



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, Ohio 43402

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Laura H. Powell, Acting Director

Re: OmniSource
Richland County
Hazardous Waste
OHD 986 982 692
Complaint #2586
Notice of Violation

January 9, 2007

Mr. James Cross, General Manager
OmniSource
1500 Old Bowman Street
Mansfield, Ohio 44903

Dear Mr. Cross:

On December 28, 2006, Chris Maslo and I investigated a complaint at OmniSource located at 1500 Old Bowman Street, Mansfield, Ohio. The complaint was received by the Division of Hazardous Waste Management on October 23, 2006. The complainant alleged you were dumping hydraulic oil from your metal bailer onto the ground. The complainant stated this has occurred on four different occasions with a release of approximately 1300 gallons of oil. This letter will explain the violations that were observed as a result of this investigation, what you need to do to correct the one outstanding violation, and one general comment.

OmniSource is scrap metal recycler. They utilize a metal bailer to "bail" the scrap metal.

Upon arriving at OmniSource, we discussed these allegations with you. You stated the following: Safety-Kleen picks up used oil from your facility; that sometimes the bailer leaks and/or there are spills from the bailer, but there is no dumping of used oil from the bailer; all employees are trained on the proper clean-up and disposal from used oil spills and/or releases from the bailer; OmniSource filters the hydraulic oil from the bailer to re-use this oil; you re-use as much oil as possible; only after the oil is not able to be recycled anymore will the oil be recycled (picked up by Safety-Kleen); product hydraulic oil is pumped directly into bailer; and Safety-Kleen picks up used oil from two-300 gallon used oil totes and from a drain underneath the bailer.

We toured the area around the metal bailer. We observed the bailer, the 400-gallon product tank; two 300-gallon used oil totes; and the drain underneath the bailer.

I also observed your Spill Prevention and Response Procedures from which you stated OmniSource utilizes to train employees on the proper clean-up and disposal of used oil spills.

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During the investigation, I provided you with the Ohio EPA Fact Sheets The Regulation of Used Oil: An Overview for Ohio Businesses, Used Oil Generators and Universal Waste Rules for Handlers of Lamps - June 2005 and a list of computer, fluorescent lamp and ballast recyclers.

On January 3, 2007, you faxed to me a disposal receipt from the most recent pick-up of your used oil on 9-7-06. I emailed you back on 1-3-07, requesting for at least two additional used oil pick-up receipts and a receipt for the purchase of your product hydraulic oil from Lyden.

I found the following violations of Ohio's hazardous waste laws. In order to correct the one outstanding violation you must do the following and send me the required information **within 30 days** of your receipt of this letter:

1. **Waste Evaluation.**
OAC Rule 3745-52-11

Any person who generates a waste must determine if that waste is a hazardous waste in accordance with the criteria for hazardous waste as set forth in Chapter 3745-51 of the Administrative Code.

OmniSource failed to have waste evaluation documentation for the fluorescent bulbs generated at the facility.

OmniSource is currently disposing of their fluorescent bulbs in the trash. OmniSource must cease disposing of their fluorescent bulbs as non-hazardous waste in the local landfill until a proper waste evaluation has been completed.

The waste evaluation can be conducted by taking a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration. OmniSource must ensure that the laboratory chosen to perform this sampling utilizes the proper method(s) to evaluate these bulbs. OmniSource must sample the fluorescent bulbs to determine the Toxicity Characteristic Leaching Procedure (TCLP) concentrations of barium (D005), cadmium (D006), lead (D008), and mercury (D009) as listed in OAC Rule 3745-51-24 following the methods as outlined in U.S. EPA's SW-846. OmniSource may run total concentrations for these constituents as a screening tool. If the concentration(s) are detected for any of these constituents at or above the regulatory limit, a TCLP may be required to ensure these constituent(s) are not present above the Ohio EPA regulatory level.

If the bulbs are determined to be hazardous through a proper waste evaluation, OmniSource will have to manage their bulbs either as 1) a universal waste (OAC Chapter 3745-273), or 2) as a hazardous waste under Ohio's generator standards (OAC Chapter 3745-52). OmniSource may recycle their bulbs if they are hazardous or non-hazardous. Ohio EPA would encourage this option as a pollution prevention alternative.

In lieu of conducting a waste evaluation, OmniSource may choose to manage their bulbs as a universal waste as outlined in OAC Chapter 3745-273. Please consult the fact sheet Universal Waste Rules for Handlers of Lamps - June 2005 given to you

during the inspection for more information. If you choose this option, please provide me an outline of your universal waste management plan.

To abate this violation, please submit to me your waste evaluation of your lamps or an outline of your universal waste management plan (indicating how you will manage, labeling, off-site within one year, lamps to be recycled, etc.)

If you perform sampling, Ohio EPA will use the data you provide, in addition to other documentation, to make regulatory decisions concerning the wastes tested. The data you submit should be reviewed using a data review process, referred to as data validation, to confirm the validity of your data prior to submission. Data validation includes a review of the following components: laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody, and quality assurance/quality control (QA/QC) data. To confirm the validity of your data, you may use Ohio EPA's tier 1 data validation plan review form which can be obtained from Ohio EPA's web page: http://www.epa.state.oh.us/dhwm/tier_1_data_validation_manual.html. Ohio EPA may request the documentation needed to confirm the validity of the data submitted.

Please submit a brief narrative of each sampling event which includes: process generating the waste, point in the process the sample was obtained, sampling techniques used to obtain the sample and a description of how this sample was determined to be a representative sample of the waste tested.

In addition, if sampling is performed, please notify me at least seven days prior to taking the samples so that I or an Ohio EPA representative may be present.

2. **Used oil storage requirements - proper labels.**
OAC 3745-279-22 (C) (1)

Containers used to store used oil shall be labeled or marked clearly with the words "Used Oil."

OmniSource failed to mark the one 300-gallon tote storing used oil with the words "Used Oil."

A "Used Oil" sticker was placed on the 300-gallon tote during the investigation. ***Thus, this violation was abated.***

General Comment:

1. We did not observe any evidence that OmniSource had "dumped" 1300 gallons of oil onto the ground. However, we did see areas around the bailer with some oil staining on the concrete and adjoining area. During the investigation, we discussed oil spills and releases from the bailer. You stated that all spills and releases are immediately cleaned up. In addition, you stated that all employees are trained on the proper cleanup and disposal of used oil spills. You stated these employees are trained on the Spill Prevention and Response Procedures which outlines OmniSource's procedures. Please

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be sure to consult the Used Oil fact sheet given to you during the investigation. This fact sheet outlines the proper cleanup procedures of used oil spills and/or releases. In addition, OmniSource must ensure to properly evaluate this waste stream prior to disposal. I have enclosed the fact sheet Identifying your Hazardous Waste which may be useful to you.

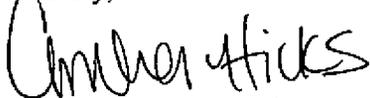
Please be advised that a full compliance evaluation inspection was not conducted. Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve you from having to comply with all applicable regulations.

The Division of Hazardous Waste Management (DHWM) has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>. Ohio EPA has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/ocapp/ocapp.html>.

If you should have any questions, please feel free to call me at (419) 373-3082.

Sincerely,



Amber M. Hicks
Division of Hazardous Waste Management

/lb

Enclosure

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
~~DHWM, NWDO File: OmniSource~~

ec: John Pasquarette, DHWM, NWDO
Amber Hicks, DHWM, NWDO
Chris Maslo, DHWM, NWDO

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.

E-mail this completed form to tammy.mcconnell@epa.state.oh.us or mail it to Tammy McConnell, Central Office

Ohio Environmental Protection Agency
RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM

For Ohio EPA use only

2. Site EPA ID No.	EPA ID Number: OHD 986 982 692								
3. Site Name	Name: OmniSource				Website (optional):		www.omnisource.com		
4. Site Location Information	Street Address: 1500 Bowman Street								
	City, Town, or Village: Mansfield				State: OH				
	County Name: Richland				Zip Code: 44903				
5. Site Land Type (check only one)	Private	County	District	Federal	Indian	Municipal	State	Other	
	<input checked="" type="checkbox"/>								
6. NAICS code(s) www.census.gov/epcd/www/naics.html	A.				B.				
	C.				D.				
7. Facility Representative: Additional names can be recorded in number 12. Only provide address information if it is different than the site address.	First Name: James			MI:	Last Name: Cross				
	Phone Number: 1-800-478-4733				Phone Number Extension:				
	E-Mail Address: jcross@omnisource.com								
	Fax Number: 419-747-1577				Fax Number Extension:				
	Street or P.O. Box:								
	City, Town or Village:								
	State: Ohio			Country:		Zip Code:			
8. Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section or on another copy of this form page.	A. Name of Site's Legal Owner:				Date Became Owner (mm/dd/yyyy):				
	Owner Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other
	Street or P.O. Box:								
	City, Town, or Village:				Owner Phone #:				
	State:			Country:		Zip Code:			
	B. Name of Site's Operator:				Date Became Operator (mm/dd/yyyy):				
	Operator Type: Mark with an X	Private	County	District	Federal	Indian	Municipal	State	Other
	Street or P.O. Box:								
City, Town, or Village:				Operator Phone #:					
State:			Country:		Zip Code:				
9. Violations Cited?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No					
10. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes.)									
<input type="checkbox"/>	Not Regulated								

10. Type of Regulated Waste Activity (Mark "Y" in all of the appropriate boxes.)

A. Hazardous Waste Activities	
(choose only one of the following categories)	
<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> 3. Treater, Storer or Disposer of Hazardous Waste
<input type="checkbox"/> a. Large Quantity Generator (LQG):	<input type="checkbox"/> 4. Recycler of Hazardous Waste
<input type="checkbox"/> b. Small Quantity Generator (SQG)	<input type="checkbox"/> 5. Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> c. Conditionally Exempt Small Quantity Generator	<input type="checkbox"/> a. Small Quantity On-site Burner Exemption
<input type="checkbox"/> d. United States Importer of Hazardous Waste	<input type="checkbox"/> b. Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> e. Mixed Waste (hazardous and radioactive) Generator	<input type="checkbox"/> 6. Underground Injection Control Facility

B. Universal Waste Activities		C. Used Oil Activities	
<input type="checkbox"/> 1. Small Quantity Handler of Universal Waste (Indicate types of universal waste generated and/or accumulated (check all boxes that apply):	<input checked="" type="checkbox"/> 1. Used Oil Generator	<input type="checkbox"/> 2. Used Oil Transporter Indicate Type(s) of Activity(ies)	
<input type="checkbox"/> 2. Large Quantity Handler of Universal Waste (accumulates 5,000 kg or more).	<input type="checkbox"/> Transporter	<input type="checkbox"/> Transfer Facility	
<input type="checkbox"/> 3. Destination Facility for Universal Waste (Check all boxes below that apply for each of the three types of facilities above.)	<input type="checkbox"/> 3. Used Oil Processor and/or Re-refiner Indicate Type(s) of Activity(ies)	<input type="checkbox"/> Processor	
	<input type="checkbox"/> Re-refiner		
	<input type="checkbox"/> 4. Off-Specification Used Oil Burner		
	<input type="checkbox"/> 5. Used Oil Fuel Marketer - Indicate Type(s) of Activity(ies)	<input type="checkbox"/> a. Marketer Who Directs Shipment of Off-Specification Oil	
		<input type="checkbox"/> b. Used Oil to Off-Specification Used Oil Burner	

11. Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.

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12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.

N	Announced ?	Additional Facility Representatives:
N	Tanks?	Other comments:
Y	Containers?	

13.	Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/ Time (mm-dd-yyyy) (HH:MM)
	Amber Hicks	Chris Maslo	12-28-06; 11:45-13:00

14. OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of owner, operator, or an authorized representative	Name and Title (Print)	Date (mm-dd-yyyy)