



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

November 7, 2007

**RE: NORTHERN STATES METALS
COMPLAINT # 6900
NOTICE OF VIOLATION**

Robert Voytilla
Northern States Metals
3207 Innovation Place
Youngstown, Ohio 44509

Dear Mr. Voytilla:

The Ohio EPA Division of Hazardous Waste Management conducted an inspection of Northern States Metals located at 3207 Innovation Place, Youngstown, Ohio on October 26, 2007. The purpose was to investigate a complaint and to determine if Northern States Metals had violations of Ohio's hazardous waste and used oil laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

This letter will document any violations and concerns found and outline what you need to do to correct them. A written response to these issues is required within 30 days.

The complaint alleged the dumping onto the ground of waste from the CNC Machine. You explained what wastes are generated from the CNC machines and the rest of the plant. You also explained how these wastes are managed. Aspects of this management are addressed below. Spills at the drums of used oil generated from the CNC machines were seen, however, evidence of deliberate dumping was not seen.

Please see the attached Process, Waste, and Pollution Prevention Summary for my understanding of how the various wastes are generated and managed.

Violations: (These follow the order of the enclosed checklists.)

1. OAC rule 3745-279-22(B) - Condition of used oil storage units.
This rule requires that containers and aboveground tanks used to store used oil must be in good condition and not leaking.

Northern States Metals violated this rule by having containers of used oil that were not in good condition and that appeared to have spilled used oil onto the ground. All used oil must be stored in containers that are in good condition and not leaking.

As we discussed during the inspection, Northern States Metals should now have its used oil picked up by a registered used oil hauler. A list of registered used oil transporters in northeast Ohio was given to you during the inspection. Another list of such companies can be found at:

<http://epawebapps.epa.state.oh.us/Recyclers/jsp/search.jsp>.

Please send me a copy of the shipping paper used for this used oil pickup.

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Please note that OAC rule 3745-279-24 requires that generators ensure that their used oil is transported only by transporters who have obtained US EPA identification numbers, unless the generator qualifies for an exemption listed in this rule. One of these exemptions is transporting no more than 55 gallons of used oil at one time in a vehicle owned by either the generator or an employee of the generator. This would not apply to you at this time but, it may for used oil generated in the future.

2. OAC rule 3745-279-22(C) - Used oil labels.
This rule requires containers and aboveground tanks used to store used oil at generator facilities to be labeled or marked clearly with the words "Used Oil."

Northern States Metals violated this rule by having containers of used oil that were not labeled as used oil. **You must now label all containers of used oil and contact me when that has been done.**

3. OAC rule 3745-279-22(D) - Response to releases of used oil.
This rule requires that upon detection of a release of used oil to the environment, the generator must clean up and manage properly the released used oil and other materials.

Northern States Metals violated this rule by having what appeared to be used oil on the ground at the above-mentioned containers. **Once the used oil has been shipped, this contamination must be removed and disposed of in a solid waste landfill. Please send me photographs showing this cleanup.**

4. OAC rule 3745-52-11 – Hazardous waste determination.
This rule requires that any person who generates a waste must determine if that waste is a hazardous waste. The following documents give more information regarding this: Identifying Your Hazardous Waste, November 2006
<http://www.epa.state.oh.us/ocapp/sb/publications/identifyingwaste.pdf>.

Use of Generator Knowledge in Complying with OAC 3745-52-11, July 2005
<http://www.epa.state.oh.us/dhwm/pdf/GeneratorKnowledge6.pdf>.

Northern States Metals violated this rule by not determining whether its waste fluorescent and other lamps are hazardous waste. As an alternative, or in addition to this required determination, you can manage these waste lamps as universal waste if they are to be recycled. More information regarding this was given to you at the inspection and can be found at:
http://www.epa.state.oh.us/ocapp/sb/publications/Lampcompliance_checklist.pdf.

A list of facilities that recycle lamps is enclosed and can be found at:
<http://www.epa.state.oh.us/dhwm/pdf/comp.lamp.ballast.list.pdf>.

Please send me a description of how you will manage waste lamps.

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Concerns:

1. A waste dust is generated from the blast cabinet. We saw that some of this waste had been put on the ground in the parking lot. This is a solid waste and should be recycled, if possible, and, if not, disposed of in a solid waste landfill. **Please send me documentation that this waste has been cleaned up and properly disposed.** Questions regarding this can be directed to Jarnal Singh of the Division of Solid and Infectious Waste at (330) 963-1276.
2. You use ZEP Formula 50 R.T.U. to clean with. We were told that the waste from this is dumped into what appeared to be a storm drain. Some of this waste may also be saved since we saw a drum that appeared to contain this waste. This waste should now be stored in containers for proper disposal. You can discuss the proper disposal of this waste with John Kwolek of the Division of Surface Water at (330) 963-1251 and/or with your city sanitary sewer authority. **Please inform me as to how this waste will be managed.**

Please send a written response to this letter within 30 days including the documentation required above.

Suggestions:

1. You use rags and methyl ethyl ketone (MEK) to wipe down parts. The waste rags are disposed of as solid waste. Any waste that contains greater than 200 mg/l of MEK when tested by the Toxicity Characteristic Leaching Procedure (TCLP) is a hazardous waste. As per OAC 3745-52-11, you must determine whether these waste rags are hazardous waste. As an alternative or in addition to this, you may want to consider having these dirty rags sent to a commercial laundry. A list of commercial laundries can be found at:
<http://www.epa.state.oh.us/ocapp/p2/solvents/ilaundry.html>.

This list includes one in Youngstown:
Tartan Textiles Service Inc.
350 North Avenue, Youngstown, OH 44502
(330) 746-6543

2. Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues related to air, land, and water. They can be contacted at (800) 329-7518 or <http://www.epa.state.oh.us/ocapp/ocapp.html>. In June 2006 they published a 56 page Small Business Environmental Compliance Self-Assessment Guide which can be found at: <http://www.epa.state.oh.us/ocapp/sb/publications/selfgde.pdf>.
3. Ohio businesses that spend less than \$150,000 on their annual energy bill now have a tool to help them reduce energy waste and hold costs down. The Ohio Department of Development has developed a free online tool that is confidential and easy to use. If you are looking for ways to save on energy expenses at your business, visit the Small Business Energy Saver at:

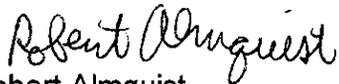
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<http://www.energyguide.com/EnergySmartSBE/welcomeba.asp?referrerid=227&sid=436>.

You can find copies of the regulations and other information on the Division of Hazardous Waste Management web page at <http://www.epa.state.oh.us/dhwm/>.

If you have any questions, please contact me at (330) 963-1217, or robert.almquist@epa.state.oh.us.

Sincerely,



Robert Almquist
Division of Hazardous Waste Management

RA:cl
Enclosures

cc: Natalie Oryshkewych, DHWM, NEDO

ec: Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
John Kwolek, DSW, NEDO
Jarnal Singh, DSIWM, NEDO
Joe Nobile, Northern States Metals

Notice:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
 SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.
 LQG: ≥1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.
 NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No N/A

GENERATOR CLASSIFICATION

2. Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")] Yes No N/A

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] Yes No N/A

TREATMENT OF HAZARDOUS WASTE

- a. Container that meets 3745-66-70 to 3745-66-77? Yes No N/A
- b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? Yes No N/A
- c. Drip pads that meet 3745-69-40 to 3745-69-45? Yes No N/A
- d. Containment building that meets 3745-256-100 to 3745-256-102? Yes No N/A

NOTE: Complete appropriate checklist for each unit.

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

REMARKS

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
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