



**Environmental  
Protection Agency**

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

OHIO E.P.A.

MAY 11 2012

ENTERED DIRECTOR'S JOURNAL

**CERTIFIED MAIL**



May 11, 2012

Jeffrey M. McKinney, Manager  
Safety, Health and Environmental Affairs  
Eramet Marietta, Inc.  
16705 State Route 7  
Marietta, Ohio 45750-0299

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By Dan Cassler Date: 5-11-12

**Re: Closure Plan Approval  
For REMOVAL and DECONTAMINATION  
Eramet Marietta, Inc.  
834 Crystallizer Spill Area  
OHD 004 325 411**

Dear Mr. McKinney:

On February 24, 2012, Eramet Marietta, Inc., submitted to Ohio EPA a closure plan for the 834 Crystallizer Area, process code S03, located at 16705 State Route 7 Marietta, Ohio. The closure plan was submitted pursuant the February 15, 2012 Consent Order and Final Judgment Entry in order to demonstrate that Eramet Marietta's proposal for closure complies with the substantive requirements of OAC rules 3745-55-11 and 3745-55-12.

The owner or operator and the public were given the opportunity to submit written comments regarding the closure plan in accordance with the hazardous waste rule requirements. No public comments were received by Ohio EPA.

Based upon review of Eramet Marietta's submittal, I conclude that the closure plan for the hazardous waste facility at 16705 State Route 7 Marietta, Ohio, meets the performance standard contained in OAC rule 3745-55-11, and complies with the pertinent parts of OAC rule 3745-55-12.

The closure plan submitted to Ohio EPA on February 24, 2012 by Eramet Marietta, Inc., is hereby approved.

Compliance with the approved closure plan is expected. Ohio EPA will monitor such compliance. Ohio EPA expressly reserves the right to take action, pursuant to chapters

3734. and 6111. of the Ohio Revised Code, and other applicable law, to enforce such compliance and to seek appropriate remedies in the event of noncompliance with the provisions of this approved closure plan. Please be advised that approval of this closure plan does not release Eramet Marietta Inc., from any responsibilities regarding corrective action for all releases of hazardous waste or constituents from any waste management unit, regardless of the time at which waste was placed in the unit.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 (made payable to "Treasurer of the State of Ohio") which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
77 South High Street, 17<sup>th</sup> Floor  
Columbus, Oh 43215

When closure is completed, OAC rule 3745-55-15 requires the owner or operator of a facility to submit to the Director of Ohio EPA, certification by the owner or operator and an independent, registered professional engineer, that the facility has been closed in accordance with the approved closure plan. The certification by the owner or operator shall include the statement found in OAC rule 3745-50-42(D). These certifications should be submitted to:

Ohio Environmental Protection Agency  
Division of Environmental Response and Revitalization  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Edwin Lim, Engineering Section

A copy should also be sent to:

Ohio Environmental Protection Agency  
Division of Environmental Response and Revitalization  
Southeast District Office,  
2195 Front Street  
Logan, Ohio 43138  
Attn: John Rochotte

If you have any questions about implementing this closure plan, contact John Rochotte at 740-380-5262.

Sincerely,



Scott J. Nally  
Director

cc: John Rochotte, DERR, SEDO  
Don Vogel, DERR, CO  
Ed Lim, Manager, Engineering, DERR, CO  
Connie Livchak, FARU-DMWM, CO  
Brad Hauser, RADMU-DMWM, CO