5/16/2006	001	pH	1/Day	1	0
May 2006	5/20/2006	001	pH	1/Day	1	0
May 2006	5/21/2006	001	pH	1/Day	1	0
May 2006	5/22/2006	001	pH	1/Day	1	0
May 2006	5/23/2006	001	pH	1/Day	1	0
May 2006	5/24/2006	001	pH	1/Day	1	0
May 2006	5/28/2006	001	pH	1/Day	1	0
May 2006	5/29/2006	001	pH	1/Day	1	0
May 2006	5/30/2006	001	pH	1/Day	1	0
May 2006	5/31/2006	001	pH	1/Day	1	0
October 2006	10/31/2006	001	pH	1/Day	1	0

Mr. Dave Renfrew  
Elkem Metals Company  
March 26, 2007  
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Based on the above information, Elkem is not in compliance with the terms and conditions of the NPDES permit and, therefore, subject to enforcement actions pursuant to Chapter 6111 of the Ohio Revised Code. Such actions can result in fines of up to \$10,000 per day of violation. Despite the above violations, Ohio EPA will be processing the NPDES renewal application.

If there are any questions or comments regarding this notification, please contact this office.

Respectfully,



Virginia Wilson, P.E.  
Geological Engineer  
Division of Surface Water

VW/mt

File: Industrial/Elkem Metals Company/ P&C



Environmental  
Protection Agency

Timothy J. Holcomb, Governor  
Lee Fisher, Lt. Governor  
Chris Kucharski, Director

April 29, 2010

RE: ELKEM METALS COMPANY  
NPDES PERMIT NO. 31N00036  
ASHTABULA TWP, ASHTABULA COUNTY  
COMPLIANCE INSPECTION EVALUATION

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. David Renfew, Director  
Human and Environmental Resources  
Elkem Metals Company – Ashtabula LP  
P.O. Box 266  
Pittsburgh, Ohio 15230-0266

Dear Mr. Renfew:

On April 1, 2010, a site inspection was conducted at the above referenced facility at 2700 Lake Road East (State Route 531), Ashtabula Township, Ashtabula County. The inspection was conducted by John Schmidt and Erm Gomes of Ohio EPA's Division of Surface Water (DSW), and John Hujar and Colum McKenna represented Ohio EPA's Division of Solid and Infectious Waste Management (DSIWM). Michael Mearini represented the city of Ashtabula. You represented Elkem Metals Company – Ashtabula LP (Elkem). The purpose of the inspection was to evaluate the facility's compliance status with respect to the terms and conditions of the facility's National Pollutant Discharge Elimination System (NPDES) permit. The last compliance inspection was conducted on March 26, 2007.

The system consists of the following industrial processes and discharges (see attached figure):

Tailings Waste (Elkem Industrial WWTP)

The Elkem Waste Water Treatment Plant (WWTP) consists of a series of settling ponds and processes to adjust the pH for cyanide removal when the facility manufactured calcium carbide. Settling Ponds 1 and 2 have been inactive for many years, with Ponds 3 and 3a last operating. Ohio EPA DSW acknowledges that Ponds 3 and 3a are subject to solid waste closure obligations pursuant to January 7, 2005 Director's Final Findings and Orders (DFFOs).

When the plant was operating, tailings waste from the production of calcium carbide and other plant wastes were placed into Settling Ponds 1, 2, 3, and 3a. Drainage from these ponds flows through perimeter ditches around each pond, terminating at an impounded section of ditch along Russel Rd. (Russel Rd. Ditch). Here waste water enters a pump station and is pumped into a series of three ponds (Ponds 5c, 4a, and 4b) for additional

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Mr. David Renfrew  
Elkem Metals Company – Ashtabula LP  
April 29, 2010  
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settling. Following settling, the waste water flows through a now inoperable pH adjustment for cyanide removal, where chlorine, acids and caustics were used in rapid mix tanks to raise the pH to 9.3. Following pH-chlorine adjustment, waste water was pumped to a series of two additional ponds (Ponds 4c and 4d), where the waste underwent now inoperable pH neutralization to lower the pH to acceptable levels again through the use of chlorine, acids, and caustics in rapid mix tanks. Discharged waste water flows through a channel and piping to Lake Erie through Outfall 001.

#### Sanitary Waste water (Elkem Sanitary WWTP)

Sanitary wastes from Elkem, Praxair, U.S. Aluminate, ASHTA Chemicals, and ESAB Welding flow to a pump station, where wastes are pumped to Elkem's waste water treatment facility. Preliminary treatment consists of digestion and primary settling through an Imhoff tank, secondary treatment consists of a dosing siphon/chamber and trickling filter, pump house, disinfection is accomplished through chlorine and post-chlorination aeration, with disinfection through sulfur dioxide. Monitoring is conducted at a manhole (Outfall 601). Treated sanitary waste water joins storm water and Manhole 002 for discharge through Outfall 002 at the First Energy Ashtabula Plant north of the Elkem facility. Sludge is removed from the Imhoff tanks on a semi-annual basis and dewatered on sludge drying beds. Dewatered sludge is transported to an off-site landfill for disposal.

#### Future Operations of the Elkem Sanitary WWTP

While conducting the inspection of the Elkem Sanitary WWTP, we discussed a proposal between Elkem and the city of Ashtabula to acquire and operate the Elkem Sanitary WWTP. Ashtabula intends to operate the existing WWTP until they construct a sanitary pump station and decommission the WWTP. Waste water flows from the Elkem Sanitary WWTP would then be treated by the City of Ashtabula WWTP. You discussed plans to construct a sewer to separate the under drains from Ponds 3 and 3a from the balance of the storm water currently being treated through the Elkem Industrial WWTP and divert this waste water to the Elkem Sanitary WWTP. Elkem may divert the under drains from Ponds 3 and 3a only after the city of Ashtabula has abandoned the Elkem Sanitary WWTP and constructed a pump station connecting to the Ashtabula City WWTP. Any tie-in of the under drains from Ponds 3 and 3a should be treated as an industrial discharge to the Ashtabula City WWTP collection system.

Per the above preliminary discussions within Ohio EPA, if Ashtabula desires to assume operations and ownership of the Elkem Sanitary WWTP, the City would need to apply for and obtain a new NPDES permit for the Elkem Sanitary WWTP. In addition to the new Ashtabula City permit, Elkem's existing NPDES Permit will need to be modified to reflect the removal of the Elkem Sanitary WWTP monitoring stations from its permit. Elkem and the City of Ashtabula should keep Ohio EPA informed as discussions develop.

Mr. David Renfew  
Elkem Metals Company – Ashtabula LP  
April 29, 2010  
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### Observations

Following are observations made during the inspection.

#### Elkem Sanitary WWTP

1. Outfall 601 (Elkem Sanitary WWTP) was observed to be producing a clear effluent.
2. Examination of the Imhoff tank indicated a growth of algae and significant clumps of grass were observed within the tank. WWTP components must be inspected and maintained. Effluent weirs were dirty and it was apparent that they had not been cleaned in some time.
3. The chlorination system mixing pump was not operational, and attempts to start the pump indicated that there was likely no power to the control panel. You indicated that the mixing pump has not been in operation in the 12 years he has overseen this facility. Post-disinfection aeration was also not operational and again you indicated that the equipment has not been operational in the 12 years you has overseen this facility.
4. Waste water was observed leaking out of the hill from a cracked sewer pipe between the disinfection tank and Outfall 601.
5. None of the equipment in the post-settling pH adjustment building was operational or was destroyed or removed. It was apparent that remaining equipment has not been used in many years. Several process tanks were observed as containing calcified caustic and acids both inside and outside the equipment building. All pH adjustment process equipment, tanks and their contents should be inventoried and removed for appropriate offsite disposal. The site may be subject to Ohio EPA's Cessation of Regulated Operations (CRO) program. Elkem should contact Ohio EPA's CRO program at 330-963-1200 regarding its obligations.
6. None of the equipment in the pre-settling pH adjustment building (Building 163) was operational, and some equipment has been destroyed or removed. Again, it was apparent that remaining equipment has not been used in many years. Several process tanks were observed as containing calcified caustic and acids. All pH adjustment process equipment, tanks and their contents should be inventoried and removed for appropriate offsite disposal.
7. Both pumps at the Russell Rd. Ditch pump house were observed as out of service. You indicated that the equipment was being repaired, and the pump station has been out of service for approximately 6 weeks. There was no

timeframe given for when the pump station would again be operational. Two overflow pipes had been constructed through the berm at the pump house intake to allow waste water to bypass Ponds 5c, 4a, 4b, 4c, and 4d for discharge directly to Lake Erie. You further indicated that this bypass has been in place at the Elkem facility for at least the past 10 years. The bypass was observed as discharging. You also indicated that Elkem was monitoring the discharge for the same parameters as Outfall 001 and reporting the discharge in the eDMR as Outfall 602.

**NPDES Permit Compliance Review**

A review of the electronic discharge self-monitoring reports (eDMRs) received by Ohio EPA for the period March 1, 2007 through March 30, 2010 indicates apparent noncompliance of the terms and conditions of your NPDES permit. Specific instances of noncompliance are as follows:

**Limit Violations**

The following limit violations were noted for the period reviewed:

Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
601	31616	Fecal Coliform	30D Conc	200	200.	6/1/2007

Please provide an explanation as to why the WWTP was unable to achieve this limit.

**Reporting Violations**

The following code/reporting violations were noted for the period reviewed:

Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
601	00530	Total Suspended Solids			AB	3/14/2008
601	00610	Nitrogen, Ammonia (NH3)			AB	6/6/2008

Please provide an explanation as to why flow rates were not recorded in the eDMR for these dates.

The following frequency/reporting violations were noted for the period reviewed:

Station	Reporting Code	Parameter	Sample Frequency	Expected	Reported	Violation Date
002	00010	Water Temperature	1/Week	1	0	06/15/2007
002	00530	Total Suspended Solids	1/Week	1	0	06/15/2007
002	00400	pH	1/Week	1	0	06/15/2007
002	00720	Cyanide, Total	1/Week	1	0	06/15/2007
601	00530	Total Suspended Solids	1/Week	1	0	06/15/2007

Mr. David Renfrew  
 Elkem Metals Company – Ashtabula LP  
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Station	Reporting Code	Parameter	Sample Frequency	Expected	Reported	Violation Date
601	80082	CBOD 5 day	1/Week	1	0	06/15/2007
601	50060	Chlorine, Total Residu	1/Week	1	0	06/15/2007
601	00400	pH	1/Week	1	0	06/15/2007
601	00300	Dissolved Oxygen	1/Week	1	0	06/15/2007
002	00010	Water Temperature	1/Week	1	0	11/22/2007
002	00530	Total Suspended Solids	1/Week	1	0	11/22/2007
002	00400	pH	1/Week	1	0	11/22/2007
002	00720	Cyanide, Total	1/Week	1	0	11/22/2007
601	00530	Total Suspended Solids	1/Week	1	0	11/22/2007
601	80082	CBOD 5 day	1/Week	1	0	11/22/2007
601	00400	pH	1/Week	1	0	11/22/2007
601	00300	Dissolved Oxygen	1/Week	1	0	11/22/2007
601	00610	Nitrogen, Ammonia (NH3	1/2Weeks	1	0	04/15/2008
002	00010	Water Temperature	1/Week	1	0	01/01/2009
002	00530	Total Suspended Solids	1/Week	1	0	01/01/2009
002	00400	pH	1/Week	1	0	01/01/2009
002	00720	Cyanide, Total	1/Week	1	0	01/01/2009
601	00530	Total Suspended Solids	1/Week	1	0	01/01/2009
601	00610	Nitrogen, Ammonia (NH3	1/2Weeks	1	0	01/01/2009
601	80082	CBOD 5 day	1/Week	1	0	01/01/2009
601	00400	pH	1/Week	1	0	01/01/2009
601	00300	Dissolved Oxygen	1/Week	1	0	01/01/2009
601	00010	Water Temperature	1/Day	1	0	02/01/2009
601	00010	Water Temperature	1/Day	1	0	02/02/2009
601	00010	Water Temperature	1/Day	1	0	02/03/2009
601	00010	Water Temperature	1/Day	1	0	02/04/2009
601	00010	Water Temperature	1/Day	1	0	02/06/2009
601	00010	Water Temperature	1/Day	1	0	02/07/2009
601	00010	Water Temperature	1/Day	1	0	02/09/2009
601	00010	Water Temperature	1/Day	1	0	02/10/2009
601	00010	Water Temperature	1/Day	1	0	02/14/2009
601	00010	Water Temperature	1/Day	1	0	02/15/2009
601	00010	Water Temperature	1/Day	1	0	02/16/2009
601	00010	Water Temperature	1/Day	1	0	02/17/2009
601	00010	Water Temperature	1/Day	1	0	02/21/2009
601	00010	Water Temperature	1/Day	1	0	02/22/2009
601	00010	Water Temperature	1/Day	1	0	02/23/2009
601	00010	Water Temperature	1/Day	1	0	02/24/2009
601	00010	Water Temperature	1/Day	1	0	02/28/2009

Please provide an explanation as to why these parameters were not recorded in the eDMR for these dates.

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#### Compliance Schedule Violations

The following compliance schedule violations were noted for the period reviewed.

Permit Effective Date	Permit Expiration Date	Schedule Due Date	Completion Date	Event Code	Schedule Type	Schedule Milestone
6/1/2006	5/31/2013	6/1/2009	Not Complete	95999	Other	Status Report
6/1/2006	5/31/2013	6/1/2007	Not Complete	None	Other	E.Coli Status Report

Ohio EPA could not locate any record of submission of these status reports pursuant to your NPDES permit. Please provide this status report to Ohio EPA Northeast District as soon as possible.

#### Other Violations

1. Failure to Maintain - Elkem Sanitary WWTP [OAC 3745-7-09, Permit Part III, Item 3]: Elkem has failed to maintain its Sanitary WWTP. Elkem must make immediate repairs to the sanitary effluent line from the chlorine tank outfall to monitoring station 601. Effluent weirs in the Imhoff tank and chlorine contact tank must be periodically scraped and the effluent channels cleaned. Mixing pumps and post aeration systems must be repaired.
2. Failure to Maintain - Elkem Industrial WWTP [OAC 3745-7-09, Permit Part III, Item 3]: Elkem has failed to maintain its Industrial WWTP since the pump station has been out of service for at least 6 weeks allowing a total bypass of the treatment works.
  - a. During the site inspection, you disclosed that Elkem was collecting data on the Industrial WWTP pump station bypass and reporting this station as Outfall 602 for the past six weeks. A review of Permit 3IN00036\*LD indicates that there is no permitted outfall 3IN00036602. A review of the eDMR data from March 1, 2007 to March 1, 2010 indicates that flow has been reported at Station 602 since June 1, 2008. It is unclear to Ohio EPA if Elkem has been bypassing the pump station since June 1, 2008, February 15, 2010, or sometime in between. **Please provide the specific date that bypasses at the Industrial WWTP actually commenced.**
  - b. From examination of the eDMR information, it appears that Ekem has been reporting a discharge at Outfall 602 since at least February 15, 2010, and possibly as early as June 1, 2008. The purpose of the minimum of two pumps in a pump station is to facilitate the immediate repair of one pump while the second pump remains in service. Elkem must immediately secure a temporary pump to place the pump station back in operation

while the two permanent pumps are being repaired and are placed back in operation.

- c. Per discussions with Virginia Wilson of this office, Elkem was instructed to monitor the bypass as Station 602 and monitor for the same parameters at the same frequency as Outfall 001 in your current permit. A review of the eDMR data from March 1, 2007 through March 1, 2010 for reported Outfall 602 in comparison to the limits for Outfall 001 indicated the following in excess of Outfall 001 limits:

Station	Reporting Code	Parameter	Limit Type	Outfall 001 Limit	602 Reported Value	Violation Date
602	00400	pH	1D Max	9.0	9.41	1/27/2009
602	00400	pH	1D Max	9.0	9.11	2/19/2009
602	00400	pH	1D Max	9.0	9.78	2/20/2009
602	00400	pH	1D Max	9.0	9.21	2/26/2009
602	00400	pH	1D Max	9.0	9.26	2/27/2009
602	00400	pH	1D Max	9.0	9.89	3/04/2009
602	00400	pH	1D Max	9.0	10.28	3/06/2009
602	00400	pH	1D Max	9.0	9.69	3/13/2009
602	00400	pH	1D Max	9.0	9.42	3/18/2009
602	00400	pH	1D Max	9.0	9.81	3/19/2009
602	00400	pH	1D Max	9.0	9.86	3/20/2009
602	00400	pH	1D Max	9.0	9.85	3/25/2009
602	00400	pH	1D Max	9.0	9.46	3/26/2009
602	00400	pH	1D Max	9.0	9.28	3/27/2009
602	00400	pH	1D Max	9.0	9.92	4/01/2009
602	00400	pH	1D Max	9.0	10.31	4/03/2009
602	00400	pH	1D Max	9.0	9.21	4/15/2009
602	00400	pH	1D Max	9.0	9.02	4/16/2009
602	00400	pH	1D Max	9.0	9.04	4/17/2009
602	00400	pH	1D Max	9.0	9.12	5/06/2009
602	00530	Total Suspended Solids	30D Max	7	7	7/18/2008
602	00530	Total Suspended Solids	30D Max	7	13	8/08/2008
602	00530	Total Suspended Solids	30D Max	7	7	8/15/2008
602	00530	Total Suspended Solids	30D Max	7	100	8/22/2008
602	00530	Total Suspended Solids	30D Max	7	10	8/29/2008
602	00530	Total Suspended Solids	30D Max	7	10	9/05/2008
602	00530	Total Suspended Solids	30D Max	7	10	9/12/2008
602	00530	Total Suspended Solids	30D Max	7	12	10/03/2008
602	00530	Total Suspended Solids	30D Max	7	8	10/31/2008
602	00530	Total Suspended Solids	30D Max	7	8	12/27/2008
602	00530	Total Suspended Solids	30D Max	7	8	1/14/2009
602	00530	Total Suspended Solids	30D Max	7	13	2/13/2009
602	00530	Total Suspended Solids	30D Max	7	16	2/20/2009

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Station	Reporting Code	Parameter	Limit Type	Outfall 001 Limit	602 Reported Value	Violation Date
602	00530	Total Suspended Solids	30D Max	7	11	2/27/2009
602	00530	Total Suspended Solids	30D Max	7	9	3/6/2009
602	00530	Total Suspended Solids	30D Max	7	12	2/13/2009
602	00530	Total Suspended Solids	30D Max	7	15	2/20/2009
602	00530	Total Suspended Solids	30D Max	7	12	3/27/2009
602	00530	Total Suspended Solids	Max	7	AA	4/03/2009
602	00530	Total Suspended Solids	Max	7	7	4/24/2009
602	00530	Total Suspended Solids	Max	7	13	7/1/2009
602	00530	Total Suspended Solids	Max	7	9	7/10/2009
602	00530	Total Suspended Solids	Max	7	7	8/14/2009
602	00530	Total Suspended Solids	Max	7	9	8/21/2009
602	00530	Total Suspended Solids	Max	7	9	1/07/2010
602	00530	Total Suspended Solids	Max	7	7	2/04/2010
602	00530	Total Suspended Solids	Max	7	8	2/18/2010

Please provide an explanation of these exceedences. The exceedences demonstrate that it is imperative that the Elkem Industrial WWTP pump station along Russell Rd. Ditch become operational as soon as possible.

**Comments**

Ohio EPA offers the following comments:

1. Cessation of Regulated Operations: Process areas no longer used and not a part of the treatment system in the Industrial WWTP (pH adjustment areas) must have the systems decommissioned. All pH adjustment process equipment, tanks and their contents should be inventoried and removed for appropriate offsite disposal. These areas are subject to Ohio EPA's Cessation of Regulated Operations (CRO) program, as notified by Ohio EPA in August, 2006. Elkem should contact Kim Gallagher of Ohio EPA's CRO program at 330-963-1200 regarding these obligations.
2. Chlorine and Sulfur Dioxide Storage: During the site inspection, it was noted that both chlorine and sulfur dioxide gas cylinders were stored and utilized adjacent to one another. Typically, these gasses are not stored in the same building due to chemical mixing hazards. Elkem is advised to check with the Occupational Safety and Health Administration (OSHA) regarding this chemical storage.
3. Implementation of Impoundment Closure – Ponds 1, 1a, and 2: Ohio EPA notes that Elkem received a permit-to-install (PTI) to close setting ponds 1, 1a, and 2. Elkem requested and received an extension to complete closure, but to date has not implemented the closure. Elkem must submit a new PTI application for closure of Ponds 1, 1a, and 2 within 60 days of the date of this letter. If

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Elkem Metals Company – Ashtabula LP  
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Ohio EPA does not receive a new PTI Application along with accompanying fees within 60 days of the date of this letter, the Ohio EPA Northeast District Office will refer this matter for enforcement.

4. Impoundment Closure – Ponds 4a, 4b, 4c, 4d, and 5c: Ohio EPA notes that we have never received a permit-to-install (PTI) to close setting ponds 4a, 4b, 4c, 4d, and 5c. Elkem must submit a new PTI application for closure of Ponds 4a, 4b, 4c, 4d, and 5c within 60 days of the date of this letter. If Ohio EPA does not receive a PTI Application along with accompanying fees within 60 days of the date of this letter, the Ohio EPA Northeast District Office will refer this matter for enforcement.
  
5. Storm Water Pollution Prevention Plan: Ohio EPA notes that we do not have a copy of the storm water pollution prevention plan (SWPPP) for this facility, and it is unclear if a document has been prepared or updated. An SWPPP is a living document and must be revised to reflect current operations of the facility, including provisions for both permanent storm water treatment (typically through sedimentation basins) and temporary storm water control through specific activities (construction and/or demolition). Elkem must provide to a new or revised SWPPP within 60 days of the date of this letter. If Ohio EPA does not receive a new/revised SWPPP document within 60 days of the date of this letter, the Ohio EPA Northeast District Office will refer this matter for enforcement.

Frequency violations continue to occur monthly. The current permit must be reviewed by Elkem and its contract operator so that all parameters are monitored and reported at the proper frequency.

Please be advised that failure to submit complete and accurate eDMRs, failure to comply with the compliance schedule in your NPDES permit, failure to adequately operate and maintain your waste water treatment plant, failure to update your SWPPP, and failure to obtain PTIs for your Pond closures is each cause for an enforcement action pursuant to chapter 6111 of the Ohio Revised Code. Based on the above information, Elkem is considered to be in significant noncompliance with the terms and conditions of the NPDES permit and, therefore, subject to enforcement actions pursuant to Chapter 6111 of the Ohio Revised Code. Such actions can result in fines of up to \$10,000 per day of violation.

Please inform this office, in writing, within 14 days from the date of this letter as to the actions that have been or will be taken to correct the above violations, and submit the renewal application for your NPDES permit. Your response should include the dates that the actions have been or will be completed. Please be advised that past or present issues of noncompliance can continue as subjects of

Mr. David Renfew  
Elkem Metals Company – Ashtabula LP  
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future enforcement actions by Ohio EPA. If Ohio EPA does not hear from you in writing within 14 days of the date of this letter, the Ohio EPA Northeast District Office will refer this matter for enforcement.

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/mt

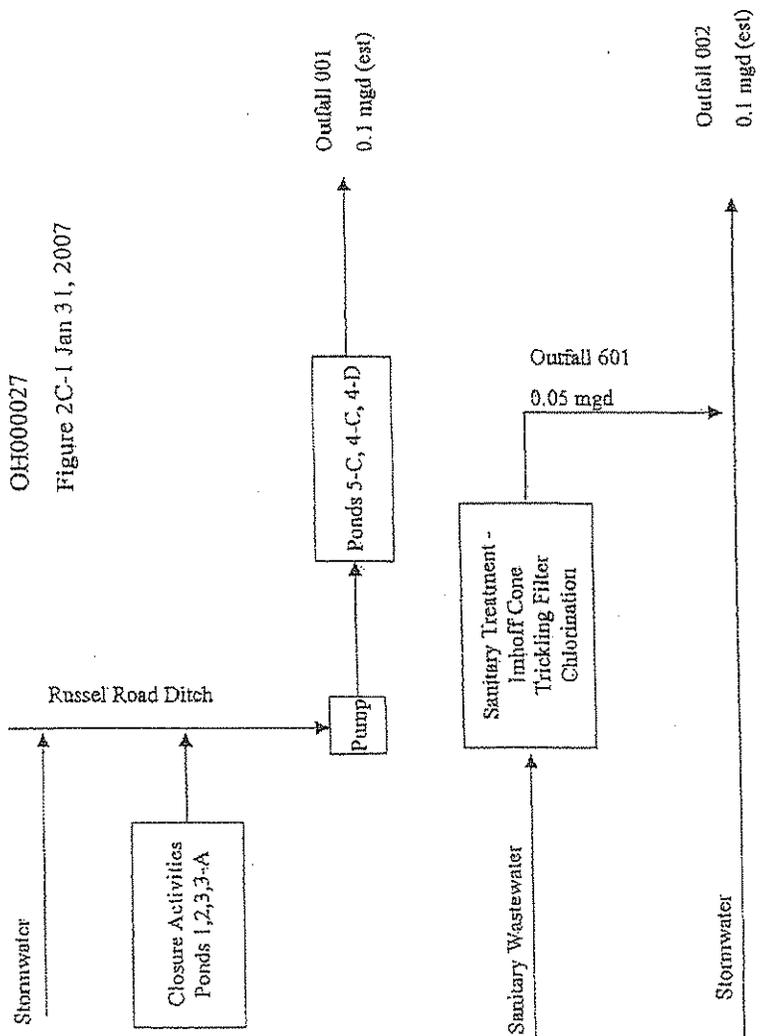
att: Process flow Diagram, Permit 3IB00012 (2 pp) from Permit Application

pc: Kim Gallagher, Ohio EPA DHWM NEDO  
Colum McKenna, Ohio EPA DSWIM NEDO  
Michael Mearini, Superintendent, Ashtabula City WWTP

Elkern Metals Company - Ashtabula LP

OH000027

Figure 2C-1 Jan 31, 2007





SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>X <i>[Signature]</i></p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>David Benfrew  Human &amp; Environmental Resources  Elkem Metals Co - Ashokula LP  PO Box 246  Pittsburgh, PA 15230-0246</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If YES, enter delivery address below:</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <u>7009 1680 0000 6881 4948 (Schmidt 4/30/0)</u></p>	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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Environmental  
Protection Agency

Governor  
Lt. Governor  
Director

May 5, 2011

RE: ELKEM METALS COMPANY  
NPDES PERMIT NO. 3IN00036  
ASHTABULA TWP, ASHTABULA COUNTY  
COMPLIANCE EVALUATION INSPECTION

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. David Renfew, Director  
Human and Environmental Resources  
Elkem Metals Company – Ashtabula LP  
P.O. Box 266  
Pittsburgh, Pennsylvania 15230-0266

Dear Mr. Renfew:

On April 21, 2010 and April 28, 2011, a site inspection was conducted at the above referenced facility at 2700 Lake Road East (State Route 531), Ashtabula Township, Ashtabula County. The inspection was conducted by John Schmidt of Ohio EPA's Division of Surface Water (DSW). You and Wayne Linn represented Elkem Metals Company – Ashtabula LP (Elkem). The purpose of the inspection was to evaluate the facility's compliance status with respect to the terms and conditions of the facility's National Pollutant Discharge Elimination System (NPDES) permit. The last compliance inspection was conducted on April 1, 2010.

The system consists of a sanitary treatment system (Elkem Sanitary WWTP) and an industrial treatment system (Elkem Industrial WWTP). These process remain unchanged from the April 1, 2010 inspection as referenced in the April 29, 2010 Notice of Violation (NOV), hence they will not be repeated here. A figure provided by Elkem is included for reference.

Observations

Following are observations made during the inspection.

Elkem Sanitary WWTP

1. The sanitary wastewater treatment plant, rated at 50,000 gallons per day, and is currently accepting about 30,000 gallons per day. Although the Elkem facility is now closed, Frontier is a tenant that currently is dismantling and recycling light rail cars at the property. The wastewater plant also receives domestic sanitary flow from the adjacent USALCO, Praxair, ESAB, and ASHTA facilities on a daily basis.
2. The plant is operated by Michael Mearini on behalf of Elkem, with assistance provided by Wayne Linn. Mr. Mearini assumed duties as operator of record on April 20, 2011. Prior to April 20, 2011, Elkem had no formal operator of record for this

facility, with Mr. Linn performing routine operations and maintenance. The sanitary plant is required to have a licensed Class I wastewater treatment plant operator for a minimum of three days weekly for a total of 90 minutes weekly.

3. Log books and the operation and a maintenance manual are maintained at the site and were available for inspection.
4. Examination of the Imhoff tank indicated that algae and grass noted in the 2010 inspection have been removed. Effluent weirs have been scrubbed and cleaned, and the tank is functioning as designed.
5. Sludge is removed from the Imhoff tanks by gravity lines to sludge drying beds. Sludge is removed from the sludge drying beds for disposal at a licensed solid waste disposal facility. Sludge was removed from the facility approximately 18 months ago.
6. The trickling filter was observed in satisfactory condition, as was observed in operation during the site visit.
7. The chlorination system mixing pump was not operational, and attempts to start the pump indicated that there was likely no power to the control panel. Chlorine is added to the tank to provide disinfection. Sulfur dioxide is added to the outlet of the tank to provide de-chlorination. Post-disinfection aeration was also not operational. You indicated that the chlorine mixing system and post-disinfection equipment have not been operational in the 12 years you have overseen this facility and was noted during the 2010 compliance inspection.
8. The cracked sewer pipe between the disinfection tank and Outfall 601 observed in the 2010 inspection was repaired on or about April 15, 2010, according to Mr. Renfrew. No leaking wastewater in this area was noted during the inspection.
9. A wet area was observed north of the trickling filters. You indicated that this is due to a damaged valve for the process water distribution system from the Ashtabula County Port Authority, and showed the damaged valve box that was struck by the mowing crew.
10. The final effluent was clear as observed in a manhole at Outfall 601 between the Elkem WWTP and the final outfall (Outfall 002). The Elkem final discharge at the Ashtabula Power Plant (Outfall 002) was observed on April 21, 2010 as submerged at the outlet to Lake Erie. Outfall 601 (Elkem Sanitary WWTP) was observed to be producing an effluent of acceptable visual quality.
11. Samples are collected by Mr. Linn and Mr. Mearini. Mr. Linn and Mr. Mearini perform on-site analysis of pH, chlorine residual, and DO and perform observations of flow, color, odor, and turbidity. Results indicate that the effluent is complying with the permit.
12. Mr. Linn submitted the data to Ohio EPA's electronic discharge monitoring report (e-

DMR) system prior to April 20, 2011. Mr. Linn will continue to submit this information on behalf of Elkem Metals. Mr. Linn may prepare the data, but the eDMR must be "pinned" by Mr. Renfrew. Mr. Renfrew indicated that he may be able to obtain a PIN from Mr. James Roberts in Columbus.

#### Elkem Industrial WWTP

13. Both pumps at the Russell Rd. Ditch pump house were observed as out of service during the 2010 inspection. Mr. Renfrew indicated that these pumps were repaired and brought back into service on or about April 30, 2010. Mr. Renfrew further indicated that the pump was replaced by a newer style in January 2011. The pump station was observed in operating condition, with one pump in the station. Mr. Renfrew indicated that a second pump is maintained at the facility to replace the operating pump in the event of a pump failure. The pump station appears to be operating as designed. The pump station serves a drainage area of approximately 100 ac of the Elkem property.
14. Two overflow pipes had been constructed through the berm at the pump house intake to allow waste water to bypass Ponds 5a, 4a, 4b, 4c, and 4d for discharge directly to Lake Erie. As indicated during the 2010 inspection, this bypass has apparently been in place at the Elkem facility for at least the past 12 years. The bypass was observed as not discharging.
15. The ponds used for settling the industrial wastewater (Ponds 4A, 4B, 4C, 4D, and 5A) appeared in acceptable condition. A former industrial process discharge line to the Pond 5C from No. 4 pump station has been removed as the pump station is no longer in operation. A section of the pipe remains in the pond berm. This pipe should be removed or grouted up to remove a potential overflow from the pond.
16. Seeps were observed along the south side of Pond 2 during the April 21, 2011 inspection by Mr. Winkler and the U.S. Army Corps of Engineers. Due to high water, this area could not be closely inspected during the April 28, 2011 inspection. All ponds need to be routinely inspected and any seeps repaired as needed. Elkem must develop an inspection schedule and maintain records of these inspections and repairs.
17. None of the equipment in the post-settling pH adjustment building was operational or was destroyed or removed, unchanged from the 2010 inspection. None of the equipment in the pre-settling pH adjustment building (Building 163) was operational, and some equipment has been destroyed or removed, again unchanged from the 2010 inspection.

#### Storm Water Management

18. The storm water pollution prevention plan (SWPPP) narrative was provided at the April 21, 2011 meeting. The latest revision date is listed as September 20, 1999. You indicated that the written part of the plan has not been updated since, to your knowledge. Ohio EPA files reflect a map titled *Elkem Metals – Site Drainage Map* dated February 1, 2007. The SWPPP must be reviewed at least annually for any

changes in processes and personnel and updated accordingly. The plan does not reflect activities being conducted by your current tenant.

19. Elkem could not produce any records concerning the last annual site certification or inspection conducted for the facility. Elkem could not produce any records of any employee training on the SWPPP.
20. During both the April 21 and April 28 site visits, Ohio EPA noted that there are several piles of materials from both the demolition operations of the former Elkem Metals manufacturing operations as well as the metals recycling operations of your tenant. The SWPPP document must reflect treatment of waters in contact with materials other than simply passing through a series of settling ponds.

**NPDES Permit Compliance Review**

Elkem operates the sanitary and industrial waste water treatment facilities at its Ashtabula facility under NPDES Permit No. 3IN00036\*LD. A review of the electronic discharge self-monitoring reports (eDMRs) received by Ohio EPA for the period March 1, 2010 through April 1, 2011 indicates apparent noncompliance of the terms and conditions of your NPDES permit. Specific instances of noncompliance are as follows:

**Limit Violations**

The following limit violations were noted for the period reviewed:

Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
001	00530	Total Suspended Solids	30D Conc	3.2	11.25	6/1/2010
001	00530	Total Suspended Solids	1D Conc	7.0	31.	6/10/2010
001	00530	Total Suspended Solids	30D Conc	3.2	3.75	7/1/2010
601	31616	Fecal Coliform	30D Conc	200	274.954	7/1/2010
601	31616	Fecal Coliform	1D Conc	400	2800.	7/8/2010
001	00530	Total Suspended Solids	30D Conc	3.2	12.	9/1/2010
001	00720	Cyanide, Total	30D Conc	0.047	.062	9/1/2010
001	00530	Total Suspended Solids	1D Conc	7.0	12.	9/23/2010
001	00530	Total Suspended Solids	30D Conc	3.2	3.5	11/1/2010
001	50092	Mercury, Total (Low Level)	30D Conc	1.3	8.46	11/1/2010
001	00530	Total Suspended Solids	1D Conc	7	9.	11/4/2010
001	00530	Total Suspended Solids	30D Conc	3.2	4.5	12/1/2010
001	50092	Mercury, Total (Low Level)	30D Conc	1.3	8.86	12/1/2010
001	50092	Mercury, Total (Low Level)	30D Conc	1.3	30.4	1/1/2011
001	50092	Mercury, Total (Low Level)	30D Qty	0.0000	.00004	1/1/2011
001	00530	Total Suspended Solids	30D Conc	3.2	3.5	2/1/2011
001	50092	Mercury, Total (Low Level)	30D Conc	1.3	30.	2/1/2011
001	50092	Mercury, Total (Low Level)	30D Qty	0.0000	.00004	2/1/2011
001	00530	Total Suspended Solids	30D Conc	3.2	7.75	3/1/2011
001	50092	Mercury, Total (Low Level)	30D Conc	1.3	49.	3/1/2011
001	50092	Mercury, Total (Low Level)	30D Qty	0.0000	.00008	3/1/2011
001	00530	Total Suspended Solids	1D Conc	7	11.	3/3/2011
001	00530	Total Suspended Solids	1D Conc	7	10.	3/11/2011

Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
001	00530	Total Suspended Solids	1D Conc	7	B.	3/17/2011

Based upon the above information, Elkem is in significant noncompliance for both mercury and suspended solids. Elkem responded to the June 2010, July 2010, September 2010, and March 2011 violations with written responses dated July 22, 2010, August 26, 2010, October 28, 2010 and April 25, 2011. A written explanation as to why these remaining limit violations occurred must be provided along with measures to ensure that they are not repeated. If you feel some of Ohio EPA's reporting records are in error, you may wish to reenter this information through the eDMR system or mail your data to Ohio EPA DSW central office and request that the data be entered on your behalf. Ohio EPA's eDMR support staff may also be available to assist you in this matter. Emailing questions to [James.Roberts@epa.state.oh.us](mailto:James.Roberts@epa.state.oh.us) is the quickest way to get a response if you have a specific question with the eDMR program or how to make corrections to what is reported in the eDMR program.

#### Reporting Violations

The following code/reporting violations were noted for the period reviewed:

Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
001	70300	Residue, Total Filterable			AB	1/20/2011
001	50060	Chlorine, Total Residual			AF	2/1/2011
001	00400	pH			AF	2/1/2011
001	00719	Cyanide, Free			AF	2/1/2011
601	00010	Water Temperature			AF	2/1/2011
601	00083	Color, Severity			AF	2/1/2011
601	01330	Odor, Severity			AF	2/1/2011
601	01350	Turbidity, Severity			AF	2/1/2011
001	50060	Chlorine, Total Residual			AF	2/2/2011
001	00400	pH			AF	2/2/2011
001	00719	Cyanide, Free			AF	2/2/2011
601	00010	Water Temperature			AF	2/2/2011
601	00083	Color, Severity			AF	2/2/2011
601	01330	Odor, Severity			AF	2/2/2011
601	01350	Turbidity, Severity			AF	2/2/2011
001	00530	Total Suspended Solids			AF	2/3/2011
001	50060	Chlorine, Total Residual			AF	2/3/2011
001	00400	pH			AF	2/3/2011
001	01094	Zinc, Total Recoverable			AF	2/3/2011
001	01119	Copper, Total Recoverable			AF	2/3/2011
001	00720	Cyanide, Total			AF	2/3/2011
001	70300	Residue, Total Filterable			AF	2/3/2011
001	00719	Cyanide, Free			AF	2/3/2011
601	00010	Water Temperature			AF	2/3/2011
601	00083	Color, Severity			AF	2/3/2011
601	00530	Total Suspended Solids			AF	2/3/2011

Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
601	00610	Nitrogen, Ammonia (NH3			AF	2/3/2011
601	01330	Odor, Severity			AF	2/3/2011
601	01350	Turbidity, Severity			AF	2/3/2011
601	80082	CBOD 5 day			AF	2/3/2011
601	00400	pH			AF	2/3/2011
601	00300	Dissolved Oxygen			AF	2/3/2011
001	00400	pH			AF	2/4/2011
601	00010	Water Temperature			AF	2/4/2011
601	00083	Color, Severity			AF	2/4/2011
601	01330	Odor, Severity			AF	2/4/2011
601	01350	Turbidity, Severity			AF	2/4/2011
001	00400	pH			AF	2/5/2011
601	00010	Water Temperature			AF	2/5/2011
601	00083	Color, Severity			AF	2/5/2011
601	01330	Odor, Severity			AF	2/5/2011
601	01350	Turbidity, Severity			AF	2/5/2011
001	00400	pH			AF	2/6/2011
601	00010	Water Temperature			AF	2/6/2011
601	00083	Color, Severity			AF	2/6/2011
601	01330	Odor, Severity			AF	2/6/2011
601	01350	Turbidity, Severity			AF	2/6/2011
001	00400	pH			AF	2/7/2011
601	00010	Water Temperature			AF	2/7/2011
601	00083	Color, Severity			AF	2/7/2011
601	01330	Odor, Severity			AF	2/7/2011
601	01350	Turbidity, Severity			AF	2/7/2011
001	00400	pH			AF	2/8/2011
601	00010	Water Temperature			AF	2/8/2011
601	00083	Color, Severity			AF	2/8/2011
601	01330	Odor, Severity			AF	2/8/2011
601	01350	Turbidity, Severity			AF	2/8/2011
001	00400	pH			AF	2/9/2011
601	00010	Water Temperature			AF	2/9/2011
601	00083	Color, Severity			AF	2/9/2011
601	01330	Odor, Severity			AF	2/9/2011
601	01350	Turbidity, Severity			AF	2/9/2011
001	00400	pH			AF	2/10/2011
601	00010	Water Temperature			AF	2/10/2011
601	00083	Color, Severity			AF	2/10/2011
601	01330	Odor, Severity			AF	2/10/2011
601	01350	Turbidity, Severity			AF	2/10/2011
001	00400	pH			AF	2/11/2011
601	00010	Water Temperature			AF	2/11/2011
601	00083	Color, Severity			AF	2/11/2011
601	01330	Odor, Severity			AF	2/11/2011
601	01350	Turbidity, Severity			AF	2/11/2011
001	50060	Chlorine, Total Residual			AF	2/12/2011

Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
001	00400	pH			AF	2/12/2011
601	00010	Water Temperature			AF	2/12/2011
601	00083	Color, Severity			AF	2/12/2011
601	01330	Odor, Severity			AF	2/12/2011
601	01350	Turbidity, Severity			AF	2/12/2011
001	50060	Chlorine, Total Residual			AF	2/13/2011
001	00400	pH			AF	2/13/2011
601	00010	Water Temperature			AF	2/13/2011
601	00083	Color, Severity			AF	2/13/2011
601	01330	Odor, Severity			AF	2/13/2011
601	01350	Turbidity, Severity			AF	2/13/2011
001	00530	Total Suspended Solids			AF	2/14/2011
001	50060	Chlorine, Total Residual			AF	2/14/2011
001	00400	pH			AF	2/14/2011
001	00720	Cyanide, Total			AF	2/14/2011
001	70300	Residue, Total Filterable			AF	2/14/2011
001	00719	Cyanide, Free			AF	2/14/2011
601	00010	Water Temperature			AF	2/14/2011
601	00083	Color, Severity			AF	2/14/2011
601	01330	Odor, Severity			AF	2/14/2011
601	01350	Turbidity, Severity			AF	2/14/2011
001	00400	pH			AF	2/15/2011
601	00010	Water Temperature			AF	2/15/2011
601	00083	Color, Severity			AF	2/15/2011
601	01330	Odor, Severity			AF	2/15/2011
601	01350	Turbidity, Severity			AF	2/15/2011
001	00400	pH			AF	2/16/2011
601	00010	Water Temperature			AF	2/16/2011
601	00083	Color, Severity			AF	2/16/2011
601	01330	Odor, Severity			AF	2/16/2011
601	01350	Turbidity, Severity			AF	2/16/2011

Ohio EPA notes that the "AF" reporting code is to be used when the sample site is inaccessible due to flooding or freezing. Note that this code is limited only to daily samples. For samples that are required to be sampled weekly or monthly, Ohio EPA expects that stations would be sampled as soon as sample locations become accessible within the time window specified in the eDMR. Please provide a written description as to the circumstances which caused the entire site to be inaccessible for monitoring for the dates reported to the eDMR.

The following frequency/reporting violations were noted for the period reviewed:

Station	Reporting Code	Parameter	Sample Frequency	Expected	Reported	Violation Date
001	32106	Chloroform	1/Quarter	1	0	08/01/2010
001	00951	Fluoride, Total (F)	1/Quarter	1	0	08/01/2010

001	32730	Phenolic 4AAP, Total	1/Quarter	1	0	08/01/2010
001	00720	Cyanide, Total	1/Week	1	0	03/22/2011
001	70300	Residue, Total Filterable	1/Week	1	0	03/22/2011

Elkem provided an explanation for the August 2010 violations in correspondence with Ohio EPA dated September 30, 2010. Please provide a written explanation as to why the March 2010 samples were not collected at the specified frequency.

#### Compliance Schedule Violations

The following compliance schedule violations were noted for the period reviewed.

Permit Effective Date	Permit Expiration Date	Schedule Due Date	Completion Date	Event Code	Schedule Type	Schedule Milestone
6/1/2006	5/31/2013	6/1/2009	Not Complete	95999	Other	Status Report
6/1/2006	5/31/2013	6/1/2007	Not Complete	None	Other	E.Coli Status Report
6/1/2006	5/31/2013	9/1/2007	Not Complete	None	Other	E Coli PTI if needed
6/1/2006	5/31/2013	6/1/2008	Not Complete	95999	Other	E Coli Status Report
6/1/2006	5/31/2013	4/1/2009	Not Complete	05699	Other	E Coli Compliance
6/1/2006	5/31/2013	6/1/2007	Not Complete	None	Other	Hg Compliance Letter
6/1/2006	5/31/2013	6/1/2008	Not Complete	None	Other	Hg NPDES Mod if need
6/1/2006	5/31/2013	6/1/2008	Not Complete	None	Other	Apply Hg Variance

Given the time that has elapsed since these milestones were due, Elkem is in **significant noncompliance** with its NPDES permit for these milestones. Ohio EPA could not locate any record of submission of these status reports pursuant to your NPDES permit. Please provide this status report to Ohio EPA Northeast District as soon as possible.

#### Other NPDES and ORC Chapter 6111 Noncompliance

1. Impoundment Closure – Ponds 1, 1a, 2, 4a, 4b, 4c, 4d, and 5a: Ohio EPA notes that Elkem received a permit-to-install (PTI) to close setting ponds 1, 1a, and 2 in 2007. Elkem requested and received an extension to complete closure, but to date has not implemented the closure. Ohio EPA also requested that a PTI be submitted for the closure of Pond Nos. 4a, 4b, 4c, 4d, and 5a. Elkem has failed to timely implement the closure and therefore must submit a new PTI application for closure of Ponds 1, 1a, and 2 within 60 days of the date of this letter. The revised closure plan must also include the closure of Ponds 4a, 4b, 4c, 4d, and 5a, as these ponds are no longer receiving process industrial wastewater. If Ohio EPA does not receive a new PTI Application along with accompanying fees within 60 days of the date of this letter, the Ohio EPA Northeast District Office will refer this matter for enforcement.
2. Storm Water Pollution Prevention Plan: Ohio EPA notes that we do not have a current copy of the storm water pollution prevention plan (SWPPP) for this facility, and it is unclear if the 1999 document shown to Ohio EPA at the April 21, 2010 inspection has been ever updated. An SWPPP is a living document and must be

revised to reflect current operations of the facility, including provisions for both permanent storm water treatment (typically through sedimentation basins) and temporary storm water control through specific activities (construction and/or demolition). Elkem must provide to a new or revised SWPPP within 60 days of the date of this letter. If Ohio EPA does not receive a new/revised SWPPP document within 60 days of the date of this letter, the Ohio EPA Northeast District Office will refer this matter for enforcement.

#### Comments

Ohio EPA offers the following comments:

1. Cessation of Regulated Operations: Process areas no longer used and not a part of the treatment system in the Industrial WWTP (pH adjustment areas) must have the systems decommissioned. All pH adjustment process equipment, tanks and their contents should be inventoried and removed for appropriate offsite disposal. These areas are subject to Ohio EPA's Cessation of Regulated Operations (CRO) program, as notified by Ohio EPA in August, 2006 and again in April 2010. Elkem must contact Frank Popotnik of Ohio EPA's CRO program at 330-963-1198 regarding these obligations as soon as possible. Ohio EPA will expect that the process areas of the Elkem Industrial WWTP no longer used to be decommissioned, inventoried, and removed for appropriate offsite disposal with 60 days of the date of this letter.
2. Water Quality Certifications for Proposed Closure of Ponds 1, 1a, and 2: During our April 21, 2011 site visit, we also met with Brian Henterberger, Doug Smith, Richard Ruby, Brent Laspada, and Scott Pickard of the U.S. Army Corps of Engineers, Buffalo District, as well as Scott Winkler of Ohio EPA, DSW Water Quality Program. During that meeting we discussed the utilization of dredging from the Ashtabula River as structural fill in the closure of Ponds 1, 1a, and 2. Mr. Renfrew will provide the U.S. Army Corps with actual pond depths of Ponds 1, 1a, and 2. At the April 21, 2011 meeting with the U.S. Army Corps, Mr. Renfrew estimated the depths of Ponds 1, 1a, and 2 at 1-3 feet, 0 feet (dry), and 6 feet respectively. Soundings would be obtained by Elkem and provided to the Army Corps as soon as weather permits. The U.S. Army Corps indicated that they had an aggressive schedule to follow, and that dredging would be anticipated to occur in the spring to summer of 2012. These activities must be reflected in the revised closure plan and a modification of Elkem's NPDES permit. Treatment of waters generated by the placement of the structural fill is anticipated to be included in a Clean Water Act 401/404 Water Quality Certification but also must be reflected as a modification of Elkem's NPDES permit. An NPDES modification such as this will be subject to anti-degradation requirements; therefore it is imperative that adequate time be given to allow for the anti-degradation permitting process. This information should be referenced in the revised closure plan for Ponds 1, 1a, 2, 4a, 4b, 4c, 4d, and 5a.
3. Construction of Pump Station to replace Elkem Sanitary WWTP and Elkem Industrial WWTP: During our April 21, 2011 and April 28, 2011 site visits, Elkem disclosed that it has contracted with William Boyle Engineering to prepare a PTI application to construct a pump station to replace the Elkem Sanitary WWTP and to tie under

drains from Ponds 3 and 3a into this system. Ohio EPA notes that the discharge channels from Ponds 4a, 4b, 4c, 4d, and 5a will also need to be provided with similar treatment until they are capped. It is also important to note that any industrial waste proposed to be accepted by the City of Ashtabula is subject to Ashtabula's Industrial Pretreatment program and the federal and state laws and regulations that govern that program. Please provide Ohio EPA a schedule as to when we can expect this PTI. The PTI should also include provisions for a new storm water pond or another appropriate treatment system to treat storm water and to replace storm water treatment currently being provided by Ponds Nos. 4a, 4b, 4c, 4d, and 5a. Elkem will also need to provide proposals of how to treat storm water containing mercury.

4. Chlorine and Sulfur Dioxide Storage and Use: Ohio EPA notes that both chlorine dioxide and chlorine continue to be stored and used in the same building. Liquid chlorine is being used, but the self-contained breathing apparatus (SCBA) station is empty. These may be in violation of Occupational Safety and Health Administration (OSHA) rules. You and your operator should evaluate the safety of your current disinfection and dechlorination chemical usage and storage practices.

Frequency violations continue to occur monthly. The current permit must be reviewed by Elkem and its contract operator so that all parameters are monitored and reported at the proper frequency.

Please be advised that failure to submit complete and accurate eDMRs, failure to comply with the compliance schedule in your NPDES permit, failure to adequately operate and maintain your waste water treatment plant, failure to update your SWPPP, and failure to obtain PTIs for your Pond closures is each cause for an enforcement action pursuant to chapter 6111 of the Ohio Revised Code. Based on the above information, Elkem is considered to be in significant noncompliance with the terms and conditions of the NPDES permit and, therefore, subject to enforcement actions pursuant to Chapter 6111 of the Ohio Revised Code. Such actions can result in fines of up to \$10,000 per day of violation.

Please inform this office, in writing, within 14 days from the date of this letter as to the actions that have been or will be taken to correct the above violations. Your response should include the dates that the actions have been or will be completed. Please be advised that past or present issues of noncompliance can continue as subjects of future enforcement actions by Ohio EPA. If Ohio EPA does not hear from you, in writing, within 14 days of the date of this letter, the Ohio EPA Northeast District Office will refer this matter for enforcement.

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

Respectively,

**COPY**

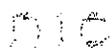
John M. Schmidt P.E., R.S.  
Environmental Engineer  
Division of Surface Water

JMS/mt

att: Process flow Diagram, Permit 31B00012 (2 pp) from Permit Application

ec: Ted Conlin, DSW NEDO  
Scott Winkler, DSW NEDO

pc: Frank Popotnik, Ohio EPA DHWM NEDO  
Colum McKenna, Ohio EPA DSWIM NEDO  
Michael Mearini, Superintendent, Ashtabula City WWTP



**Environmental  
Protection Agency**

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

September 12, 2011

**RE: ELKEM METALS COMPANY  
NPDES PERMIT NO. 3IN00036  
ASHTABULA TWP, ASHTABULA COUNTY  
COMPLIANCE EVALUATION INSPECTION  
NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Mr. David Renfew, Director  
Human and Environmental Resources  
Elkem Metals Company – Ashtabula LP  
P.O. Box 266  
Pittsburgh, Pennsylvania 15230-0266

Dear Mr. Renfew:

On September 7, 2011, a site inspection was conducted at the above referenced facility at 2700 Lake Road East (State Route 531), Ashtabula Township, Ashtabula County. The inspection was conducted by John Schmidt of Ohio EPA's Division of Surface Water (DSW). You and Wayne Linn represented Elkem Metals Company – Ashtabula LP (Elkem). The purpose of the inspection was to evaluate the facility's compliance status with respect to the terms and conditions of the facility's National Pollutant Discharge Elimination System (NPDES) permit and to follow up on an inspection conducted in April 2011. The last compliance inspection were conducted on April 21 and 28, 2011.

The system consists of a sanitary treatment system (Elkem Sanitary WWTP) and an industrial treatment system (Elkem Industrial WWTP). These process remain unchanged from the April 21 and 28, 2011 inspections as referenced in the May 5, 2011 Notice of Violation (NOV), hence they will not be repeated here. A figure provided by Elkem is included for reference.

**Observations**

Following are observations and notations made during the inspection:

**Elkem Sanitary WWTP**

1. The sanitary wastewater treatment plant, rated at 50,000 gallons per day, is currently accepting about 30,000 gallons per day. Although the Elkem facility is now closed, Frontier is a tenant that currently is dismantling and recycling light rail cars at the property. The wastewater plant also receives domestic sanitary flow from the adjacent USALCO, Praxair, ESAB, and ASHTA facilities on a daily basis.
2. The plant is operated by Michael Mearini on behalf of Elkem, with assistance provided by Wayne Linn. Mr. Mearini assumed duties as operator of record on April 20, 2011 and is the operator of record for the facility.

3. Log books and the operation and a maintenance manual are maintained at the site and were available for inspection.
4. Examination of the Imhoff tank indicated that the tank is reasonably clean and functional. Effluent weirs need cleaning again, and some vegetation is noted at the effluent that must be removed.
5. Sludge is removed from the Imhoff tanks by gravity lines to sludge drying beds. Sludge is removed from the sludge drying beds for disposal at a licensed solid waste disposal facility. Sludge was removed from the facility approximately 23 months ago.
6. The trickling filter was observed as containing vegetation that must be removed, and only two of the four spray arms are functional.
7. The chlorination system mixing pump remains inoperable. Chlorine is added to the tank to provide disinfection. Sulfur dioxide is added to the outlet of the tank to provide de-chlorination. Post-disinfection aeration is also inoperable. Mr. Renfrew indicated that the chlorine mixing system and post-disinfection equipment have not been operational in the 12 years you have overseen this facility.
8. The water line valve box north of the trickling filters has been damaged again. This valve box was noted as damaged during the 2010 inspection.
9. The final effluent was clear as observed in a manhole at Outfall 601 between the Elkem WWTP and the final outfall (Outfall 002). The Elkem final discharge at the Ashtabula Power Plant (Outfall 002) was observed on April 21, 2010 as submerged at the outlet to Lake Erie. Outfall 601 (Elkem Sanitary WWTP) was observed to be producing an effluent of acceptable visual quality.
10. Samples are collected by Mr. Linn and Mr. Mearini. Mr. Linn and Mr. Mearini perform on-site analysis of pH, chlorine residual, and DO and perform observations of flow, color, odor, and turbidity. Results indicate that the effluent is complying with the permit. Mr. Linn inputs data into the eDMR system on behalf of Elkem Metals, with the pinning of the reports done by Mr. Renfrew.

#### Elkem Industrial WWTP

11. The pump at the Russell Road Ditch pump house was observed in operating condition with one pump in the station. Mr. Renfrew indicated that a second pump is maintained at the facility to replace the operating pump in the event of a pump failure. The pump station appears to be operating as designed. The pump station serves a drainage area of approximately 100 acres of the Elkem property.
12. Two overflow pipes had been constructed through the berm at the pump house intake to allow waste water to bypass Ponds 5a, 4a, 4b, 4c, and 4d for discharge directly to Lake Erie. As indicated during the April 2011 inspection, this bypass has apparently been in place at the Elkem facility for at least the past 12 years. The bypass was observed as not discharging.

Mr. David Renfrew, Elkem Metals Ashtabula LP  
Elkem Ashtabula Facility  
September 12, 2011  
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13. The ponds used for settling the industrial wastewater (Ponds 4A, 4B, 4C, 4D, and 5A) appeared in acceptable condition. A former industrial process discharge line to the Pond 5C from No. 4 pump station has been removed as the pump station is no longer in operation. A section of the pipe remains in the pond berm. This pipe should be removed or grouted up to remove a potential overflow from the pond.
14. Seeps were observed along the south side of Pond 2 during the April 21, 2011 inspection by Mr. Winkler and the U.S. Army Corps of Engineers. Due to high water, this area could not be closely inspected during the April 28, 2011 inspection. All ponds need to be routinely inspected and any seeps repaired as needed. Elkem must develop an inspection schedule and maintain records of these inspections and repairs.
15. None of the equipment in the post-settling pH adjustment building was operational and had been destroyed or removed. None of the equipment in the pre-settling pH adjustment building (Building 163) was operational, and some equipment had been destroyed or removed.

#### Storm Water Management

16. The storm water pollution prevention plan (SWPPP) narrative was provided at the April 21, 2011 meeting. The latest revision date is listed as September 20, 1999. You indicated that the written part of the plan has not been updated since, to your knowledge. Ohio EPA files reflect a map titled *Elkem Metals – Site Drainage Map* dated February 1, 2007. The SWPPP must be reviewed at least annually for any changes in processes and personnel and updated accordingly. The plan does not reflect activities being conducted by your current tenant and your contractor that is closing Ponds 3 and 3a.
17. Elkem could not produce any records concerning the last annual site certification or inspection conducted for the facility. Elkem could not produce any records of any employee training on the SWPPP.
18. During both the April 21 and April 28 site visits, Ohio EPA noted that there are several piles of materials from both the demolition operations of the former Elkem Metals manufacturing operations as well as the metals recycling operations of your tenant. The SWPPP document must reflect treatment of waters in contact with materials other than simply passing through a series of settling ponds.

#### NPDES Permit Compliance Review

A review of the electronic discharge self-monitoring reports (eDMRs) received by Ohio EPA for the period April 1, 2011 through August 1, 2011 indicates apparent noncompliance of the terms and conditions of your NPDES permit. Specific instances of noncompliance are as follows:

Limit Violations

The following limit violations were noted for the period reviewed:

Event Code	Event Date	Parameter	Limit Type	Limit	Reported Value	Violation Date
001	00530	Total Suspended Solids	1D Conc	7	9.	7/7/2011
001	00530	Total Suspended Solids	1D Conc	7	8.	7/14/2011
001	00530	Total Suspended Solids	30D Conc	3.2	6.	7/1/2011
001	50092	Mercury, Total (Low Level)	30D Conc	1.3	13.5	7/1/2011
601	31648	E. coli	30D Conc	126	160.	7/1/2011
001	50092	Mercury, Total (Low Level)	30D Conc	1.3	26.	4/1/2011
001	50092	Mercury, Total (Low Level)	30D Qty	0.0000	.00005	4/1/2011
001	50092	Mercury, Total (Low Level)	30D Conc	1.3	13.	5/1/2011
001	50092	Mercury, Total (Low Level)	30D Qty	0.0000	.00002	5/1/2011
001	00530	Total Suspended Solids	1D Conc	7	8.	6/23/2011
001	00530	Total Suspended Solids	30D Conc	3.2	6.	6/1/2011
001	50092	Mercury, Total (Low Level)	30D Conc	1.3	5.59	6/1/2011

Based upon the above information, Elkem continues in **significant noncompliance** for both mercury and suspended solids. Elkem responded to the April 2011, May 2011, June 2011, and July 2011 violations with written responses dated July 8, 2011 and August 5, 2011. Elkem must locate the source of mercury and make necessary changes to its monitoring station to control for total suspended solids (TSS). **Frequency violations continue to occur monthly. The current permit must be reviewed by Elkem and its contract operator so that all parameters are monitored and reported at the proper frequency.**

Compliance Schedule Violations

The following compliance schedule violations were noted for the period reviewed:

Event Code	Event Date	Event Description	Event Status	Event Code	Schedule Type	Compliance Action
6/1/2006	5/31/2013	6/1/2009	Not Complete	95999	Other	Status Report
6/1/2006	5/31/2013	6/1/2007	Not Complete	None	Other	E.Coli Status Report
6/1/2006	5/31/2013	9/1/2007	Not Complete	None	Other	E Coli PTI if needed
6/1/2006	5/31/2013	6/1/2008	Not Complete	95999	Other	E Coli Status Report
6/1/2006	5/31/2013	4/1/2009	Not Complete	05699	Other	E Coli Compliance
6/1/2006	5/31/2013	6/1/2007	Not Complete	None	Other	Hg Compliance Letter
6/1/2006	5/31/2013	6/1/2008	Not Complete	None	Other	Hg NPDES Mod if need
6/1/2006	5/31/2013	6/1/2008	Not Complete	None	Other	Apply Hg Variance

Given the time that has elapsed since these milestones were due, Elkem is in **significant noncompliance** with its NPDES permit for these milestones. Ohio EPA could not locate any record of submission of these status reports pursuant to your NPDES permit. Please provide this status report to Ohio EPA Northeast District as soon as possible.

Mr. David Renfew, Elkem Metals Ashtabula LP  
Elkem Ashtabula Facility  
September 12, 2011  
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Other NPDES and ORC Chapter 6111 Noncompliance

1. Impoundment Closure – Ponds 1, 1a, 2, 4a, 4b, 4c, 4d, and 5a: Ohio EPA notes that Elkem received a permit-to-install (PTI) to close setting ponds 1, 1a, and 2 in 2007. Elkem requested and received an extension to complete closure, but to date has not implemented the closure. Ohio EPA also requested that a PTI be submitted for the closure of Pond Nbs. 4a, 4b, 4c, 4d, and 5a. Elkem has failed to timely implement the closure and therefore must submit a new PTI application for closure of Ponds 1, 1a, and 2. The revised closure plan must also include the closure of Ponds 4a, 4b, 4c, 4d, and 5a. Within 60 days of the date of this letter, please submit a new PTI or a schedule for the proposed submittal of a new PTI.
2. Storm Water Pollution Prevention Plan: Ohio EPA notes that we do not have a current copy of the storm water pollution prevention plan (SWPPP) for this facility. An SWPPP must be revised to reflect current operations of the facility, including provisions for both permanent storm water treatment and temporary storm water control for specific activities (construction and/or demolition). Also, the walk-through of buildings at the facility identified areas of unsecured materials that could leak or drain into sumps and floor drains at the facility to enter the WWTP. Elkem must provide to a new or revised SWPPP by September 30, 2011.

**Comments**

Ohio EPA offers the following comments:

1. Cessation of Regulated Operations: Process areas no longer used and not a part of the treatment system in the Industrial WWTP (pH adjustment areas) must have the systems decommissioned. All pH adjustment process equipment, tanks and their contents should be inventoried and removed for appropriate offsite disposal. These areas are subject to Ohio EPA's Cessation of Regulated Operations (CRO) program, as notified by Ohio EPA in August, 2006 and again in April 2010. Elkem must contact Frank Popotnik of Ohio EPA's CRO program at (330) 963-1198 regarding these obligations as soon as possible. Ohio EPA will expect that the process areas of the Elkem Industrial WWTP no longer being used to be decommissioned, inventoried, and removed for appropriate off-site disposal with 60 days of the date of this letter.
2. Construction of Pump Station to replace Elkem Sanitary WWTP and Elkem Industrial WWTP: During our April 21, 2011 and April 28, 2011 site visits, Elkem disclosed that it has contracted with William Boyle Engineering to prepare a PTI application to construct a pump station to replace the Elkem Sanitary WWTP and to tie under drains from Ponds 3 and 3a into this system. (Ohio EPA notes that the discharge channels from Ponds 4a, 4b, 4c, 4d, and 5a will also need to be provided with similar treatment until they are capped and there is no longer a discharge from these units.) Please provide Ohio EPA a schedule as to when we can expect this PTI. Elkem will also need to provide proposals of how to treat storm water containing mercury. Elkem must provide a schedule for either a PTI for the pump station to replace the sanitary WWTP or a schedule to make improvements to the sanitary WWTP.

Mr. David Renfrew, Elkem Metals Ashtabula LP  
Elkem Ashtabula Facility  
September 12, 2011  
Page 6

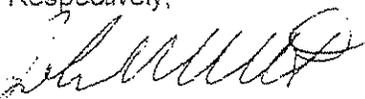
3. Chlorine and Sulfur Dioxide Storage and Use: Ohio EPA notes that both chlorine dioxide and chlorine continue to be stored and used in the same building. Liquid chlorine is being used, but the self-contained breathing apparatus (SCBA) station is empty. These may be in violation of Occupational Safety and Health Administration (OSHA) rules. You and your operator should evaluate the safety of your current disinfection and dechlorination chemical usage and storage practices.

Please be advised that failure to submit complete and accurate eDMRs, failure to comply with the compliance schedule in your NPDES permit, failure to adequately operate and maintain your waste water treatment plant, failure to update your SWPPP, and failure to obtain PTIs for your Pond closures is each cause for an enforcement action pursuant to chapter 6111 of the Ohio Revised Code. Based on the above information, Elkem is considered to be in significant noncompliance with the terms and conditions of the NPDES permit and, therefore, subject to enforcement actions pursuant to Chapter 6111 of the Ohio Revised Code. Such actions can result in fines of up to \$10,000 per day of violation.

During this inspection, you indicated that you would be responding to Ohio EPA's May 5, 2011 NOV by September 30, 2011. You must inform this office, in writing, by September 30, 2011 as to the actions that have been or will be taken to correct the above violations. Your response should include the dates that the actions have been or will be completed. Please be advised that past or present issues of noncompliance can continue as subjects of future enforcement actions by Ohio EPA. If Ohio EPA does not hear from you, in writing, by September 30, 2011, the Ohio EPA Northeast District Office will refer this matter for enforcement.

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/cl

att: Process flow Diagram, Permit 31B00012 from Permit Application

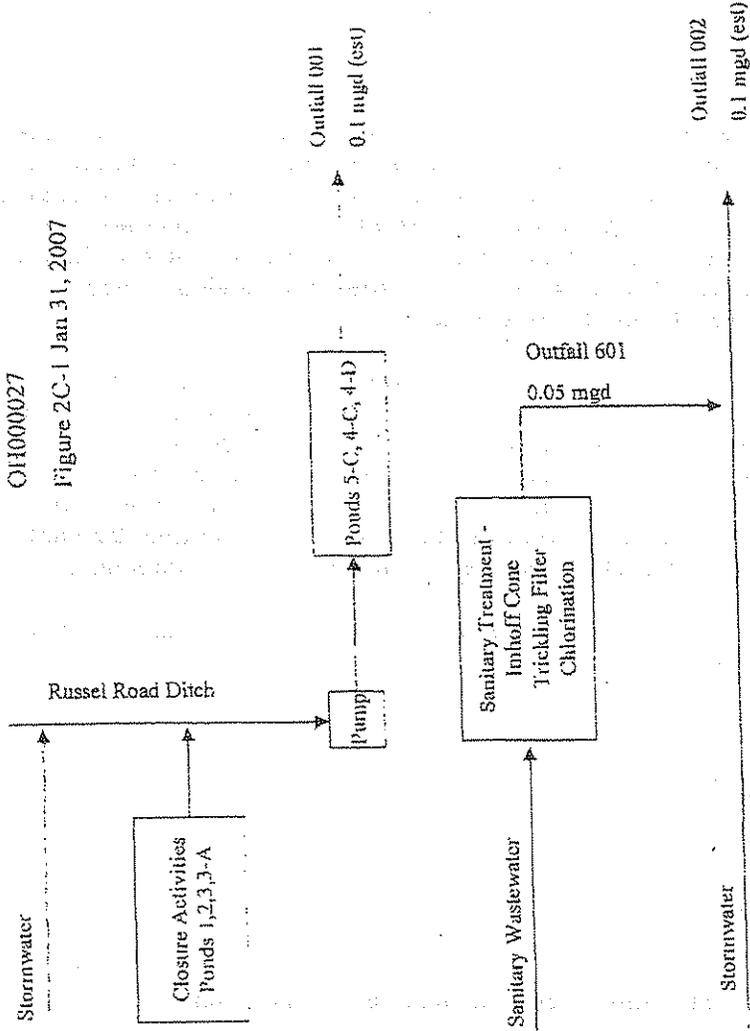
ec: Ted Conlin, DSW NEDO  
Scott Winkler, DSW NEDO

pc: Frank Popotnik, Ohio EPA DHWM NEDO  
Colum McKenna, Ohio EPA DSWIM NEDO  
Michael Mearini, Supt, Ashtabula City WWTP

Elkem Metals Company - Ashabula LLP

OH0000027

Figure 2C-1 Jan 31, 2007



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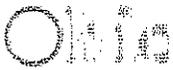
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Sent To: Mr. David Renfew, Director  
Human and Environmental Resources  
Elkem Metals Company – Ashtabula LP  
P.O. Box 266  
Pittsburgh, Pennsylvania 15230-0266

Street, Apt. No.,  
or PO Box No.  
City, State, ZIP+



Environmental  
Protection Agency

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

August 14, 2012

RE: EMC ASHTABULA LP  
(FORMER ELKEM METALS ASHTABULA)  
NPDES PERMIT NO. 3IN00036  
ASHTABULA TWP, ASHTABULA COUNTY  
COMPLIANCE EVALUATION INSPECTION

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. David Renfew, Vice President  
EMC Metals Company – Ashtabula LP  
P.O. Box 266  
Pittsburgh, PA 15230-0266

Dear Mr. Renfew:

On June 14, 2012, a site inspection was conducted at the above referenced facility at 2700 Lake Road East (State Route 531), Ashtabula Township, Ashtabula County. The inspection was conducted by John Schmidt of Ohio EPA's Division of Surface Water (DSW). You represented EMC Metals Inc. / EMC Ashtabula LP (EMC), formerly Elkem Metals Company – Ashtabula LP (Elkem). The purpose of the inspection was to evaluate the facility's compliance status with respect to the terms and conditions of the facility's National Pollutant Discharge Elimination System (NPDES) permit and to follow up on an inspection conducted in April 2011. The last compliance inspections were conducted on April 21, 2011, April 28, 2011, and September 7, 2011.

The system consists of a sanitary treatment system (EMC Sanitary WWTP) and an industrial treatment system (EMC Industrial WWTP). Calcium carbide stored in Building C1P is currently being staged outdoors awaiting shipment to Carbide Industries of Calvert City, TN via railcar. The staging area is incorporated into the revised storm water pollution prevention plan (SWPPP). In the fall of 2011, EMC commenced dewatering Pond 5C in preparation for its closure. Another process change is that flow from Pond 4C was blocked off until EMC received authorization for a process change to treat cyanide wastes. No other process changes in treatment are noted from the 2011 inspections; hence they will not be repeated here. A figure provided by EMC is included for reference. Of note is that the NPDES permit was transferred from Elkem Metals Company – Ashtabula LP to EMC Ashtabula, LP. The request was made on December 22, 2011. The NPDES transfer was made and became effective on April 1, 2012.

As discussed above, dewatering of Pond 5C has commenced. A process change being requested by EMC is that in May 2012 Pond 5C was discovered to have elevated levels of cyanide while dewatering the pond. Instead of being allowed to discharge, the outfall of Pond 4D upstream of Pond 5C was sealed off and Pond 4C is acting as an impoundment with no discharge. EMC proposes to treat the wastewater with chlorine to remove the cyanide and add acid to adjust the pH - operations that were permitted when the plant processed calcium carbide. Per our discussions, EMC will submit a letter to Ohio EPA outlining the specific treatment and duration of treatment. To-date, Ohio EPA has not received this process change request.

Observations

Following are observations and notations made during the inspection:

Elkem Sanitary wastewater treatment plant (WWTP)

1. The sanitary WWTP, rated at 50,000 gallons per day, is currently accepting about 10,000 gallons per day. The drop in flow is attributed to ESAB winding down operations at their Ashtabula facility. The wastewater plant also receives domestic sanitary flow from the adjacent USALCO, Praxair, ESAB, and ASHTA facilities on a daily basis.
2. Although the EMC (Elkem) facility is now used primarily for warehousing, Frontier remains as a tenant that currently is dismantling and recycling light rail cars at the property.
3. The plant is operated by Michael Mearini on behalf of EMC, with assistance provided by Wayne Linn and Dave Renfrew. Mr. Mearini assumed duties as Operator of Record (ORC) on April 20, 2011. Mr. Mearini inspects the facility three times weekly.
4. Log books, a copy of NPDES permit, a copy of the ORC contract, and operation/maintenance manual are maintained at the site and were available for inspection. The inspection and observation sheets of the sanitary treatment system should be maintained in a bound book instead of loose-leaf sheets. The log book was compliant with OAC 3745-7-09.
5. The south Imhoff tank receives flow from ESAB, ASHTA, Praxair, and USALCO. The tank was noted as full of duckweed. Some vegetation was also noted in the tank that needs to be removed. The north Imhoff tank receives flow from EMC only. This tank has a larger accumulation of vegetation that needs to be removed.
6. Sludge is removed from the Imhoff tanks by gravity lines to sludge drying beds. Sludge is removed from the sludge drying beds for disposal at a licensed solid waste disposal facility. Sludge was removed from the beds on June 11, 2011 and is currently stockpiled adjacent to the 4-series sedimentation ponds. As this is not an authorized location to stockpile sludge per your NPDES permit, this is considered open dumping under Ohio Revised Code (ORC) 3734. Per your NPDES permit, this sludge must be removed and taken to a solid waste disposal facility.
7. The trickling filter was observed to be free of vegetation; however, only two of the four spray arms are functional. All arms of the trickling filter must be made functional.
8. The pump from the trickling filter to the chlorine contact tank was not functioning properly. This must be immediately investigated and repaired. A second pump must be provided in the pit or a spare pump maintained at the site for immediate replacement.
9. The chlorination system mixing pump remains inoperable. Chlorine is added to the tank to provide disinfection. Sulfur dioxide is added to the outlet of the tank to provide de-chlorination. Post-disinfection aeration is also inoperable. Mr. Renfrew indicated that the chlorine mixing system and post-disinfection equipment have not been operational in the 13 years he has overseen this facility.

10. Due to the inoperable chlorine contact influent pump, the final effluent at Outfall 601 between the Elkem WWTP and the final outfall (Outfall 002) could not be observed. The EMC final discharge at the Ashtabula Power Plant (Outfall 002) was submerged at the outlet to Lake Erie as observed on May 17, 2012. Outfall 601 (EMC Sanitary WWTP) was observed to be producing an effluent of acceptable visual quality.
11. Samples are collected by Mr. Linn, Mr. Renfrew, and Mr. Mearini, who perform on-site analysis of pH, chlorine residual, as well as observations of flow, color, odor, and turbidity. Mr. Linn inputs data into the eDMR system on behalf of EMC, with the pinning of the reports done by Mr. Renfrew.

#### Elkem Industrial WWTP

12. The pump at the Russell Road Ditch pump house was observed in operating condition with one pump in the station. Mr. Renfrew indicated that a second pump is maintained at the facility to replace the operating pump in the event of a pump failure. The pump station appears to be operating as designed. The pump station serves a drainage area of approximately 100 acres of the EMC property.
13. Two overflow pipes had been constructed through the berm at the pump house intake to allow wastewater to bypass Ponds 5A, 4A, 4B, 4C, and 4D for discharge directly to Lake Erie. As indicated during the April 2011 inspection, this bypass has apparently been in place at the EMC facility for at least the past 13 years. The bypass was observed as not discharging.
14. The ponds used for settling the industrial wastewater (Ponds 4A, 4B, 4C, 4D, and 5A) appeared in acceptable condition. A former industrial process discharge line to the Pond 5C from No. 4 pump station has been removed as the pump station is no longer in operation. Pond 4D is acting as an impoundment with no discharge.
15. Some of the equipment in the post-settling pH adjustment building was not operational and had been destroyed or removed. None of the equipment in the pre-settling pH adjustment building (Building 163) appears operational, with some equipment destroyed or removed.

#### Storm Water Management

16. The SWPPP was available for inspection. The plan was last revised on January 19, 2012, and is planned to be revised again with the pending NPDES modification. The annual inspection was completed in December 2011, and the annual certification was conducted on January 19, 2012.
17. EMC could not produce any records of any employee training on the SWPPP, and acknowledged that training has not been performed on the new plan. This training must be scheduled as soon as possible and must include members of both EMC and Frontier.
18. During the site visit, Ohio EPA and EMC noted that there are several piles of materials from both the demolition operations of the former EMC manufacturing operations as well as demolition of outlet structures from the ponds and a mobile home/office. The SWPPP document must reflect treatment of waters in contact with materials other than simply passing through a series of settling ponds.

NPDES Permit Compliance Review

A review of the electronic discharge self-monitoring reports (eDMRs) received by Ohio EPA for the period August 1, 2011 through May 1, 2012 indicates apparent noncompliance of the terms and conditions of your NPDES permit. Specific instances of noncompliance are as follows:

Limit Violations

The following limit violations were noted for the period reviewed:

Station	Reporting Code	Parameter	Limit Type	Limit	Reported Value	Violation Date
601	00530	Total Suspended Solids	30D Conc	30	64.75	8/1/2011
601	00530	Total Suspended Solids	30D Qty	5.68	7.35236	8/1/2011
601	00530	Total Suspended Solids	1D Conc	45	236.	8/25/2011
601	00530	Total Suspended Solids	1D Qty	8.52	26.7978	8/25/2011
001	00530	Total Suspended Solids	30D Conc	3.2	4.25	9/1/2011
001	50092	Mercury, Total (Low Level)	30D Conc	1.3	35.1	9/1/2011
001	00530	Total Suspended Solids	30D Conc	3.2	4.	11/1/2011
001	00530	Total Suspended Solids	1D Conc	7	9.	11/10/2011
001	00530	Total Suspended Solids	30D Conc	3.2	5.33333	12/1/2011
001	50092	Mercury, Total (Low Level)	30D Conc	1.3	23.7	12/1/2011
001	50092	Mercury, Total (Low Level)	30D Conc	1.3	19.5	1/1/2012
001	00530	Total Suspended Solids	30D Conc	3.2	4.875	2/1/2012
001	50092	Mercury, Total (Low Level)	30D Conc	1.3	11.7	2/1/2012
001	00530	Total Suspended Solids	1D Conc	7	8.	2/2/2012
001	50092	Mercury, Total (Low Level)	30D Conc	1.3	4.66	3/1/2012
001	50092	Mercury, Total (Low Level)	30D Conc	1.3	8.31	4/1/2012

Based upon the above information, EMC continues in significant noncompliance for both mercury and total suspended solids (TSS). EMC responded to the August 2011, September 2011, November 2011, December 2011, January 2012, February 2012, March 2012, and April 2012 violations with written responses dated September 7, 2011, September 30, 2011, November 1, 2011, February 8, 2012, March 14, 2012, April 3, 2012, April 5, 2012, and May 2, 2012.

The noncompliance of TSS, both daily and monthly, has been attributed to a low flow through a very shallow discharge ditch, with water picking up seeds and leaves from the flowers and weeds growing along the ditch, but the flow is not enough to disperse them and they end up in the sample. EMC should consider the installation of a boom immediately upstream of the sample location and keep vegetation trimmed in vicinity of the sampling location to control floating debris. EMC must immediately make necessary changes to its monitoring station to control TSS. Mercury, even from offsite sources, requires EMC to submit a mercury variance application and a pollutant minimization plan. EMC must locate the source of mercury. EMC indicated that they have retained the services of a consultant who is preparing the mercury variance application. Frequency violations continue to occur monthly. EMC must take appropriate measures to ensure that these violations do not continue and submit a mercury variance application, along with an NPDES permit modification request.

Reporting Violations

No reporting code or reporting frequency violations were noted for the time period reviewed.

Compliance Schedule Violations

The following compliance schedule violations were noted for the period reviewed.

Permit Effective Date	Permit Expiration Date	Schedule Due Date	Completion Date	Event Code	Schedule Type	Schedule Milestone
6/1/2006	5/31/2013	6/1/2009	Not Complete	95999	Other	E Coli Status Report
6/1/2006	5/31/2013	6/1/2007	Not Complete	None	Other	E.Coli Status Report
6/1/2006	5/31/2013	9/1/2007	Not Applicable	None	Other	E Coli PTI if needed
6/1/2006	5/31/2013	4/1/2009	04/01/2009	05699	Other	E Coli Compliance
7/1/2012	5/31/2013	10/1/2012	Not Complete	None	Other	Hg Compliance Letter
7/1/2012	5/31/2013	10/1/2012	Not Complete	None	Other	Hg NPDES Mod if need
7/1/2012	5/31/2013	10/1/2012	Not Complete	None	Other	Apply Hg Variance
7/1/2012	5/31/2013	12/31/2013	Not Complete	None	Construction	Closure of Pond 5C
7/1/2012	5/31/2013	12/31/2014	Not Complete	None	Construction	Closure of Ponds 1,2
7/1/2012	5/31/2013	12/31/2014	Not Complete	None	Construction	Closure of 4A-B-C-D,1A
7/1/2012	5/31/2013	30 d prior	Not Complete	None	Construction	Leachate Mgmt Plan
7/1/2012	5/31/2013	Quarterly	Not Complete	None	Construction	Closure Status Report

Ohio EPA understands that EMC evaluated the E Coli data gathered in 2008, but did not submit a status report to Ohio EPA. A status report is forthcoming. Given the time that has elapsed since these milestones were due, EMC remains in **significant noncompliance** with its previous NPDES permit for the E Coli milestones. Ohio EPA could not locate any record of submission of these status reports or NPDES modifications pursuant to your NPDES permit. EMC acknowledged that they did not send an E Coli status report in 2009 although they did evaluate the E coli and the evaluation did not warrant submitting a PTI for any disinfection improvements. EMC also acknowledged that they are aware of the NPDES modification requirements and mercury variance request, which is currently under preparation. **Please provide these status reports to Ohio EPA Northeast District as soon as possible.**

**Comments**

Ohio EPA offers the following comments:

1. Cessation of Regulated Operations: Process areas no longer used and not a part of the treatment system in the Industrial WWTP (pH adjustment areas) must have the systems decommissioned. All pH adjustment process equipment, tanks and their contents should be inventoried and removed for appropriate offsite disposal. These areas are subject to Ohio EPA's Cessation of Regulated Operations (CRO) program, as notified by Ohio EPA in August, 2006 and again in April 2010. EMC should confirm its CRFO status with Frank Popotnik of Ohio EPA's CRO program at 330-963-1198. **Ohio EPA will expect that the process areas of the EMC Industrial WWTP no longer being used to be decommissioned, inventoried, and removed for appropriate offsite disposal.**
2. Construction of Pump Station to replace Elkem Sanitary WWTP and Elkem Industrial WWTP: During the 2011 inspections, EMC disclosed that it has contracted with William Boyle Engineering to prepare a PTI application to construct a pump station to replace the EMC Sanitary WWTP and to tie under drains from Ponds 3 and 3a into this system. Please provide Ohio EPA a schedule as to when we can expect this PTI. EMC must also apply for a mercury variance and include a pollutant minimization plan to address treatment of storm water containing mercury. EMC must provide a schedule for either a PTI for the pump station to replace the sanitary WWTP or a schedule to make improvements to the sanitary WWTP.

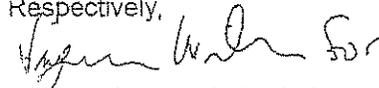
3. Chlorine and Sulfur Dioxide Storage and Use: Ohio EPA notes that both chlorine dioxide and chlorine continue to be stored and used in the same building. Liquid chlorine is being used, but the self-contained breathing apparatus (SCBA) station is empty. These may be in violation of Occupational Safety and Health Administration (OSHA) rules. You and your operator should evaluate the safety of your current disinfection and dechlorination chemical usage and storage practices.
4. Closure Plan for Ponds 1, 1A, 2, 4A, 4B, 4C, 4D, and 5C: EMC is advised that the milestones referenced in the closure plan and NPDES permit must be followed, and that once dewatering activities commence, leachate from Ponds 3 and 3A must be collected in portable storage tanks for off-site disposal at a licensed publically-owned treatment works unless other authorization is obtained.

Please be advised that failure to comply with effluent limits and compliance schedule in your NPDES permit, failure to adequately operate and maintain your wastewater treatment plant, and failure to update your SWPPP is each cause for an enforcement action pursuant to chapter 6111 of the ORC. Based on the above information, Elkem is considered to be in significant noncompliance with the terms and conditions of the NPDES permit and, therefore, subject to enforcement actions pursuant to Chapter 6111 of the ORC. Such actions can result in fines of up to \$10,000 per day of violation.

You must inform this office, in writing, by July 15, 2012 as to the actions that have been or will be taken to correct the above violations. Your response should include the dates that the actions have been or will be completed. Please be advised that past or present issues of noncompliance can continue as subjects of future enforcement actions by Ohio EPA. If Ohio EPA does not hear from you, in writing, by July 15, 2012, the Ohio EPA Northeast District Office will refer this matter for enforcement.

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

Respectively,



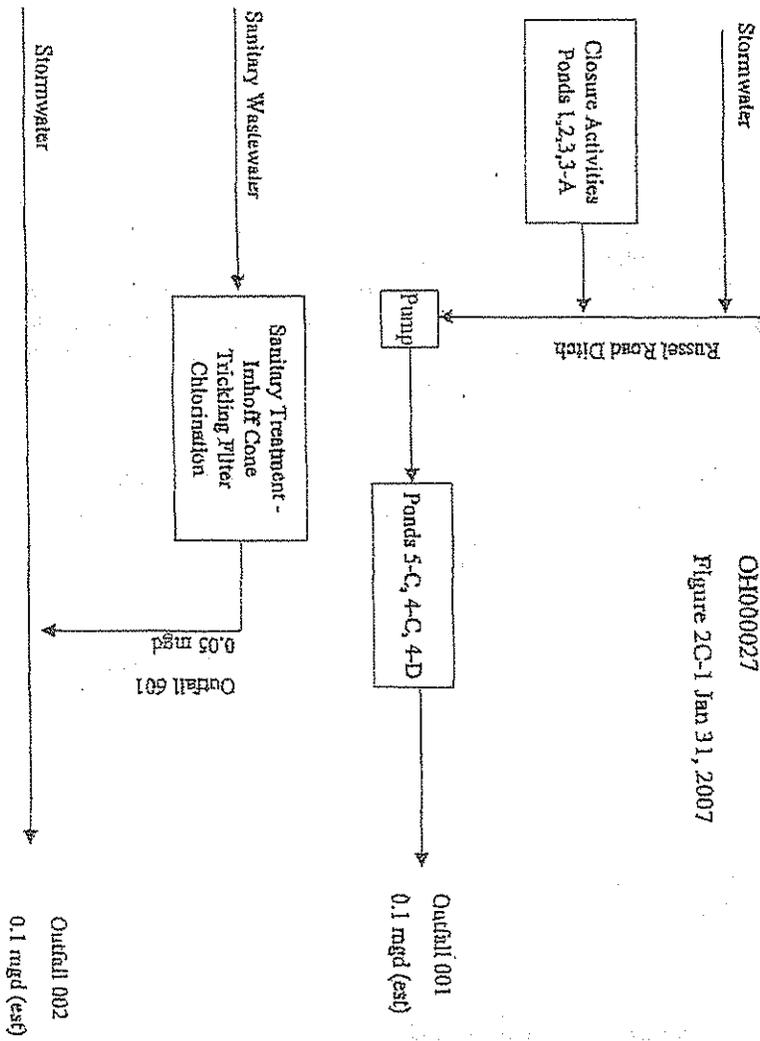
John M. Schmidt P.E., R.S.  
Environmental Engineer  
Division of Surface Water

JMS/cs

cc: Frank Popotnik, Ohio EPA, DHWM, NEDO  
Michael Mearini, Supt, Ashtabula City WWTP  
Colum McKenna, Ohio EPA, DSWIM, NEDO  
Bill Fishbein, Ohio EPA, Legal, CO

ec: Ted Conlin, Ohio EPA, DSW, NEDO  
Scott Winkler, Ohio EPA, DSW, NEDO

Attachments: Process flow Diagram, Permit 31B00012 from Permit Application



Elkem Metals Company - Ashtabula LP  
 OH000027  
 Figure 2C-1 Jan 31, 2007