



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

April 11, 2008

**RE: Southeast Metals Inc.
Complaint # 7078
Notice of Violation**

Rob Rosen
Southeast Metals Inc.
5141 Richmond Road
Bedford Heights, OH 44146

Dear Mr. Rosen:

The Ohio EPA Division of Hazardous Waste Management conducted an inspection of Southeast Metals located at 5141 Richmond Road, Bedford Heights, Ohio on March 28, 2008. The purpose was to investigate a complaint and to determine if Southeast Metals had violations of Ohio's hazardous waste and used oil laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). The Ohio EPA was represented by Ed D'Amato and Robert Almquist. Southeast Metals was represented by Anthony Yanni.

This letter will document any violations and concerns found and outline what you need to do to correct them. A written response to these issues is required within 30 days.

The complaint alleged that autos are crushed by running them over with a bulldozer. Anthony Yanni told us this does not happen and that the cars are picked up with a crane and put in a roll-off box for shipment. The complaint alleged that automotive fluids are released to the ground and into the storm sewer. We did see antifreeze leaking out of a car that had just been picked up by a crane. Mr. Yanni showed us oil dry and absorbents that are used to cleanup such spills. Due to recent snow and/or rain we couldn't tell the exact extent of such spills throughout the yard. The complaint alleged numerous automotive batteries stacked on pallets. Two pallets of waste batteries were seen stored inside. The complaint alleged drums of unknowns. Two unlabeled drums were seen in the end of the yard toward Richmond Road. An employee told us these contained used oil (see labeling violation cited below). There were about four drums stored together at the other end of the yard (near the building) that we were told also contain used oil. At least one of those drums was labeled as used oil.

Please see the attached Process, Waste, and Pollution Prevention Summary for my understanding of how the various wastes are generated and managed.

The following violations were found: (These follow the order of the enclosed checklists.)

1. OAC rule 3745-52-11 – Hazardous waste determination.

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This rule requires that any person who generates a waste must determine if that waste is a hazardous waste. The following documents give more information regarding this:

Identifying Your Hazardous Waste

<http://www.epa.state.oh.us/ocapp/sb/publications/identifyingwaste.pdf>

Use of Generator Knowledge in Complying with OAC 3745-52-11

<http://www.epa.state.oh.us/dhwm/pdf/GeneratorKnowledge6.pdf>

Southeast Metals violated this rule by disposing of waste lamps (including fluorescent lamps) with regular trash without determining whether or not they are a hazardous waste. As an alternative to determining whether your particular waste lamps are hazardous waste, you may wish to manage them as universal waste. The following document was given to Mr. Yanni during the inspection which contains more information regarding this:

http://www.epa.state.oh.us/ocapp/sb/publications/Lampcompliance_checklist.pdf

In general, this would involve saving the waste lamps in a labeled container (such as a cardboard box) and having them picked up by a lamp recycler. Local lamp recycling companies are listed on the two enclosed recyclers lists.

Please send me a description of how you will now manage waste lamps.

2. OAC rule 3745-279-22(C) - Used oil labels.

This rule requires containers and aboveground tanks used to store used oil at generator facilities to be labeled or marked clearly with the words Used Oil.

Southeast Metals violated this rule by having two drums of used oil that were not labeled as used oil. **You must now properly label all containers of used oil and send documentation of that to me.**

3. OAC rule 3745-273-14(A) - Labeling/marking- standards for small quantity handlers of universal waste.

This rule requires that universal waste batteries, or a container of these batteries, be labeled as "Universal Waste Batteries," "Waste Batteries," or "used Batteries." Information regarding universal waste was given to Mr. Yanni and can be found at: http://www.epa.state.oh.us/dhwm/pdf/New_Universal_Waste_Guidance.pdf

Southeast Metals violated this rule by having two pallets of waste batteries that were not labeled. **All waste batteries must now be labeled and documentation of that sent to me.**

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4. OAC rule 3745-273-16 – Employee training for handlers of universal waste.

This rule requires that employees who manage universal waste be informed of proper handling and emergency procedures for that universal waste.

Southeast Metals violated this rule by not informing its employees as required as shown by violations 1 and 3 above. **Please send me documentation that employees have been informed as required.**

Please send a written response to this letter within 30 days including the documentation required above.

Concerns:

1. This site may be subject to Ohio EPA's storm water regulations. The following document regarding this is enclosed:
Storm Water Program, 2003
<http://www.epa.state.oh.us/dsw/storm/phase2factsheet.pdf>

Marcy Imperi of Southeast Metals told me that she has contacted Adrienne LaFavre of the Office of Compliance Assistance and Pollution Prevention for guidance on this.

Suggestions:

Mercury switches were used for convenience lighting in hoods and trunks and in anti-lock braking systems of many vehicles manufactured till 2003. If these mercury switches are left in vehicles that are crushed and shredded, the mercury will be released to the air. Information on a current recycling program for these switches was given to Mr. Yanni during the inspection and can also be found at:

http://www.epa.state.oh.us/ocapp/sb/switch_removal_program.html

As long as funding for the program lasts, you can receive \$3.00 for every switch turned in.

I encourage you to review the Environmental Compliance Guide for Motor Vehicle Salvage Yards which I gave to Mr. Yanni. This can also be found at:

<http://www.epa.state.oh.us/ocapp/salvageguide.pdf>

Ohio businesses that spend less than \$150,000 on their annual energy bill now have a tool to help them reduce energy waste and hold costs down. The Ohio Department of Development has developed a free online tool that is confidential and easy to use. If you are looking for ways to save on energy expenses at your business, visit the Small Business Energy Saver at:
<http://www.energyguide.com/EnergySmartSBE/welcomeba.asp?referrerid=227&sid=436>

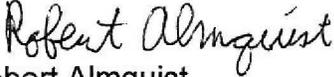
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Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues related to air, land, and water. They can be contacted at (800) 329-7518, or <http://www.epa.state.oh.us/ocapp/ocapp.html>.

You can find copies of the regulations and other information on the Division of Hazardous Waste Management web page at <http://www.epa.state.oh.us/dhwm/>.

If you have any questions, please contact me at (330) 963-1217, or robert.almquist@epa.state.oh.us.

Sincerely,


Robert Almquist
Division of Hazardous Waste Management

RA:cl
Enclosures

cc: Natalie Oryshkewych, DHWM, NEDO

ec: Frank Popotnik, DHWM, NEDO
Harry Sarvis, DHWM, CO
Sandy Cappotto, DSW, NEDO
Marcy Imperi, Southeast Metals
Adrienne LaFavre, OCAPP, NEDO

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.

Process, Waste, and Pollution Prevention Summary for:

Southeast Metals, 3-28-08 inspection

#	Process generating the waste	Waste details	On-site management	Off-site management	Current pollution prevention	Possible pollution prevention
1	Removed from cars coming in	Auto batteries	Stored on pallets inside	Shipped to Bulldog Battery, last shipped 3-28-08		
2	Removed from cars coming in	Used oil	Stored in drums which are stored outside	Shipped to Peerless Oil Service, North Olmsted, OH, last shipped 400 gallons on 2-8-08		
3	Cleanup of spills	Oil dry and adsorbant				Set up systems to prevent spills
4	From cars that come in	antifreeze				
5	Lighting	Waste fluorescent lamps		Disposed in regular trash		

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

NOTE: 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.

PROHIBITIONS

1. Does the generator manage used oil in a surface impoundment or waste pile? If yes: Yes No N/A
- a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] Yes No N/A
2. Is used oil used as a dust suppressant? [3745-279-12(B)] Yes No N/A
3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes No N/A

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 No N/A
- a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] Yes No N/A

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 No N/A

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 No N/A
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes No N/A
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] Yes No N/A
9. Has the generator, upon detection of a release of used oil, done the

following: [3745-279-22(D)]

- a. Stopped the release? Yes No N/A
- b. Contained the release? Yes No N/A
- c. Cleaned up and properly managed the used oil and other materials? Yes No N/A
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes No N/A

ON-SITE BURNING IN SPACE HEATER

- 10. Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so: Yes No N/A
 - 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 No N/A
 - b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes No N/A
 - c. Are the combustion gases from heater vented to the ambient air? Yes No N/A

GENERATOR TRANSPORTATION

- 11. If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] Yes No N/A
 - a. Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24] Yes No N/A
 - b. Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24] Yes No N/A

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).

COLLECTION CENTERS AND AGGREGATION POINTS

- 12. 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 No N/A
- 13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes No N/A
- 14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes No N/A

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.

Keyword: UsedOilChecklistforGenerators.Oct.2007.doc

**CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET**

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
 SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.
 LQG: ≥1,000 Kg. (~300 gallons) of waste in a calendar month or ≥1 Kg. of acutely hazardous waste in a calendar month.
 NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used:

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No N/A

GENERATOR CLASSIFICATION

2. Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")] Yes No N/A

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). If so, complete the Small Quantity Generator Requirements checklist.

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)] Yes No N/A

TREATMENT OF HAZARDOUS WASTE

4. Does the generator treat hazardous waste in a:

- a. Container that meets 3745-66-70 to 3745-66-77? Yes No N/A
- b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C)? Yes No N/A
- c. Drip pads that meet 3745-69-40 to 3745-69-45? Yes No N/A
- d. Containment building that meets 3745-256-100 to 3745-256-102? Yes No N/A

NOTE: Complete appropriate checklist for each unit.
NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.
NOTE: If waste is treated to meet LDRs, use LDR checklist.

REMARKS

SMALL QUANTITY UNIVERSAL WASTE HANDLER REQUIREMENTS - BATTERIES AND LAMPS

Large Quantity Universal Waste Handler (LQUWH) = 5,000 Kg or more

Small Quantity Universal Waste Handler (SQUWH) = 5,000 Kg or less

PROHIBITIONS

1. Did the SQUWH dispose of universal waste? [3745-273-11(A)] Yes No ___ N/A ___ RMK# ___
Lamps were being disposed as regular trash.
2. Did the SQUWH dilute or treat universal waste, except when responding to releases as provided in 3745-273-17 or managing specific wastes as provided in 3745-273-13? [3745-273-11(B)] Yes No X N/A ___ RMK# ___

WASTE MANAGEMENT & LABELING/MARKING

UNIVERSAL WASTE BATTERIES

3. Are battery(ies) that show evidence of leakage, spillage or damage that could cause leaks contained? [3745-273-13(A)(1)] Yes ___ No N/A X RMK# ___
4. If batteries are contained, are the containers closed and structurally sound, compatible with the contents of the battery and lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(A)(1)] Yes ___ No N/A X RMK# ___
5. Does the SQUWH conduct any of the following activities:
- a. Sort batteries by type? Yes ___ No X N/A ___ RMK# ___
 - b. Mix battery types in one container? Yes ___ No X N/A ___ RMK# ___
 - c. Discharge batteries to remove the electric charge? Yes ___ No X N/A ___ RMK# ___
 - d. Regenerated used batteries? Yes ___ No X N/A ___ RMK# ___
 - e. Disassemble them into individual batteries or cells? Yes ___ No X N/A ___ RMK# ___
 - f. Remove batteries from consumer products? Yes ___ No X N/A ___ RMK# ___
 - g. Remove the electrolyte from the battery? Yes ___ No X N/A ___ RMK# ___

If so, are the casings of the batteries breached, not intact, or open (except to remove the electrolyte)?
[3745-273-13(A)(2)]

Yes If the electrolyte is removed or other waste generated, has it been determined whether it is a hazardous waste? [3745-273-13(A)(3)]
No

Yes ___ No N/A RMK# ___

N/A

RM

K#

6.

a. If the electrolyte or other waste is characteristic, is it managed in compliance with 3745-50 through 3745-69? [3745-273-13(A)(3)(a)]

Yes ___ No N/A RMK# ___

b. If the electrolyte or other waste is not hazardous, is it managed in compliance with applicable law? [3745-273-13(A)(3)(b)]

Yes ___ No N/A RMK# ___

7. Are the battery(ies) of container(s) of batteries labeled with the words "Universal Waste - Batteries" or "Waste Battery(ies)" or "Used Battery(ies)"?
[3745-273-14(A)]

Yes ___ No N/A ___ RMK# ___

UNIVERSAL WASTE LAMPS

8. Does the SQGUHW contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and are compatible with contents of the lamps? Are containers or packages closed and do they lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(D)(1)]

Yes ___ No N/A ___ RMK# ___
Lamps were being disposed as regular trash.

9. Are lamps that show evidence of breakage, leakage or damage that could cause a release of mercury or hazardous constituents into the environment immediately cleaned up? Are they placed into a container that is closed, structurally sound, compatible with the contents of the lamps, and lack evidence of leakage spillage or damage that could cause leakage or releases of mercury or hazardous waste constituents to the environment? [3745-273-

Yes ___ No N/A ___ RMK# ___

13(D)(2)]

10. Are the lamps or containers or packages of lamps labeled with the words "Universal Waste - Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)?" [3745-273-14(E)] Yes ___ No N/A ___ RMK# ___

NOTE: Treatment (such as crushing) by a UWH is prohibited under this rule unless the facility is permitted for such activities [3745-273-31(B)]. A generator crushing lamps must manage lamps according to hazardous waste rules (OAC Chapter 3745-52). Lamp crushing is a form of generator treatment (OAC 3745-52-34). Crushed lamps must be transported by a registered hazardous waste transporter to a permitted hazardous waste facility under a hazardous waste manifest.

ACCUMULATION TIME

11. Is the waste accumulated for less than one year? [3745-273-15(A)] If not: Yes X No ___ N/A ___ RMK# ___
-
- a. Was the waste accumulated over one year in order to facilitate proper recovery, treatment or disposal? (Burden of proof is on the handler to demonstrate) [3745-273-15(B)] Yes ___ No N/A ___ RMK# ___

NOTE: Accumulation is defined as date generated or date received from another handler.

12. Is the length of time the universal waste is stored documented by one of the following: [3745-273-15(C)]
- Yes No N/A ___ RMK# ___
-
- a. Marking or labeling the container with the earliest date when the universal waste became a waste or was received? [3745-273-15(C)(1)]
- Yes ___ No ___ N/A ___ RMK# ___
- b. Marking or labeling individual item(s) of universal waste with the earliest date that it became a waste or was received? [3745-273-15(C)(2)]
- Yes ___ No ___ N/A ___ RMK# ___
- c. Maintaining an inventory system on-site that identifies the date the universal waste became a waste or was received? [3745-273-15(C)(3)]
- Yes ___ No ___ N/A ___ RMK# ___
- d. Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers became a universal waste or was received? [3745-273-15(C)(4)]
- Yes ___ No ___ N/A ___ RMK# ___
- e. Placing the universal waste in a specific accumulation area and identifying the earliest start date or date received? [3745-273-15(C)(5)]
- Yes ___ No ___ N/A ___ RMK# ___
- f. Any other method, which clearly demonstrates, the length of time the universal waste has been accumulated from the date it became a waste or was received? [3745-273-15(C)(6)]
- Yes No ___ N/A ___ RMK# ___
Shipping papers

EMPLOYEE TRAINING

13. Are employees who handle or have the responsibility for managing universal waste informed of waste handling/emergency procedures, relative to their responsibilities? [3745-273-16]
- Yes ___ No N/A ___ RMK# ___
-

RESPONSE TO RELEASES

14. Are releases of universal waste and other residues immediately contained? [3745-273-17(A)] Yes No N/A RMK#
-
15. Is the material released characterized? [3745-273-17(B)] Yes No N/A RMK#
-
16. If the material released is a hazardous waste, is it managed as required in OAC Chapters 3745-50 through 3745-69? (If the waste is hazardous, the handler is considered the generator of the waste and is subject to Chapter 3745-52) [3745-273-17 (B)] Yes No N/A RMK#
-

OFF-SITE SHIPMENTS

NOTE: *If a SQUWH self-transport waste, then they must comply with the Universal Waste transporter requirements.*

17. Are universal wastes sent to either another handler, destination facility or foreign destination? [3745-273-18(A)] Yes No N/A RMK#
for batteries

NOTE: *SQUWHs are prohibited to send waste to any other facility.*

18. If the universal waste meets the definition of hazardous material under 49 CFR 171-180, are DOT requirements met with regard to package, labels, placards and shipping papers? [3745-273-18(C)]

Yes No N/A RMK# unknown

19. Prior to shipping universal waste off-site, does the receiver agree to receive the shipment? [3745-273-18(D)]

Yes No N/A RMK# -

20. If the universal waste shipped off-site is rejected by another handler or destination facility does the originating handler do one of the following:

a. Receive the waste back? [3745-273-18(E)(1)]

Yes No N/A RMK# -

b. Agree to where the shipment will be sent? [3745-273-18(E)(2)]

Yes No N/A RMK# -

N/A

RMK#

21.

a. Sending the waste back to the originating handler? [3745-273-18(F)(1)]

Yes No N/A RMK# -

b. Sending the shipment to a destination facility? (If both the originating and receiving handler agree) [3745-273-18(F)(2)]

Yes No N/A RMK# -

22. If the handler received a shipment of hazardous waste that was not universal waste, did the SQUWH immediately notify Ohio EPA? [3745-273-18(G)]

Yes No N/A RMK# -

23. If the handler received a shipment of nonhazardous, non-universal waste, was the waste managed in accordance with applicable law? [3745-273-18(H)]

Yes No N/A RMK# -

EXPORTS

24. Is waste being sent to a foreign destination? If so: Yes No N/A RMK#
-
- a. Does the small quantity handler comply with primary exporter requirements in OAC 3745-52-53, 3745-52-56, and 3745-52-57? [3745-273-20(A)] Yes No N/A RMK#
- b. Is waste exported only upon consent of the receiving country and in conformance with U.S. EPA's "Acknowledgment of Consent" as defined in 3745-52-50 to -52-57? [3745-273-20(B)] Yes No N/A RMK#
- c. Is a copy of U.S. EPA's "Acknowledgment of Consent" provided to the transporter? [3745-273-20(C)] Yes No N/A RMK#