



Environmental
Protection Agency

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

June 12, 2012

RE: DEMILTA IRON & METAL
OHD004222378
LAKE COUNTY
2nd NOTICE OF VIOLATION

Ron Vaughn, Vice President
DeMilta Iron & Metal
3950 Ben Hur Ave.
Willoughby, OH 44096

Dear Mr. Vaughn:

On May 7, 2012 Dan Bogoevski and I sent you a letter that requested a response by May 25, 2012. I have not received such a response. This dealt with violations found during our April 16, 2012 inspection of DeMilta Iron & Metal located at 3950 Ben Hur Ave., Willoughby, Ohio. Below is a copy of the violations and concerns found by the Division of Materials and Waste Management.

1. **OAC Rule 3745-279-22(C) - Used oil labels**

This rule requires containers, aboveground tanks, and fill pipes for underground tanks for used oil to be labeled or marked clearly with the words "Used Oil". The following documents are enclosed:

The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil, 2006

http://epa.ohio.gov/portals/32/pdf/Used_Oil_Generators_Guidance.pdf

Registered Used Oil Transporters in Northeast Ohio, 2011

DeMilta violated this rule by having about seven drums stored outside at the weld shop that had material in them but that were not labeled. We were told that at least some of these contained used oil. **You must now properly label all containers of used oil and submit documentation of that to me. Please also indicate the contents of the drums that were stored outside of the weld shop.** The underground tank used to collect used oil from the scrap draining pad was also not labeled. It would seem that the manhole cover of this tank and/or the pumpout pipe should be labeled as used oil. **Please send me documentation showing that this tank system has been labeled as required.**

2. **OAC Rule 3745-279-22(D) - Response to releases of used oil**

This rule requires that upon detection of a release of used oil to the environment, the generator must clean up and manage properly the released used oil and other materials. DeMilta violated this rule by having many areas where used oil was on the ground. Many of these are shown in the enclosed photographs, which I can email to you if requested. **This contaminated soil and gravel must be dug up and disposed of properly.** If it is only contaminated with used oil then it may be disposed of in a solid waste landfill. Please send us photographs of some of these areas being dug up and of the container(s) holding the dug up soil and gravel. The standard required for cleanup of used oil contamination is a visual one, which means the material must be removed until used oil contamination is no longer seen.

When these areas have been cleaned up, Mr. Almquist will come back out to re-inspect. Please do not put clean fill or gravel over these areas until he has seen them. It is not allowed to place clean fill or gravel over contaminated soil and gravel. We understand that some of the areas of this contamination will not be able to be removed until the scrap stored on them is moved. These areas need to be cleaned up when the scrap is removed based on your normal operations schedule.

We saw the pile of dirt removed during the Emergency Response required removal. This has been tarped. This waste must be properly disposed. If it is only contaminated with used oil then it may be disposed of in a solid waste landfill. The following document is enclosed:

Frequently Asked Questions about the Management of Soils, 1998
http://www.epa.ohio.gov/portals/34/document/guidance/gd_610.pdf

Jennifer Carlin in our solid waste section can give you more information if needed. Her phone number is (330) 963-1133.

In addition, we noted the following concerns regarding hazardous waste management:

- Please confirm that used oil is being properly disposed. **Please send us a copy of the two most recent shipments of used oil from the underground tank that collects runoff from the chip-draining pad.**
- We saw a diesel fuel pump with diesel fuel that had spilled on the base of the pump and on the nearby gravel. This contaminated gravel must be removed and properly disposed. In addition, you may be subject to the Spill Prevention, Control and Countermeasure (SPCC) requirements. The following document regarding these requirements is enclosed:

Understanding Spill Prevention, Control and Countermeasure (SPCC) Requirements, 2009
<http://www.epa.ohio.gov/portals/41/sb/publications/spcc.pdf>

Your facility is subject to these rules if you have total aboveground storage capacity of 1,320 gallons or more of oil or oil products, which includes diesel fuel. **Please include in your response the capacity of the two tanks at this diesel fuel pump and whether both of them contain diesel fuel. Also, indicate whether you feel you are subject to SPCC rules.** The two basic requirements are to provide adequate secondary containment and to prepare and implement a written SPCC plan. If subject to these rules, you will need to provide secondary containment at least for the diesel fuel pump mentioned above.

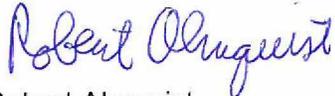
- There is a natural gas well on your property. There was a one-gallon plastic jug full of a liquid on the ground next to this well. **Please let us know what this material is. It needs to be either disposed or stored in a safer location.** You may want to ask the company that owns the gas well if they know what is in the jug.

You need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, you are requested to provide documentation to me including the steps taken to abate the violations cited above. Such documentation may include written correspondence, updated policies, and photographs, as appropriate.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. (or 3714 for C&DD) 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 circumstances delay the abatement of violations, you are 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 at (330) 963-1217 or robert.almquist@epa.ohio.gov.

Sincerely,



Robert Almquist
Division of Materials & Waste Management

RA:ddw

ec: Wade Balsler, Ohio EPA, DERR, NEDO
Frank Popotnik, Ohio EPA, DMWM, NEDO
Natalie Oryshkewych, Ohio EPA, DMWM, NEDO
Jeff Mayhugh, Ohio EPA, DMWM, CO
Marlene Kinney, Ohio EPA, DMWM, NEDO
Dan Bogoevski, Ohio EPA, DSW, NEDO