



State of Ohio Environmental Protection Agency

Southeast District Office

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Certified Mail #70051820000812622350

January 25, 2007

**JEFFERSON COUNTY
WPS-STEUBENVILLE SOUTH
DHWM/SEDO
OHD980618177**

Mr. Bud Smith, Director, Env. Control
Wheeling Pittsburgh Steel Corp.
1134 Market Street
Wheeling, WV 26003

Dear Mr. Smith:

On April 17 and 18, 2006, Robert Smith (USEPA) and I inspected Wheeling Pittsburgh Steel Corporation's (WPSC) Mingo Junction facility. This inspection was performed to determine WPSC's compliance with Ohio's hazardous waste laws and regulations as found in the Ohio Revised Code and the Ohio Administrative Code (ORC and OAC, respectively).

Based on the documentation provided with your response, WPSC has returned to compliance with the following regulation:

- ☞ i. OAC Rule 3745-52-11, Hazardous Waste Determination;

Based on the inspection, a Notice of Violation (NOV) letter was issued to you on June 23, 2006. I received your response to that letter on September 14, 2006. Based on observations during a site visit conducted on January 23, 2007, WPSC has returned to compliance with the following regulation:

- ☞ i. OAC rule 3745-52-34, Accumulation time of hazardous waste.

WPSC remains in violations of the following regulations:

- ☞ (1) **ORC Rule 3734.02(E), 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 issued by the Hazardous Waste Facility Board. 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.

WPSC stored CAS-OB dust (D006/D008) from May 2005 until at least April 17, 2006. We understand WPSC had originally planned to recycle this material, and some quantity (unknown to USEPA and Ohio EPA) reportedly was recycled, but ultimately the dust that

we observed being stored (and released from) the "supersacks" was not recycled. From Ohio EPA's site visit on February 28, 2006, Jim Michnowicz and I observed that this dust was stored outside in a gravel area, some bags were left open, and some had obvious signs of seepage out of the bags to soil. WPSC's September, 2006 response did not provide the documentation requested in the previous NOV. This violation will be abated, in part, when WPSC has implemented an approved closure plan for this area.

- 44 (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.

WPSC does not have a closure plan for the former CAS-OB dust storage/release area. To abate this violation, WPSC must provide a plan that meets the requirements of OAC rule 3745-55-11 and this rule. WPSC's September, 2006 response did not provide the documentation requested in the previous NOV. To ensure that the plan complies with these rules, WPSC should use the Division of Hazardous Waste Management's Closure Plan Review Guidance which can be found on Ohio EPA's website at www.epa.state.oh.us.

- 44 (3) **OAC Rule 3745-279-22(C), Used oil storage requirements for generators:** Containers and above ground tanks used to store used oil must be labeled or marked clearly with the words "Used Oil."

At the time of the inspection, WPSC personnel were loading drums into a roll-off box for solid waste. WPSC personnel identified the contents of some of the drums as used oil; they did not appear to be labeled. WPSC's September, 2006 response did not provide the documentation regarding the labeling used oil drums as requested in the previous NOV. To demonstrate compliance, WPSC must demonstrate that all containers of used oil at this facility are labeled.

On April 26, 2005, Ohio EPA performed a compliance inspection, and based on this inspection, a Notice of Violation (NOV) letter was issued to WPSC on July 7, 2005. On August 26, 2005, I received your response, and the release reports for the March 24 and April 15, 2005, spills of electric arc furnace dust (K061). On September 19, 2005, another NOV was issued and I received your response on November 14, 2005. Another NOV was issued to you on January 4, 2006.

WPSC remains in violation of the following regulations from the April 26, 2005 inspection:

- 45 (4) **OAC rule 3745-54-31/3745-65-31, Maintenance and operation of facility:** Facilities shall be maintained and operated to minimize the possibility of a fire, explosion or any release of hazardous waste constituents to air, soil or surface water.

In February and April, 2005, WPSC reported two releases (totaling approximately 2,800 pounds) of the Electric Arc Furnace (EAF) baghouse dust. This material is hazardous waste (K061) and is a fine grained dust, susceptible to air dispersion when released. These releases occurred from the same equipment, where the screw auger exits the

baghouse building and feeds into the pneumatic dust transfer system. Currently, there is a small concrete pad with curbing directly beneath this equipment; however, it is not sufficient to contain releases of the fine baghouse dust since this equipment is not enclosed and is therefore subject to wind dispersal. Once released in this area, the dust become airborne and was deposited onto soil and into the stormwater containment moat around the baghouse building. As we discussed during the inspection, WPSC must improve containment around this equipment to minimize the potential for such releases in the future. The November 2005, response stated that WPSC plans to fully contain this equipment and pave the area around it in 2006. WPSC's September 2006 response includes two more photographs of the area after the cleanup and five hazardous waste manifests for the contaminated soil/debris which was excavated and disposed from these releases. However it is unclear how a similar release would be minimized or prevented in the future until adequate containment is installed. WPSC will demonstrate compliance when this office receives the documentation indicating that this unit has been enclosed.

On November 25 and December 3, 2003, Ohio EPA conducted a compliance evaluation inspection and a notice violation (NOV) was issued on December 22, 2003. Another NOV was issued on June 18, 2004. On June 27, 2005, I received your response.

Based on the 2003 inspection, this facility remains in violation of the following regulation:

- ✓ (5) **OAC Rule 3745-279-22(D), Used oil storage requirements for generators:** Upon detection of a release of used oil...a generator shall perform the following cleanup steps: (1) stop the release; (2) contain the released used oil; (3) clean up and properly manage the released used oil and other materials; and (4) if necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

On December 20, 2005, Ohio EPA observed that the used oil spills from the "predator" used oil tank (which have been cited during the previous inspections) have not been cleaned up. The photograph attached to your November 2005, letter shows that soils around the concrete wall have been removed, but the slag inside these walls is still heavily stained by used oil. Pat Smith stated that this concrete structure acts as secondary containment for this tank, it was formerly used as a pit or tank, has a concrete floor and was filled with several feet (depth of this pit is not known) of slag to its present level to accommodate this tank. However, this rule requires that spills of used oil and materials contaminated with used oil be cleaned up and properly disposed. The white pipe riser located inside this area is used to sample (and potentially remove) water and used oil that collects in the bottom of this structure. To demonstrate that contaminated slag and liquids have been removed and properly disposed, provide: 1) sample results from liquids collected, if contaminated - state how these liquids were managed, 2) provide photographs showing that all contaminated slag has been removed, and 3) provide the name and address of the facilities which received the contaminated water and slag for disposal. WPSC's September, 2006 response did not provide the requested documentation.

GENERAL COMMENTS

- (a) The secondary containment around the predator used oil tank should be made impervious (once all contaminated materials have been removed) or WPSC will have to remove contaminated slag/soil each time there is a spill. WPSC's September, 2006 response states that this recommendation will be considered.
- (b) Since WPSC violated 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. Additionally, at any time Ohio EPA may assert its right to have this facility begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Please provide the documentation requested above within 30 days of the date of this letter. If you have any questions, please call me at (740) 380-5278.

Sincerely,



Richard Stewart
District Representative
Division of Hazardous Waste Management

RS/mlm

cc: Pat Smith, WPSC-Steubenville South Plant
Brian Ball AGO
Jim Kavalec, DHWM, CO
Robert D. Smith, USEPA, Region V

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.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Mr. Bud Smith, Director Wheeling Pittsburgh Steel 1134 Market St. Wheeling, WV 26003</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7005 1820 0008 1262 2350</p>

PS Form 3811, February 2004

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Sent To: Bud Smith, WPS
 Street, Apt. No., or PO Box No. 1134 Market St.
 City, State, ZIP+4 Wheeling, WV 26003

PS Form 3800, June 2002 See Reverse for Instructions

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