



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

January 9, 2012

**JEFFERSON COUNTY
RG STEEL, LLC - YORKVILLE
DMWM-SEDO
OHD 010448 231**

Mr. Bud Smith
RG Steel, LLC
1134 Market Street
Wheeling, WV 26003

Dear Mr. Smith:

On October 4, 2010, John Rochotte sent you a notice of violation (NOV) letter in response to your letter dated August 30, 2010. The October 4, 2010 NOV identified outstanding violations in regards to a release of spent pickling liquor on May 13, 2010. To date, RG Steel, LLC has failed to respond to the October 4, 2010 NOV letter and remains in violation of the following:

- (1) **ORC 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 within this rule.

The May 13, 2010 release of Spent Pickling Liquor via the pickling line scrubber ductwork, to storm and sanitary sewers at RG Steel, LLC's Yorkville facility resulted in the disposal of K062 hazardous waste without a permit and therefore, RG Steel, LLC is in violation of the above law.

Since RG Steel, LLC 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 RG Steel, LLC has implemented an approved closure plan for this area.**

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

In emails sent to this office on August 25 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. Severstal Wheeling (now RG Steel, LLC) submitted a "Final Report" on October 1, 2010 regarding this May 13, 2010 spill. The Consent Order and Final Judgment Entry (case No.

99-CV-238, March 15, 2002) states that "Recyclable Solution that is not managed in accordance with the management standards in paragraph nine (9) of the 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." From the report and the previous emails, it is not clear that all impacted soils were removed as specified in the Consent Order. Specifically, information describing how the area where the release occurred was addressed, why constituents of concern in this spill area are not the same as other areas within the pickling line where previous closure activities were conducted, soil sampling locations, extent of contamination demonstration, soil sampling results, waste evaluation data for all spill generated wastes (including Yorkville POTW sludge), manifests, etc., should be included in the closure plan.

To order to abate this violation, RG Steel, LLC must submit a closure plan which meets the requirements of OAC Rule 3745-55-12 to Ohio EPA. To ensure that the closure plan complies with this rule, Ohio EPA encourages RG Steel, LLC to refer to Ohio EPA's Hazardous Waste Management Closure Plan Review Guidance found on Ohio EPA's website at: <http://www.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.

RG Steel, LLC 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 RG Steel, LLC's demonstration that daily inspections are being conducted at the facility and the other violations cited in this letter have been abated.

In addition to the above previously cited violations, it has come to my attention that RG Steel, LLC is also in violation of **Section 9.h. of the Consent Order and Final Judgment Entry, Case No. 99-CV-238, March 15, 2002.** This section requires RG Steel, LLC to prepare and submit to Ohio EPA an annual report for the previous calendar year identifying the total quantity of Recyclable Solution shipped to iron oxide manufacturers. Ohio EPA has not received this annual report for calendar year 2010. To abate this violation, RG Steel, LLC must submit this annual report for calendar year 2010 to this office for review.

RG Steel, LLC needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, RG Steel, LLC is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to melody.stewart@epa.ohio.gov.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, RG Steel, LLC is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions, please contact me by telephone at (740) 380-5256 or by e-mail at melody.stewart@epa.ohio.gov.

Sincerely,



Melody Stewart
District Representative
Division of Materials and Waste Management

MS/dh

cc: Bruce McCoy, DMWM, CO
Brian Ball, AGO

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.

