Re: AMG Vanadium LLC; Permit - Intermediate; Public Response; RCRA C – Hazardous Waste; Guernsey County; OHD042319244

Project: AMG Vanadium LLC, Renewal Permit

Agency Contacts for this Project

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Ohio EPA held a comment period beginning June 5, 2019, regarding the draft issuance of a hazardous waste permit renewal. This document summarizes the comments received during the associated comment period, which ended on July 26, 2019.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health. Often, public concerns fall outside the scope of that authority. Ohio EPA may respond to those concerns in this document by identifying another government agency with more direct authority over the issue.

Comments from AMG Vanadium

Comment 1: Module A, Section 1, Effect of Permit, paragraph (a), incorrectly identifies the dates of permit application submittal and last update as the dates received by Ohio EPA, rather than the dates identified on the documents. The Permit application was submitted (document dated) on November 12, 2017 and last updated (document dated) on April 12, 2019. The dates should be revised accordingly.

Response 1: The permit application was submitted on November 1, 2017, and last updated on April 12, 2019. Permit Condition A.1(a) has been updated to reflect this correction.
Comment 2: Module A, Section 14, Retention of Records and Information Repository, paragraph (d) references “post-closure.” AMG is not subject to post-closure and therefore the phrase “and for disposal facilities for the post-closure care period as well” should be removed.

Response 2: Ohio EPA agrees and Permit Condition A.14(d) has been updated to reflect this correction.

Comment 3: Module A, Section 26, Ohio Annual Permit Disposal and Treatment Fees, includes the following language, which should be removed:

“The fees for the off-site disposal and/or treatment of hazardous wastes, calculated pursuant to OAC Rules 3745-50-33 and 3745-50-35, and payable to the Treasurer of the State, must be submitted to the Director on or before the fortieth day after the end of the month to which the return applies. The permittee subject with these requirements must prepare and file with the director monthly returns showing the total tonnage disposed and/or treated and the total amount of the fee to be submitted to the director.”

Ohio Administrative Code (“OAC”) Rules 3745-50-33 and 3745-50-35 are not applicable to AMG’s operations and the above language will cause confusion.

OAC 3745-50-33 requires that owners or operators of disposal facilities that are off-site facilities shall collect fees. An “of-site facility” is “a facility that treats or disposes of hazardous waste that is generated off the premises of the facility.” OAC 3745-50-32(B). AMG does not meet the definition of an off-site facility as it does not treat or dispose as the term is discussed below.

OAC 3745-50-35 requires that owners or operators of treatment facilities that are not an on-site facility shall collect a fee of two dollars per ton on hazardous waste treated at the facility. “Treatment does not include any method, technique, or process designed to recover energy or material resources from the waste or to render the waste amenable for recovery.” OAC 3745-50-35(B). AMG’s operations, in fact, recover material resources.
Response 3: Ohio EPA agrees and Permit Condition A.26 has been updated to reflect this correction.

Comment 4: Module A, Section 27(i), Updated Closure Cost Estimate, incorrectly references financial assurance. AMG is not subject to preparing a cost estimate for post-closure or corrective action as indicated in the paragraph. The paragraph should be revised to:

“Section G of the permit application containing the cost estimate for closure must be updated annually as set forth in OAC Rule 3745-55-42.”

Response 4: Ohio EPA agrees and has modified Permit Condition A.27(i) to state, “Section G of the permit application containing the cost estimate for closure must be updated annually as set forth in OAC Rule 3745-55-42.”

Comment 5: Module A, Section 27(ii), Updated Financial Assurance Mechanism for Closure, references post-closure and corrective action. AMG is not subject to financial assurance for these programs. Therefore, the language “post-closure care, and corrective action” and “post-closure/corrective action” should be removed.

Response 5: Ohio EPA agrees and Permit Condition A.27(ii) has been updated to reflect this correction.

Comment 6: Module A, Section 28, Information to be Maintained at the facility, paragraph (viii) should be removed as AMG is not subject to post closure.

Response 6: Ohio EPA agrees and Permit Condition A.28(viii) has been updated to reflect this correction.

Comment 7: Module B, Section 6, Personal Training, the reference to “Section 2” in paragraph (a) should be updated to “Section 2.10” for accuracy and consistency.

Response 7: Module B.6(a) of the permit has been updated to reflect this correction.
Comment 8: Module B, Section 36, Cost Estimate for Facility Closure, paragraph (c) references post-closure. AMG is not subject to post closure and the language “or post-closure” should be removed.

Response 8: Ohio EPA agrees and Permit Condition B.36(c) has been updated to reflect this correction.

Comment 9: Module E, Section 5(a), RFI Workplan, includes language which should be revised as follows:

The Permittee must submit, if applicable, a written RFI Workplan to Ohio EPA within ninety (90) days of Closure of RMSB #1, or, on a time frame established by Ohio EPA.

An RFI Workplan, at the discretion of Ohio EPA, is only applicable following the Closure of RMSB #1 as it relates to the Former Bulk Mixing Area. RMSB #1 remains operational with no plans or schedule for Closure. The language without the above described amendment provides no specificity on the scope of the RFI Workplan and incorrectly requires an RFI Workplan submission following the effective date of the RCRA Permit. In addition, activities associated with the Former Bulk Mixing Area can be adequately addressed through the Closure Plan and would not require a duplicative RFI Workplan.

Response 9: Ohio EPA agrees and has modified Permit Condition E.5(a) to state, “The Permittee must submit, if applicable, a written RFI Workplan to Ohio EPA within ninety (90) days of Closure of RMSB #1, or, on a time frame established by Ohio EPA.”

Comment 10: Module E, Section 12, Documents Requiring Professional Engineer Stamp, appears to be incorrectly titled and should be changed to “Completion of Corrective Action.”

Response 10: Ohio EPA agrees and Permit Condition E.12 has been updated to reflect this correction.

Comment 11: Module E, Section 13, Scheduling of Compliance, appears to be incorrectly titled and should be changed to “Documents Requiring Professional Engineer Stamp.”

Response 11: Ohio EPA agrees and Permit Condition E.13 has been updated to reflect this correction.
Comment 12: Module G, Module Highlights, has three paragraphs that should be updated for accuracy and consistency with the Permit Application. Paragraph four should be updated to reference RMSB #3, as appropriate, and read as follows:

“Spent catalyst is delivered to the facility primarily in bulk railcars. The railcar is weighed and sampled upon arrival according to the Waste Analysis Plan (Attachment B of the permit application). The railcar is unloaded using an enclosed conveyor. If the material is to be stored in either RMSB #2 or #3, the conveyor discharges into RMSB #2. This material is then, as demand requires, transported to storage areas in RMSB #2 or #3 by heavy equipment, or transported directly to the Roaster Feed Hoppers without prior storage in a RMSB. Alternatively, if the spent catalyst is to be stored in RMSB #1, the enclosed conveyor will discharge to a covered dump truck for transport. Spent catalyst will be relocated to RMSB #2 or #3 prior to roasting. Spent catalyst or wastes may also be delivered to the site by truck (bulk or containerized) or in Vac Boxes by truck or rail. In these instances, the material would be weighed then offloaded directly in a RMSB or at the unloading dock as the rear of the Mill Building where they would be staged for less than 48 hours prior to being transferred into a RMSB.”

Paragraph five should be updated for accuracy and consistency with the Contingency Plan for timing of an insignificant release cleanup by changing “immediately cleaned up” to “promptly cleaned up.”

Paragraph six should be updated to reflect a monthly rather than every two weeks Method 22 procedure for accuracy and consistency with the Inspection Program.

Response 12: Ohio EPA agrees and Module G, Module highlights has been updated to reflect these corrections.

Comment 13: Module G, Section 1, Containment Buildings Storage/Quantity Limitation, paragraph (a) should be updated to accurately reflect the total authorized storage volume of 28,582 cubic yards which is the sum of the individual storage capacities within the table of paragraph (a).
Additionally, paragraph (a) should be updated to reflect the renewal date, if applicable, of the Variance to read as follows:

“For the purpose of determining compliance with storage limitation, materials covered by “variance from classification as a waste” originally issued September 26, 2006, amended on November 18, 2008, and renewed on [INSERT DATE] must be included in storage totals.”

Response 13: Ohio EPA agrees and Permit Condition G.1(a) has been updated to reflect this correction. Additionally, Permit Condition G.1(a) has been updated to include the renewal date for AMG’s Variance, which was renewed on June 28, 2019.

Comment 14: Module G, Section 4, Design and Construction Standards, the reference to “Section 9” should be updated to “Section 8” for accuracy and consistency.

Response 14: Ohio EPA agrees and Permit Condition G.4 has been updated to reflect this correction.

End of Response to Comments