OhioEPA

State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Superior Forge
OHD 987033131
Allen County
Hazardous Waste
Second Notice of Violation

September 21, 2007

Mr. Tim Brennan, Plant Manager
Superior Forge & Steel Corporation
1820 McClain Road
Lima, Ohio 45804

Dear Mr. Brennan:

On August 22, 2007, I conducted an inspection of Superior Forge & Steel (Superior) at 1820 McClain Road in Lima, Ohio. Mr. Robert Creely of Superior accompanied me. During the inspection, I observed four, five yard waste bins located under the old baghouse along Buckeye Road, on the south side of the facility. The bins appeared to contain baghouse dust. Mr. Creely explained that he did not recall seeing them before and that they could have been there since 1990, when Superior bought the facility. You have made similar explanations.

Since Superior did not know the characteristics of the waste in the bins, I explained that this was a violation of Ohio's hazardous waste laws as found in Chapter 3745. of the Ohio Administrative Code (OAC). Furthermore, I explained that Superior must have the waste sampled and analyzed, according to OAC Rule 3745-52-11. On August 24, 2007, I observed that Superior personnel sampled the waste in each of the four waste bins (two samples from each bin) and from two locations on the ground, where waste appeared to have been spilled.

In a Notice of Violation letter (NOV), dated September 6, 2007, I informed you that the complete analytical results must be submitted to me as soon as they were available and that your results must document if the waste is hazardous or not and whether it is restricted from land disposal. I also stated that if the waste is hazardous, I would inform you of other violations in a separate letter.

On September 11, 2007, I received a copy of the analytical report for the sampling event conducted on August 24, 2007. According to the results of the report, you concluded that "bins number 1 through 3 are considered hazardous, and bin #4 and the ground samples are considered nonhazardous." **Since Superior has completed sampling and analysis of the waste in the bins and has submitted the analytical report, it has corrected the violation of OAC Rule 3745-52-11, cited in the September 6, 2007, NOV.**

However, after reviewing the information submitted by Superior on September 11, 2007, I have found the following additional violations of Ohio's hazardous waste laws:

1. **Unpermitted Hazardous Waste Treatment, Storage or Disposal**
   ORC Section 3734.02(E)&(F)

   No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following: (1) A hazardous waste facility operating under a permit issued in accordance with this chapter; (2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976" 90 Stat. 2806, 42 U.S.C.A. 6921, as amended.

   Superior has established an unpermitted hazardous waste storage facility by: storing hazardous waste baghouse dust for longer than 90 days. This has occurred for as much as 17 years. Superior must immediately cease the storage of hazardous waste for longer than 90 days. Superior must provide documentation that describes the procedures that will be taken, immediately, to ensure that unpermitted storage does not happen again. Also, Superior must investigate the contents of the baghouses along Buckeye Road on the south side of the facility. Superior must determine if any baghouse dust remains in the baghouse or on the bags and document the condition of the interior of the baghouses with photographs. Please provide a five business day advance notice of your investigation, so that an inspector may be present to observe.

   Since Superior has violated ORC Section 3734.02(E) & (F) by becoming an unpermitted storage facility (TSD), it is subject to **OAC Rules 3745-55-10 through 3745-55-48 and 3745-55-97**. Therefore, you are required to close the storage area. A closure plan describes the steps necessary to investigate the extent of contamination and to clean up all contamination found.

   Superior also is subject to all applicable general facility standards found in **OAC Chapters 3745-54 and 55** until such time as Superior has demonstrated that it has ceased operations as an unpermitted storage facility. Additionally, at any time, Ohio EPA may assert its right to have Superior begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

These are serious violations for which Ohio EPA may pursue further enforcement action.

You may be able to reduce the waste your business generates. If you find ways to recycle, reduce or altogether eliminate the amount of waste that your business generates, you may be able to reduce your treatment and disposal costs and you may possibly reduce your regulatory requirements. You may want to consider the opportunity to have a pollution prevention assessment at your facility. I encourage you to schedule an assessment because there are often many opportunities for facilities to reduce waste and save money. Please feel free to contact Ohio EPA's Office of Compliance Assistance and Pollution Prevention at (614) 644-3469 about your interest in an assessment.

If you have any questions about my inspection, or this letter, please feel free to call me at (419) 373-3074.

You can find copies of the rules and other information about used oil, universal waste and hazardous waste management on the division's web page at http://www.epa.state.oh.us/dhwm. Ohio EPA also has helpful information about pollution prevention at the following web address: http://www.epa.state.oh.us/ocapp/ocapp.html.

Sincerely,

Don North
District Representative
Division of Hazardous Waste Management

/lb

pc: Colleen Weaver, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
NWDO, DHWM, Allen County, Superior Forge & Steel File

ec: Don North, DHWM, NWDO

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 applicable regulations.