

**Environmental
Protection Agency**

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

April 23, 2012

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

**RG STEEL, LLC - YORKVILLE
JEFFERSON COUNTY
DMWM-SEDO
OHD 082 964 313**

**Certified Mail:
70102780000197044169**

Dear Mr. Smith:

I received your partial response to my January 9, 2012 Notice of Violation (NOV) letter on January 12, 2012. The documentation you submitted included a copy of the Annual FCS report for 2010. RG steel, LLC did not address the other violations that were cited in this NOV.

My review of this documentation reveals that RG Steel, LLC has adequately demonstrated abatement of the following violation cited in the January 9, 2012 NOV:

1. Section 9.h. of the Consent Order and Final Judgment Entry, case No. 99-CV-238, March 15, 2002

RG Steel, LLC has failed to address the other violations that were cited on June 25, 2010, October 4, 2010 and January 9, 2012 NOVs. Therefore, RG Steel, LLC remains in violation of the following hazardous waste laws:

- (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.

A May 13, 2010 release of Spent Pickling Liquor via an underground pickling line fume tunnel migrated into the storm sewer (leading to the Ohio River) and sanitary sewer to the Village of Yorkville's Publicly Owned Treatment Works (POTW).

Ohio EPA received a "Final Report" report from Severstal Wheeling (now RG Steel, LLC) on October 1, 2010, documenting its remedial activities at the Village of Yorkville's POTW (removal and disposing of 135 tons of stabilized solids) and the RG Steel, LLC Yorkville facility. The damaged fume tunnel at the Yorkville facility

was replaced with a new fume tunnel alongside the damaged existing tunnel. During the installation of this new fume tunnel some contaminated soils (50 tons) from the spill were removed and excavated off-site as K062 hazardous waste. This release 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 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. 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 October 1, 2010 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.

In 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.

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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.

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.

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/sb

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 appropriate regulations.