



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

February 15, 2012

Timothy Pucky
CFO-Cleveland
Ferrous Processing & Trading Co.
8550 Aetna Rd.
Cleveland, OH 44105

**RE: FERROUS PROCESSING & TRADING CO., CUYAHOGA COUNTY, COMPLAINT # 7495
OHR000166660, NOTICE OF VIOLATION (NOV) AND RETURN TO COMPLIANCE (RTC)**

Dear Mr. Pucky:

On January 31, 2012, Ohio EPA, Division of Materials and Waste Management (DMWM), visited Ferrous Processing & Trading Co. /FPT Cleveland LLC (FPT) located at 8550 Aetna Rd., Cleveland, Ohio, to conduct a complaint investigation. The complaint received by Ohio EPA alleged mismanagement of wastes at FPT's Cleveland 3455 Campbell Road location which was referred to as the "Bailor Site". Ohio EPA was represented by this writer and Nyall McKenna. FPT was represented by you, Kristy Boismier, Dave Constantine and Drew Luntz. Susan Johnson was in contact by telephone.

Ohio EPA understands that FPT's business is to process and recycle scrap metals. Its primary customers are the local steel mills where scrap metals are processed into new steel. FPT operates its business at the two locations noted above. The FPT Aetna Road location receives scrap metal including crushed and intact vehicles from offsite customers. Prior to shredding the vehicles, FPT dismantles the vehicles in the Vehicle Processing Facility where used oil, antifreeze, batteries, mercury switches, CFC refrigerants and gasoline are generated during the dismantling process. The fluids, batteries and mercury switches are sent offsite to appropriate handlers. Automotive fluff is generated during the shredding process. The automotive fluff is sent to another offsite processor for further metal recovery. The scrap metals generated here are sorted and sent to the offsite steel mills by railroad car.

At the Campbell Road location FPT receives scrap metals from offsite customers and further processes (sorts and cuts to size) the metals and then loads these metals into railroad cars for offsite shipment to the steel mills. FPT leases this property from the Norfolk & Western Railroad.

Enclosed is the inspection checklist for a Used Oil Generator. Also enclosed is an updated RCRA Site Verification/ Identification Form.

Enclosed is additional information that may be of help to you in your daily operations.

During this visit the following violations of Ohio's hazardous waste laws or rules were identified.

FPT failed to clearly label containers and above ground tanks with the words "Used Oil" as required by OAC 3745-279-22(C).

FERROUS PROCESSING & TRADING CO.
FEBRUARY 15, 2012
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FPT failed to clean up a release of used oil at FPT's Cleveland 3455 Campbell Road location as required by OAC 3745-279-22(D).

At the Aetna Road Location: On February 1, 2012, Ohio EPA received an e-mail message and with attached photos from Kristy Boismier showing that all used oil containers and tanks were labeled used oil and therefore, FPT has abated the above violation.

At the Cleveland 3455 Campbell Road Location: On February 6 and 7, 2012, Ohio EPA received e-mail messages from Kristy Boismier with attached photos and documents showing that FPT has abated the above violation.

Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides free compliance and pollution prevention assistance on environmental issues related to air, land and water. Please feel free to contact OCAPP at 800-329-7518 should your facility be interested in these services.

You can find copies of the rules and other general information on Ohio EPA's main web page at: <http://www.epa.ohio.gov>

You can find more information and sign up for free subscription service at the following Web link: http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage.

Please be aware that on April 18, 2011, the Division of Hazardous Waste Management became the Division of Materials and Waste Management.

Thank you for your cooperation in this matter. Should you have any questions regarding this letter, please call me at (330) 963-1266.

Sincerely,



Kris L. Coder
Environmental Specialist II
Division of Materials and Waste Management

KC:ddw
Enclosure

cc: Natalie Oryshkewych, NEDO, DMWM
Marlene Kinney, NEDO, DMWM
ec: Nyall McKenna, NEDO, DMWM
Jeff Mayhugh, CO, DMWM

NOTICE: Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your facility from its obligation to comply with all applicable regulations.

Send to Central Office <input checked="" type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No.	EPA ID Number: OHR000166660	
Site Name	Name: Ferrous Processing & Trading Co./FPTCleveland LLC	Website: (Optional)
Site Location Information	Street Address: 8550 Aetna Road	
	City, Town, or Village: Cleveland	State: OH
Site Land Type (check only one)	County Name: Cuyahoga	
NAICS code(s) www.census.gov/epcd/www/naics.html	Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/>	Zip Code: 44105

Facility Representative	First Name: Timothy	MI:	Last Name: Pucky
Additional names can be recorded in number 12	Title: CFO-Cleveland		
Only provide address information if it is different than the site address	Phone Number: 216-244-1151		Phone Number Extension:
	E-Mail Address: tim.pucky@fpt1.com		
	Fax Number: 216-441-6369		Fax Number Extension:
	Street or P.O. Box: 8550 Aetna Road		
	City, Town or Village: Cleveland		
	State: OH	Zip Code: 44105	

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	Name of Site's Legal Owner: Fpt Cleveland Real Estate		Date Became Owner (mm/dd/yyyy):	
	Owner Type: <input checked="" type="checkbox"/> Private	<input type="checkbox"/> County	<input type="checkbox"/> District	<input type="checkbox"/> Federal
	Street or P.O. Box: 8500 Aetna Rd		<input type="checkbox"/> Indian	<input type="checkbox"/> Municipal
	City, Town or Village: Cleveland		<input type="checkbox"/> State	<input type="checkbox"/> Other
	State: OH	Owner Phone #:		
	Name of Site's Operator: FPT Cleveland, LLC		Date Became Operator (mm/dd/yyyy):	
	Operator Type: <input checked="" type="checkbox"/> Private	<input type="checkbox"/> County	<input type="checkbox"/> District	<input type="checkbox"/> Federal
	Street or P.O. Box: 8550 Aetna Rd		<input type="checkbox"/> Indian	<input type="checkbox"/> Municipal
	City, Town or Village: Cleveland		<input type="checkbox"/> State	<input type="checkbox"/> Other
	State: OH	Operator Phone #:		
	Country: USA		Zip Code: 44105	

VIOLATIONS CITED?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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TYPE OF HANDLER - MARK "X" AS APPROPRIATE		
<input checked="" type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 <input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). Check the box for the applicable generator status and provide a comment.	<input type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input type="checkbox"/> Conditionally Exempt Small Quantity Generator <input type="checkbox"/> U.S. Importer of Hazardous Waste <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

- | | |
|---|--|
| <input type="checkbox"/> Hazardous Waste Transporter | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace |
| <input type="checkbox"/> Hazardous Waste Transfer Facility | <input type="checkbox"/> Small Quantity On-Site Burner Exemption |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Recycler of Hazardous Waste | <input type="checkbox"/> Underground Injection Control Facility |
| <input type="checkbox"/> 72-Hour Recycler | <input type="checkbox"/> Receives Hazardous Waste from Off-site |

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY))

- | | |
|--|---|
| <input checked="" type="checkbox"/> Small Quantity Handler of Universal Waste | <input type="checkbox"/> Destination Facility for Universal Waste |
| <input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more) | |

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

- Batteries
 Pesticides
 Mercury containing equipment
 Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))

- Used Oil Generator
 Used Oil Transporter
 Used Oil Transfer Facility
 Used Oil Processor
 Used Oil Re-refiner
 Off-Specification Used Oil Burner
 Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil
 Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

Eligible Academic Entities with Laboratories: Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

- College or University
 Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university
 Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

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

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced Yes No Additional Facility Representatives: **Kristy Boismier, Dave Constantine and Drew Luntz.**

Tanks Yes No
 Containers Yes No

Name of Inspector(s)
Kris Coder

Name of Inspector(s)
Nyall McKenna

Date of Inspection/Time
 (mm/dd/yyyy) (hh:mm)
01/31 2012

Comments:

Also, associated location at FPT Cleveland LLC, 3455 Campbell Rd., Cleveland, OH which is leased from the Norfolk & Western RR.

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: 1. A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

2. Inspectors can check BUSTR's web-site at https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/PublicInquiry.asp to determine if a UST containing used oil is registered with BUSTR. Inspectors may call BUSTR at 614-752-7938 or a BUSTR site coordinator to report an unregistered UST or a UST that appears to not be in compliance with BUSTR regulations. A list of BUSTR coordinators by county are at:

https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/SearchByCounty.asp.

PROHIBITIONS

1.	Does the generator manage used oil in a surface impoundment or waste pile? If yes:	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: For example, used oil contaminated scrap metal stored in a pile.

2.	Is used oil used as a dust suppressant? [3745-279-12(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

GENERATOR STANDARDS

4.	Does the generator mix hazardous waste with used oil? If so,	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

6.	Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> See note below.
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Stopped the release?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

See note below.

ON-SITE BURNING IN SPACE HEATER		
10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	
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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<i>NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).</i>		
GENERATOR TRANSPORTATION		
11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
12.	If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]	
a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Does the generator transport more than 55 gallons of used oil at any time? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).</i>		
COLLECTION CENTERS AND AGGREGATION POINTS		
13.	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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.</i>		

At the Aetna Road Location: On February 1, 2012, Ohio EPA received an e-mail message and with attached photos from Kristy Boismier showing that all used oil containers and tanks were labeled used oil and therefore, FPT has abated the above violation.

At the Cleveland 3455 Campbell Road Location: On February 6 and 7, 2012, Ohio EPA received e-mail messages from Kristy Boismier with attached photos and documents showing that FPT has abated the above violation.