



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

October 4, 2010

**JEFFERSON COUNTY
SEVERSTAL - YORKVILLE
DHWM/SEDO
OHD082964313**

Mr. Bud Smith
Severstal Wheeling, Inc.
1134 Market Street
Wheeling, WV 26003

Dear Mr. Smith:

On June 25, 2010, Ohio EPA sent you a notice of violation letter as a result of the release of spent pickling liquor on May 13, 2010. Ohio EPA received your response to this NOV on July 1, 2010 and in a letter dated August 25, 2010 and received by this office on August 30, 2010. Your responses included a log of daily inspections at the pickling line and a discussion of future actions to be taken at the former fume duct location.

After review of these responses, Severstal Wheeling remains in violation of the following:

- (1) **ORC Rule 3734.02(E) & (F), Prohibitions:** This law states, in part, that no person shall store, treat or dispose of hazardous waste without a hazardous waste facility installation and operation permit. ORC 3734.02(F) states that no person shall treat, store or dispose of hazardous waste except at the types of facilities specified within this rule.

The release of Spent Pickling Liquor via the pickling line scrubber ductwork to storm and sanitary sewers at Severstal's Yorkville facility resulted in the disposal of K062 hazardous waste without a permit and therefore, Severstal Wheeling is in violation of the above law. Since Severstal Wheeling is in violation of ORC 3734.02(E) and (F), this facility is subject to all the applicable general facility standards found in OAC chapters 3745-54 and 55. **This violation will be abated, in part, once Severstal Wheeling has implemented an approved closure plan for this area.**

- (2) **OAC Rule 3745-55-12(A), Closure Plan:** The owner or operator of a Hazardous Waste Management Facility shall have a written closure plan.

Severstal Wheeling's NOV response made no mention of development or submittal of a closure plan or how this violation was being addressed. In emails sent to this office on August 25th and September 9, 2010, you stated that you met with your contractors to "discuss the testing and removal of any residual contaminated soil at the old fume duct" and that subsequent soil sampling and analysis of pH showed all samples to be above a pH of 5. However, the consent order states that "Recyclable Solution that is not managed in accordance with the management standards in paragraphs nine (9) of this Consent Order shall be managed as hazardous waste unless it is otherwise exempted by law or regulation and "for all releases, impacted soils or debris must be removed and managed as a K062 hazardous waste". It is not clear that all impacted soils were removed as specified in the Consent Order. Also, information detailing how the area where the leak occurred was addressed, why constituents of concern in this spill area are not the same as other areas within the pickling line where closure was conducted, where soil samples were taken in this area, etc has not been submitted to this office.

In order to abate this violation, Severstal Wheeling must submit a closure plan to Ohio EPA as was done for other areas associated with the pickling line at Yorkville where spillage has occurred. Please refer to Ohio EPA's Closure Plan Review Guidance (CPRG) when developing this closure plan. This guidance can be found at <http://epa.ohio.gov/portals/32/pdf/2008CPRG.pdf>.

- (3) **OAC Rule 3745-65-31, Maintenance and Operation of Facility:** Facilities shall be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

Severstal Wheeling did not operate the Yorkville facility to minimize the release of hazardous waste or hazardous waste constituents to the environment in violation of this rule. This violation will be abated upon Severstal's demonstration that daily inspections are being conducted at the facility and the other violations cited in this letter have been abated.

- (4) In accordance with Section V, Paragraph 9(g)(ii)(b) of the March 15, 2002 Consent Order between the State of Ohio and Wheeling-Pittsburgh Steel and its successors, Severstal Wheeling must submit a written report within 30 days after discovery of a release of recyclable solution (ferrous chloride solution). This report was due on June 12, 2010. Ohio EPA received this report on June 22, 2010. Because the 30 days was surpassed, Severstal Wheeling is in violation of this requirement from June 12, 2010 to June 22, 2010.

- (5) The 2002 Consent Order between the State of Ohio and Wheeling-Pittsburgh Steel Corporation and its successors requires that Severstal Wheeling conduct daily inspections of the tank systems related to the pickling operation at the Yorkville facility and record these inspections (See Section V, paragraph 9(d) and Section VII, Recordkeeping). Per Section VII, Severstal Wheeling must provide these inspection logs within two hours if the records are not at the Yorkville facility. Ohio EPA initially asked to see a copy of these inspection logs on June 10, 2010. These records were provided to Ohio EPA on July 1, 2010 and again on August 30, 2010. You stated in your response that on five occasions, the daily inspections were not conducted. Please re-check the inspection status for May 21, 2010. Your letter states that the pickle line was not in operation on this day, but it is then recorded as a date when the daily inspection was not conducted.

Violations #4 and #5 cited above are subject to stipulated penalties as outlined in Section IX of the Consent Order.

Please provide the above requested information within 15 days of receipt of this letter. If you should have any questions, please feel free to contact me at (740) 380-5262.

Sincerely,



John Rochotte
District Representative
Division of Hazardous Waste Management

JR/dh

NOTICE:

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