



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
COLUMBIA ENVIRONMENTAL FIELD OFFICE

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COLUMBIA, TENNESSEE 38401

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October 25, 2010

John E. Pugh
Smelter Service Corporation
Executive Vice President of Business Development
P.O. Box 0432
Mount Pleasant, TN 38474

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
RECEIPT #: 91 7108 2133 3937 8801 5933

Re: **Notice of Violation**
Compliance Evaluation Inspection
NPDES Permit Number: TN0078573
Smelter Service Corporation
Maury County, Tennessee

Dear Mr. Pugh,

Please note that this letter was originally dated September 27, 2010 and sent by certified mail (91 7108 2133 3937 8804 0850) to an incorrect address (400 Arrow Mines Road) with a post mark of September 27, 2010 and returned to the Columbia Environmental Field Office on October 18, 2010.

On September 16, 2010, I conducted a Compliance Evaluation Inspection (CEI) of Smelter Service Corporation. A CEI is conducted to determine compliance with the NPDES permit conditions and check the operation and maintenance of the equipment used in determining compliance with the permit. I met with you and Mr. Wendall Holder, Lab Manager. A list of observations and suggestions made during this inspection is included in this letter.

As a result of this inspection, the facility has been found to be in violation of its NPDES permit and the *Tennessee Water Quality Control Act of 1977* with regard to the following items:

- Failure to maintain records of all required information for monitoring of zinc, aluminum, and chlorine residual as required by the permit under Part I, subpart B. Monitoring Procedures 4. Recording of Results and 5. Records Retention.
- Failure to perform and document weekly SWPPP site inspections for the previous nine weeks since the week of July 9, 2010.

This letter will serve as a formal **Notice of Violation** and by copy will inform our Enforcement Section of the violations. A written response should be submitted to this office within thirty (30) days from receipt of this letter confirming what steps have been taken to address these deficiencies as well as the items noted as follows.

Smelter Service has not reported any major operational problems at the facility and no significant operational problems were noted during this inspection. The following observations, comments, and suggestions are offered for your consideration. Deficiencies should be addressed immediately to be in compliance with your NPDES permit.

1. The current permit became effective on January 1, 2009 and expires November 30, 2013.

2. Composite samples for outfall 001 for aluminum and zinc are being captured by borrowing a composite sampler from the City of Mount Pleasant via the Sewage Treatment Plant. All records as required by the permit under Part I, subpart B. Monitoring Procedures 4. Recording of Results and 5. Records Retention were not available. If a sampler is borrowed, additional records should be documented which include but are not limited to the following: replacement of all tubing prior to sampling, temperature of the sample(s) when captured, ensure that the minimum 100ml flow per portion requirement is being met (see permit's definition of composite sample), cleaning of the sample container, confirmation that the sampler has been calibrated within the last 12 months by an outside source, and cleaning of the inlet strainer.
3. Mr. Walker Vining, Operations Leader, is no longer with the company as of about three weeks ago. He handled their environmental work such as testing and reporting.
4. The permit indicates a maximum daily concentration parameter limit for total residual chlorine of 0.019 mg/L. A review of the discharge monthly reports (DMR) as reported for outfall 001 for total residual chlorine results are as follows:

0.73	1 st quarter 2009
0.24	2 nd quarter 2009
0.05	3 rd quarter 2009
0.17	4 th quarter 2009
<0.02	1 st quarter 2010
0.0	2 nd quarter 2010

Part I Part A Effluent Limitations and Monitoring Requirements sub part (d) says that total residual chloride compliance shall be attained within one year from the permit's effective date (January 1, 2009).

The chlorine residual device could not be located during my initial site visit. A follow up site visit was made on September 24, 2010 to confirm its presence. All records as required by the permit under Part I, subpart B. Monitoring Procedures 4. Recording of Results and 5. Records Retention were not available. The device needs to be calibrated annually by an independent source. All in-house calibration and maintenance of the device should be documented.

5. Smelter Service's SWPPP indicates that all employees will have annual SWPPP training. No training has been conducted for 2010. As a reminder, this needs to be completed by year's end. It is suggested that future employee training be documented with each employee's signature and date of training.
6. As a reminder, in Smelter Service's NPDES permit under Part III Other Requirement, subpart H for Priority Pollutants, it states that within 2 years of the effective date of the permit (January 1, 2009) the permittee shall submit a completed Application Form 2C-Wastewater Discharge Information, Consolidated Permit Program (EPA Form 3510-2C) for its Outfall 001 Discharge.
7. Smelter Service's SWPPP site map needs to be revised to show outfall 001. Also, Part V SWPPP, Part D. Monitoring Plan, indicates, "For each outfall monitored, the surface area and type of cover, for example, roof, pavement, grassy areas, gravel, must be identified." This surface area and cover type was not found in the documentation.
8. On September 21, 2010, Smelter Service provided by e-mail copies of acute biomonitoring test results for 2009 for SW1 (two semi-annual tests) and SW2 (one annual test). SW1 was collected in August and December 2009. The Smelter Service NPDES permit requires that acute 48-hour biomonitoring tests shall be conducted semi-annually for outfall SW1 and annually for outfall SW2. Ensure that this testing is performed at the frequency as defined for "semi-annually" in the permit under Part I, Subpart C. for Definitions.

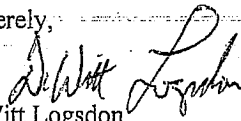
For 2010, the first SW1 semi-annual test was collected for testing on July 9, 2010. The second semi-annual test for SW1 and the one annual test for SW2 are due by year's end.

It is requested that a copy of all future biomonitoring results when received by Smelter Service be forwarded to the CEFO.

9. It is requested that Test-America place a date on future cover letters for their spin test results.
10. Documentation of weekly SWPPP site checks was available through July 9, 2010. No documented checks were available for the nine weeks after this date.
11. Ensure the hand held pH meter has temperature compensation. Buffers with expiration dates need to be used. A log sheet some data was shown for this monitor. Ensure all records are maintained as required by the permit under Part I, subpart B. Monitoring Procedures 4. Recording of Results and 5. Records Retention. The device needs to be calibrated annually by an independent source. All in-house calibration and maintenance of the device should be documented.
12. On future DMRs, change the total chlorine residual daily maximum for outfall 001 from "NA" to match the permit parameter limit. Also, change the total suspended solids maximum for outfall 001 from "report" to match the permit parameter limit.
13. Ensure those who sample for monitoring purposes understand the difference between a grab as for outfall 001, a composite for outfall 001, and a composite for SW1 or SW2. These three samples are to be captured in different manners as per the permit as per Part I of the permit under C. for Definitions.
14. The temperature device used for monitoring outfall 001 needs to be calibrated annually.
15. The procedure and calculation used for estimating the flow for each outfall should be documented.
16. Mr. Wendall Holder, Lab Manager, mentioned plans to test outfall called SW3. This is for Smelter Service's automated casting building. This outfall is not noted in the current permit or the SWPPP. An e-mail was sent on January 14, 2009 by Mr. Gary Davis to Bill Nichols of USR Corporation concerning this new outfall. This e-mail requested that Smelter Service send in a permit application for a modification request which included the completion of various forms. Neither our central office nor the CEFO have received such information.
17. Smelter Service indicated by letters dated July 14 and July 30, 2010 that they were not able to collect a storm water sample for the 2nd quarter due to a lack of qualifying storm water events.

This concludes my CEI observations and comments. I wish to express my appreciation to you and Mr. Holder for your time and assistance in this inspection. If you have any questions, you may contact me at (931) 490-3940.

Sincerely,



DeWitt Logsdon
Environmental Protection Specialist III
Division of Water Pollution Control

cc: Wendall Holder Lab Manager, Smelter Service Corporation
Gary Davis EPS4
Dana Waits ES3