



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

April 26, 2007

RE: BARBERTON STEEL INDUSTRIES
OHD 097 626 733
SUMMIT COUNTY
COMPLAINT #6880
NOTICE OF VIOLATION

Jim Cicconi
Barberton Steel Industries
240 E. Huston Street
P.O. Box 350
Barberton, OH 44203

Dear Mr. Cicconi:

On March 28, 2007, Ohio EPA, represented by Ed D'Amato and Robert Almquist, conducted a complaint inspection at Barberton Steel. You represented Barberton Steel during the inspection.

Barberton Steel is a steel foundry. The complaint alleged mismanagement of used oil.

The following violations of Chapter 3745 of the Ohio Administrative Code (OAC) were found. To abate the violations, you must respond to this letter, in writing, and submit all required documentation within **30-days** of the date of this letter:

**1. Used Oil Storage Requirements for Generators (Labels)
OAC 3745-279-22(C)**

Containers and above ground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words "Used Oil".

There were 17 containers of what you believed was used oil next to the Maintenance Building that were not labeled per this rule. To abate this violation you must label the containers, photograph them, and send the photographs to this office.

**2. Response to Releases of Used Oil
OAC 3745-279-22(D)**

Upon the detection of a release of used oil to the environment, a generator shall...clean up and manage properly the released used oil...

There was evidence of oil releases from the containers listed in Violation #1. There was also evidence that some of the oil from the containers next to the maintenance building has been washed into the Tuscarawas River.

To abate this violation, you must clean up the used oil releases by excavating visually contaminated soil and disposing of it properly. This material can be disposed with your solid waste (regular trash). You must submit photographs showing that this has been done, including photographs showing the contaminated material has been placed in a dumpster or roll-off box.

**3. Hazardous Waste Determination
OAC 3745-52-11**

Any person who generates a waste in the state of Ohio...shall determine if the waste is a listed hazardous waste...

You were unable to identify the contents of the following containers:

- a. The contents of at least 19 of the 20 drums located by the Furnace Department.
- b. The contents of 11 drums and two five-gallon buckets across from the Pattern Storage building.
- c. Three drums and at least three five-gallon containers in the pattern storage building.
- d. You did not provide a clear explanation of how arc furnace dust is managed by Barberton Steel, whether or not it is a hazardous waste, and how much is generated on a monthly basis.

To abate this violation, you must inventory and characterize the contents of all of the drums, even if laboratory testing is required. You must submit a copy of the inventory to this office. All of the containers must be properly labeled and you must notify this office, in writing, of the disposition of these materials.

You must explain whether or not Barberton Steel's electric arc furnace dust is a hazardous waste and how much is generated per month. You must submit copies of analytical test data to support your evaluation.

**4. Labeling/Marking Standards for Universal Waste Lamps
OAC 3745-273-14(E)**

Each universal waste lamp or a container or package in which such lamps are contained, must be labeled or marked clearly with one of the following phrases: "Universal Waste-Lamp(s)", or "Waste Lamp(s)", or "Used Lamp(s)"

There were two universal waste fluorescent lamps in the maintenance building that were not labeled per this rule.

To abate this violation, you must begin accumulating spent lamps in a box or container. You must properly label the box/container, photograph it, and send the photograph to this office.

**5. Accumulation Time for Universal Waste
OAC 3745-273-15**

A facility must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste

You must develop a tracking system to demonstrate the amount of time universal wastes are accumulated. You must submit documentation or other written information that explains the tracking system.

Division of Surface Water Issues

Activities that take place at industrial facilities, such as material handling and storage, are often exposed to storm water. The runoff from these activities discharges industrial pollutants into nearby storm sewer systems and water bodies. This may adversely impact water quality. A review of OEPA records indicates that Barberton Steel does not hold an effective industrial storm water NPDES permit for these discharges. Please be advised that this is a violation of Section 6111 of the Ohio Revised Code. You must contact Kelvin Rogers of this office at (330) 963-1117 for assistance in obtaining coverage under the storm water permit and coming into compliance with storm water regulations.

Suggestions/Recommendations:

Ohio EPA has the following suggestions for Barberton Steel. Although Ohio EPA encourages you to consider them, you are under no obligation to do so:

1. Ohio EPA encourages Barberton Steel to have a thorough, professional energy assessment to identify a comprehensive list of potential energy saving opportunities that will reduce operating costs.

One item I noticed during the inspection was that Barberton Steel uses a natural gas or propane heater to keep pipes from the binder tanks from freezing. It may be more cost-effective to use electric heat tape or cable for this purpose.

Free industrial energy assessments are available through the Ohio Department of Development, Office of Energy Efficiency (ODOD-OEE). ODOD-OEE offers other services and programs, these include:

Free energy assessments for industrial facilities:

<http://www.odod.state.oh.us/businessenergy/>

Grants, low-interest loans, and tax exemptions for businesses to implement energy efficiency projects:

http://www.odod.state.oh.us/cdd/oeec/energy_services.htm

An on-line tool for businesses that spend less than \$150,000 annually on energy to help identify opportunities and payback periods for energy efficiency projects:

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

Energy Star also offers information about improving the energy performance of buildings and plants at:

http://www.energystar.gov/index.cfm?c=business.bus_index

2. Ohio EPA strongly encourages Barberton Steel to seek free compliance assistance help from our Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can assist you with submission of air pollution permits-to-install and surface water permits-to-install, and other compliance issues. For more information, please contact Adrienne LaFavre at (330) 963-1250.

3. Barberton Steel disposes of aerosol cans as solid waste. If the cans meet the definition of empty found in OAC 3745-51-07, this practice is permissible; however, it may be more cost effective to puncture and crush the cans and recycle them as scrap metal.

OAC 3745-51-07 states that any hazardous waste residues remaining in an empty container are not subject to regulation. To be considered empty, all wastes must be removed by using the practices commonly employed to remove material from that type of container, e.g., pouring, pumping, or aspirating; and

- a. no more than 2.5 centimeters of residue remain on the bottom of the container OR;
- b. no more than 3% by weight of the total capacity of the container remains in the container or inner liner of the container is less than equal to one hundred ten gallons in size OR;
- c. no more than 0.3% percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than one hundred ten gallons in size.

Several aerosol can puncturing systems are commercially available. Below is a partial list of vendors and manufacturers that sell this equipment. Please note that Ohio EPA neither recommends or endorses specific products or companies. The following list is provided only as a starting point for your own research:

Aerosolv:

<http://www.aerosolv.com>

Ram Flat:

<http://www.ramflat.com/aerosolv.html>

American Gas Products:

<http://www.americangasproducts.com>

New Stripe:

http://www.newstripe.com/ns_crush_compact_cat.htm

E-rack:

http://www.e-rackonline.com/view_product.cgi?product_id=1906

4. You may be able to reduce operating costs with waste minimization/pollution prevention practices. The Ohio EPA offers pollution prevention assessments to help you decide which practices would benefit your operations. If you would like to have a pollution prevention assessment or would like more information please contact Adrienne LaFavre at (330) 963-1250. The Office of Compliance Assistance and Pollution Prevention website found at: <http://www.epa.state.oh.us/ocapp/ocappmain.html> is also a good source of information.
5. You explained that Barberton Steel is considering purchasing new air pollution control equipment. The Ohio Air Quality Development Authority provides financial assistance in the form of low interest loans, grants, and sales tax waivers for companies to purchase or upgrade such equipment. More information can be found at the Ohio Air Quality development Authority's website:

<http://www.ohioairquality.org/>

BARBERTON STEEL INDUSTRIES
APRIL 26, 2007
PAGE - 5 -

6. You may be interested to know that the Ohio Department of Development offers financial assistance to businesses for capital investment needs such as: renovation, equipment purchases, land and building acquisition, construction, and expansion. More information can be found at:

http://www.odod.state.oh.us/EDD/Loans_Grants.htm

Enclosed is a copy of the checklists used for the inspection, and copies of the photos taken during the inspection.

Failure to list specific deficiencies in this communication does not relieve Barberton Steel from the responsibility of complying with all applicable Ohio EPA laws and regulations. Please be advised that present or past instances of non-compliance can continue as subjects of pending or future enforcement actions.

Please feel free to contact me at (330) 963-1170 if you have any questions.

Sincerely,



Edward J. D'Amato
Environmental Specialist
Division of Hazardous Waste Management

EJD:ddw

Enclosures

ec: Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
Robert Almquist, DHWM, NEDO
cc: Adrienne LaFavre, OCAPP, NEDO
Kelvin Rogers, DSW, NEDO

USED OIL INSPECTION CHECKLIST (Short Version)

Company: Barkerton Steel Industries EPA I.D.: OH0 097 626 733

Street: 240 E. Huston St P.O. Box 350 City: Barkerton

County: Summit State: Ohio Zip: 44203

Mailing Address: _____
(IF DIFFERENT FROM ABOVE)

Telephone: _____ Fax: _____

Owner/Operator: _____
(IF DIFFERENT FROM ABOVE)

Street: _____

City: _____ State: _____ Zip: _____

Inspection Date(s): _____ Time(s): _____

Inspection announced? Yes _____ No K If so, how much advance notice given? _____

	<u>Name</u>	<u>Affiliation</u>	<u>Telephone</u>
Inspectors:	Ed D'Amato	OEPA	(330) 963-1200
	<u>Robert Almqvist</u>	<u>"</u>	<u>"</u>
Facility Rep(s):	<u>Jim Cicconi</u>	<u>Barkerton Steel Ind</u>	

USED OIL MANAGEMENT ACTIVITY

<input checked="" type="checkbox"/> Generator/Collection Center/Aggregation	<input type="checkbox"/> Marketer
<input type="checkbox"/> Transporter/Transfer Facility	<input type="checkbox"/> Off-Spec Burner
<input type="checkbox"/> Processor/Re-Refiner	<input type="checkbox"/> Other (specify)
<input type="checkbox"/> No Generation	

NOTE: This checklist does not include requirements for used oil transporters and transfer facilities, processors and re-refiners, burners, and marketers.

PROHIBITIONS

- 1. Is used oil being managed in a surface impoundment or waste pile? If so: Yes ___ No N/A ___ RMK# ___
Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 or 3745-65 to 3745-69? [3745-279-12(A)] Yes ___ No N/A RMK# ___
- 2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes No N/A ___ RMK# ___
- 3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? Yes ___ No N/A RMK# ___

USED OIL GENERATOR STANDARDS

- 4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)] Yes ___ No N/A RMK# ___
- 5. Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] Yes ___ No N/A RMK# ___
- 6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 or 3745-65 to 3745-69? [3745-279-22(A)] Yes No N/A ___ RMK# ___
- 7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes ___ No N/A ___ RMK# ___
- 8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] Yes ___ No N/A ___ RMK# ___
- 9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]
 - a. Stopped the release? Yes ___ No N/A ___ RMK# ___
 - b. Contained the release? Yes ___ No N/A ___ RMK# ___
 - c. Cleaned up and properly managed the used oil and other materials? Yes ___ No N/A ___ RMK# ___
 - d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes ___ No N/A ___ RMK# ___

10. Does the generator burn used oil in used fired space heaters? [3745-279-23] If so: Yes ___ No N/A ___ RMK# ___
- a. Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators? Yes ___ No N/A RMK# ___
- b. Is the heater designed to have a maximum capacity of not more that 0.5 million BTU per hour? Yes ___ No N/A RMK# ___
- c. Are the combustion gases from heater vented to the ambient air? Yes ___ No N/A RMK# ___
11. Does the generator have the used oil hauled only by transporters that have obtained an EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24] Yes ___ No N/A ___ RMK# ___

USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

12. Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30] Yes ___ No N/A RMK# ___
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes ___ No N/A RMK# ___
14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes ___ No N/A RMK# ___

WASTE EVALUATION

15. Have all wastes generated at the facility been evaluated? [3745-52-11] Yes ___ No N/A ___ RMK# ___

C:\Documents and Settings\EDamato\My Documents\iFolder\Foms\inspection forms\USED OIL.SHORT.2001.wpd

REMARKS