



Environmental
Protection Agency

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

September 14, 2012

RE: DEMILTA IRON & METAL
OHD004222378
LAKE COUNTY
3rd NOV

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

Dear Mr. Vaughn:

I received the July 3 and 13, 2012 e-mails from David Zappa. These were in response to my June 12, 2012 letter that dealt with violations found by the Division of Materials and Waste Management during our April 16, 2012 inspection of DeMilta Iron & Metal located at 3911 Ben Hur Avenue, Willoughby, Ohio. Those e-mails indicated that DeMilta Iron & Metal is working on correcting the cited violations, but did not give documentation to show that they have all been corrected. Below is a copy of the June 12, 2012 letter with updates as appropriate.

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."

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. **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 clean-up of used oil contamination is a visual one, which means the material must be

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removed until used oil contamination is no longer seen. When these areas have been cleaned up, I will come back out to re-inspect. Please do not put clean fill or gravel over these areas until I have 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 operation's 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. Please send me documentation that this has been done. Jennifer Carlin in our solid waste section can give you more information if needed. Her phone number is (330) 963-1133.

3. **OAC Rule 3745-279-24 – Off-site shipments of used oil by generators**

This rule requires that generators ensure that their used oil is transported only by transporters who have obtained US EPA identification numbers.

I have received two shipping papers for shipments of used oil from the chip-draining pad. One lists Kepich as the transporter. I assume this is Kepich Transportation, Inc. out of Hiram, Ohio. This company has obtained an ID number and notified as a used oil transporter as can be seen on the enclosed RCRA Site Detail report. The other transporter is listed as K.T.I., Inc. I could not find a listing to show that it has an ID number. Please send me documentation to show that the transporter(s) currently being used have ID numbers.

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

- 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 now be removed and properly disposed.** Please send me documentation showing this has been done. I received your draft Spill Prevention, Control and Countermeasure (SPCC) plan which states you are subject to this program because you have total aboveground storage capacity of 1,320 gallons or more of oil or oil products, which includes diesel fuel. Any questions regarding this plan should be directed to US EPA at their Westlake, Ohio office at (440) 250-1700 as the Ohio EPA no longer administrates this program. **You will need to provide secondary containment at least for the diesel fuel pump mentioned above.** Please send me documentation showing this has been done.

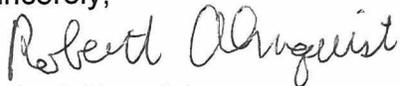
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You need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, you are requested to provide documentation to me including the steps taken to abate the violations 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 and Waste Management

RA:cl

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

RCRA Site Detail

Report run on: September 12, 2012 - 1:25 PM

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*** WARNING *** Sensitive information may be displayed on this report. *** WARNING ***

KEPICH TRANSPORTATION INC

OHR000105395

EPA Region:05 Extract:Y County:PORTAGE

State District: NE

Universes	Federal Generator:	N	Transporter:	Y	Operating TSDF:	-----	Active:	Y
	State Generator:	N	Importer:	N	Commercial:	N	EI Indicator (HE / GW):	N / N
	Short Term Generator:	N	Mixed Waste Generator:	N	HSM:	N	IC In Place:	N
	Subpart K/College:	N	Subpart K/Hospital:	N	Subpart K/Non-profit:	N	Subpart K/Withdrawal:	N

Latitude/Longitude Measure - Owner: Seq #: Coordinates:

Receive Date: 09/26/2001 Source Type: Notification Seq. Number: 1

Location 19129 TILDEN RD Address: HIRAM, OH 44234	Mailing 19129 TILDEN RD Address: HIRAM, OH 44234
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Contact Person WILLIAM KEPICH 19129 TILDEN RD
For Source (440) 834-3209 HIRAM, OH 44234
Information UNITED STATES

Owner (current) 19129 TILDEN RD Type: Private
KEPICH TRANSPORTATION INC HIRAM, OH 44234
From: 01/01/0001 To: Phone: (440) 834-3209

Land Type: Private Non Notifier: No TSD Date: Accessibility:

Regulated Waste Activities

Hazardous Waste Generator Status - Federal: Not a Generator; State: HQ-N Not a Generator

Other Hazardous Waste Generator Activities

Short Term Generator:	No
Importer Activity:	No
Mixed Waste Generator:	No
Transporter Activity:	Yes
Transfer Facility:	No
TSD Activity:	No
Recycler Activity:	No
Off-Site Receipt:	No

Exempt Boiler and/or Industrial Furnace

Small Quantity Onsite Burner Exemption:	No
Smelting, Melting, Refining Furnace Exemption:	No
Underground Injection Control:	No
Destination Facility for Universal Waste:	No

Used Oil Activities

Used Oil Transporter Activity	Off-Specification Used Oil Burner:	No
Transporter: Yes	Used Oil Fuel Marketer Activity	
Transfer Facility: No	Marketer who directs shipment off-specification used oil to off-specification used oil burner:	No
Used Oil Processor and/or Re-refiner Activity	Marketer who first claims the used oil meets the specifications:	No
Processor: No		
Refiner: No		

Subpart K

College/University:	No	Non-profit Research Institute:	No
Teaching Hospital:	No	Withdrawal:	No

* End of Report *