



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

February 9, 2016

Mark Grabigel
Thomas Steel Strip Corporation
Delaware Avenue N.W.
Warren, Ohio 44485

**Re: Thomas Steel Strip Corporation
Non-permit Related Variance
Approval
RCRA C - Hazardous Waste
Trumbull County
OHD 077 755 213**

Subject: Final Variance from Classification as a Waste

Dear Sir or Madam:

On February 9, 2016, the Director of Ohio EPA issued to Thomas Steel Strip Corporation a final variance from classification as a waste. This variance allows Thomas Steel Strip Corporation to operate and maintain the facility located at Delaware Avenue N.W., Warren, Ohio 44485 in Trumbull County. The Agency issued this variance because Thomas Steel Strip Corporation recycles wastes and uses and manages these materials more like products than wastes.

On November 25, 2015, the Director of Ohio EPA provided a public notice of his decision to tentatively grant the variance from classification as a waste. There were no comments received by the public during the comment period. Enclosed is the final Variance from Classification as a Waste.

The record related to this action can be retrieved from the Agency's eDocument Search web site: <http://edocpub.epa.ohio.gov/publicportal/edochome.aspx>. Click **Show Advanced** and then search under the document type of **Non-Permit Related Variance**. Refine the search using the facility's RCRA ID number (Secondary ID) which is noted in the RE: block above.

If you have any questions concerning this variance, please contact Annette De Havilland of Ohio EPA's Central Office, Division of Materials and Waste Management, at (614) 644-2621.

Sincerely,

A handwritten signature in black ink that reads "D. Crumiell-Hagens".

Demitria Crumiell-Hagens, Administrative Professional II
Division of Materials and Waste Management

Enclosures

cc: Annette De Havilland, DMWM, CO
Sherry Slone, DMWM, NEDO

OHIO EPA

FEB -9 2016

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL
In the Matter of:

Thomas Steel Strip Corporation
Delaware Avenue N.W.
Warren, OH 44485

Applicant

Variance from Classification
as a Waste

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

PREAMBLE

It is agreed by the parties hereto as follows:

By: Jon P. Lasser Date: 2-9-16

I. JURISDICTION

This Variance from Classification as a Waste (Variance) is issued to Thomas Steel Strip Corporation (Applicant) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.02, 3734.14, and 3745.01 and Ohio Administrative Code (OAC) rule 3745-50-23.

II. PARTIES BOUND

This Variance shall apply only to Applicant. No change in ownership of the Facility as hereinafter defined shall in any way alter Applicant's obligations under this Variance.

III. DEFINITIONS

Unless otherwise stated, all terms used in the Variance shall have the same meaning as defined in ORC Chapter 3734 and the rules promulgated thereunder. Whenever the terms listed below are used in this Variance, the following definitions shall apply:

1. "Acceptance by a Reclaimer" means when Spent Pickle Liquor (SPL) is unloaded from the transport vehicle and placed into Reclaimer's storage unit.
2. "Application" means the responses to the criteria listed in OAC rule 3745-50-24(B) for a Variance submitted by Applicant on June 12, 2014 and supplemented on July 13, 2014 which is attached hereto and incorporated herein.
3. "Facility" means the Thomas Steel Strip Corporation facility on Delaware Avenue N.W., Warren, Ohio, 44485.

4. "Spent Pickle Liquor" or "SPL" means hydrochloric acid that has been used in the surface treatment or pickling of steel by Applicant, and has become depleted or contaminated to the point that it is no longer usable for this production process. SPL includes hazardous waste classified as D002 as defined in OAC rule 3745-51-22 or as K062 as defined in OAC rule 3745-51-32(A).
5. "Reclaimer" is a person who processes SPL to form Regenerated Acid (RA) and iron oxide product.
6. "Regenerated Acid" or "RA" means hydrochloric acid reclaimed by a Reclaimer from SPL. RA has a hydrochloric acid concentration of approximately 18%.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Applicant is a person as defined in ORC section 3734.01(G) and OAC rule 3745-50-10(A).
2. Applicant regenerates SPL in a regeneration plant onsite. When the onsite regeneration plant is down for extended periods, another viable option for regenerating SPL is needed.
3. On June 12, 2014, Applicant submitted an Application to the Director for a variance from classification as a waste for SPL offered for transport by Applicant to a Reclaimer; in particular, Applicant is seeking relief from compliance with the manifest requirements of OAC rule 3745-52-20.
4. Applicant addresses the standards and criteria set forth in OAC rule 3745-50-24(B) for issuing a variance from classification as a waste in the following manner:
 - a. **How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;**

The difference in average cost of RA and virgin hydrochloric acid is significant. Should Applicant be required to exclusively use virgin hydrochloric acid without the benefit realized from using RA from the recovery of SPL, the cost of steel pickling will be negatively impacted.

Although applicant regenerates acid onsite, replacement of a portion of the RA with virgin hydrochloric acid will have a major impact on

Applicant's ability to produce steel at market-competitive rates. The substitution of RA allows Applicant to: reduce operational costs; provide a more competitive product price; and improve overall operating margins, while at the same time avoiding hazardous waste generation, treatment, and disposal.

- b. The extent to which the material is handled before reclamation to minimize loss;**

Applicant manages SPL produced from its steel processes in accordance with Ohio EPA Air Permit #P0107408 and all applicable Ohio hazardous waste requirements, including but not limited to storage in tank systems specifically designed and constructed and independently certified by a professional engineer; secondary containment for storage and handling systems; use of direct piping from pickling lines to the storage tank system; daily documented inspections; manned loading and unloading transfers; spill and contingency planning; and employee training. Applicant maintains records and documentation related to the volumes of SPL generated, used onsite, and transferred offsite. Transporters of SPL are properly licensed and fully insured companies. Each load is weighed and ticketed, and proper shipping papers are created to accompany each shipment. Applicable DOT, state, and local transportations requirements are followed.

- c. The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;**

The time period between generation and off-site shipment is expected to average four days. The time period between reclamation and return to steel facilities for use in a steel finishing production process is estimated to be 5.5 days.

- d. The location of the reclamation operation in relation to the production process;**

There are several reclamation facilities which may process SPL. The AMROX SPL regeneration facility located in Allenport, Pennsylvania is approximately 230 miles from Applicant's Facility.

- e. Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process,**

and whether it is returned to the process in substantially its original form;

RA is used by Applicant as an effective substitute for virgin hydrochloric acid in the steel pickling process. RA does not require further processing by Applicant; it is used for its original intended purpose in the pickling of steel as a direct substitute for commercially available hydrochloric acid.

f. Whether the person who generates the material also reclaims it; and

Reclamation of SPL will be conducted by an independent and physically separate business.

g. Other relevant factors.

The use of SPL to produce RA and iron oxide is a standard practice in the steel industry.

The director of Ohio EPA has previously granted similar variances to SPL processing facilities and generators in Ohio.

Reclamation and reuse of SPL will reduce hazardous waste treatment and disposal volumes and associated costs.

The variance request is limited only to transportation of SPL.

5. Based upon the information submitted by Applicant in the Application, the Director finds that SPL is not a waste at the point it is loaded into a transport container to be shipped to a Reclaimer provided the conditions of the Variance are met and Applicant is therefore not required to comply with the manifest requirements of OAC rule 3745-52-20.

V. GENERAL CONDITIONS

1. All activities undertaken by Applicant pursuant to this Variance shall be performed in accordance with the requirements of all applicable federal, state, and local laws, regulations, and ordinances. Applicant shall continue to manage and handle SPL in accordance with all other applicable hazardous waste rules, including but not limited to OAC rules 3745-66-90 to 3745-66-101 except 3745-66-97(C) and 3745-66-100 as stated in 3745-52-34(A)(1)(b). Applicant shall offer for transport all SPL to a Reclaimer in compliance with applicable DOT, PUCO, and other applicable federal and state transportation requirements.

2. The Variance is applicable only when all of the following conditions are met:
 - a. **SPL Material Specifications.** SPL meets the SPL material specifications of the Reclaimer.
 - b. **Acceptance by a Reclaimer.** SPL is shipped to a Reclaimer for Acceptance.
 - c. **SPL is not rejected by a Reclaimer.** SPL rejected by the Reclaimer that is returned to Applicant must be managed as K062 hazardous waste unless it can be used as a substitute for a commercial chemical product for water and wastewater treatment or sent to another Reclaimer. The SPL shall be manifested in Ohio in accordance with all applicable hazardous waste rules as K062 hazardous waste.
 - d. **Reclaimer meets Variance criteria.** Reclaimer meets the following criteria:
 - i. The time period between generation of SPL and processing to produce RA and iron oxide by the Reclaimer does not exceed ninety days.
 - ii. The location of the Reclaimer does not exceed a distance of one thousand miles from Applicant's location.
 - iii. The RA is used in the steel making process.
3. **Notification of use of Reclaimer:** Applicant shall notify the Ohio EPA Northeast District Office at the address in Section XIII when any of the following occur:
 - a. **First Shipment to a Reclaimer.** Within 30 days of sending the first shipment of SPL to a Reclaimer, Applicant shall provide notification that includes the following information:
 - i. Reclaimer's name and address.
 - ii. Distance from Applicant's Facility to Reclaimer's facility.
 - iii. Time period between generation of SPL at Applicant's Facility and Acceptance by a Reclaimer.
 - iv. A description of the reclamation process and products generated by the process.

- v. Documentation that the Reclaimer is authorized by its state or tribal authority, or authorized by U.S. EPA, to receive SPL for processing to produce RA and iron oxide.
 - vi. Reclaimer's material specifications for SPL.
- b. Change in time period between generation of SPL and Acceptance by a Reclaimer if ten days or more. Notice shall be made not later than 30 days after the change.
 - c. Change by Reclaimer to material specification for SPL. Notice shall be made not later than 30 days after the change.
4. **Bill of Lading:** The bills of lading described in the application must be maintained by Applicant for a period of three years.

If confirmation of Acceptance by a Reclaimer is not received, Applicant shall notify Ohio EPA Northeast District Office at the address in Section XIII of the status of the SPL within 45 days after the SPL left Applicant's Facility.

5. **Reporting:** By March 1st of each year, whether SPL is shipped to a Reclaimer or not, Applicant shall prepare an annual report for the previous calendar year; the first report will be due March 1st 2017. Applicant shall submit the report to Ohio EPA Northeast District Office at the address in Section XIII, in a paper report format of Applicant's choice or an electronic format agreed upon by Applicant and Ohio EPA. The report shall include the following information:
- a. Total amount for the year of SPL reused in water or wastewater treatment processes.
 - b. Total amount for the year of SPL shipped off-site for reclamation.
 - c. Identification of each Reclaimer and total amount for the year of SPL Accepted by each Reclaimer.
 - d. Total amount for the year of SPL shipped off-site as a hazardous waste.
 - e. For each rejected load, the amount and date the SPL was shipped off site and either the date the rejected load was returned to Applicant, or the identification of the alternate facility (including any water or wastewater treatment facility) and date the rejected load was received by the alternate facility, if known, and the reason for rejection, if known.

- f. Identification of each supplier of RA and total amount for the year of RA received by Applicant.
6. **Renewal of Variance:** In the event that this Variance expires prior to a final action of the Director to renew or reissue this Variance, Applicant may continue to operate in accordance with the terms and conditions of the expired Variance until a new variance is issued or denied provided either of the following is applicable:
 - a. Applicant submits a complete application for a renewal variance at least one hundred eighty days before the expiration date of this Variance unless permission for a later submittal date has been authorized by the Director prior to the expiration date of this Variance.
 - b. Through no fault of Applicant a new variance has not been issued pursuant to OAC rule 3745-50-23 on or before the expiration date of this Variance.
7. **Notice Applicant no longer owns and/or operates the Facility:** Applicant shall provide a written notice to Ohio EPA, in accordance with Section XIII, within seven days after the date of the event described in Section XI, Paragraph 1. occurs.

VI. ACCESS TO INFORMATION

Applicant shall provide Ohio EPA, upon request and within 30 days unless an alternate time frame is agreed upon, in writing, by Applicant and Ohio EPA, copies of all information relating to this Variance within its respective possession or control, or the possession or control of its respective contractors or agents, including but not limited to documents and information related to the issuance, use, and implementation of this Variance.

Applicant may assert a claim that documents and other information submitted to Ohio EPA pursuant to this Variance are confidential under the provisions of OAC rule 3745-50-30. If no such claim of confidentiality accompanies the documents and other information when submitted to Ohio EPA, the documents and other information may be made available to the public without notice to Applicant.

Nothing in this Section shall be construed as in any way limiting Ohio EPA's access, inspection, and information-gathering rights and authorities, including enforcement authorities related thereto, under any applicable statute or regulation.

VII. ACCESS TO SITE

Applicant shall provide Ohio EPA with access to the Facility, at reasonable times, including during normal business hours. Access under this Variance shall be for the purpose of conducting any activity related to this Variance or Ohio EPA's regulatory responsibilities, including but not limited to, the following:

1. Monitoring the implementation or use of this Variance.
2. Conducting sampling.
3. Inspecting and copying records, contracts, and other documents and information related to the implementation or use of this Variance.
4. Verifying any data and other information submitted to Ohio EPA.

Nothing in this Section shall be construed as in any way limiting Ohio EPA's access, inspection, and information-gathering rights and authorities, including enforcement authorities related thereto, under any applicable statute or regulation.

VIII. OTHER APPLICABLE LAWS

All actions taken pursuant to this Variance shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. This Variance does not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Applicant.

IX. OTHER CLAIMS

Nothing in this Variance shall constitute or be construed as a release from any claim, cause of action, or demand in law or equity against any person, firm, partnership, or corporation, not a party to this Variance, for any liability arising from, or related to, the operation of Applicant's Facility.

X. REVOCATION

The following are causes for revoking this Variance during its term:

1. Noncompliance by Applicant with any condition of this Variance.
2. Applicant's failure in the Application or during the Variance issuance process to

disclose fully all relevant facts, or Applicant's misrepresentation of any relevant facts at any time.

3. A determination by Ohio EPA that the SPL is managed at the Facility in a manner that endangers human health or the environment.

XI. TERMINATION

Unless otherwise terminated by the Director, this Variance shall terminate ten years after the effective date of this Variance, or when either of the following events occurs:

1. Applicant no longer owns and/or operates the Facility.
2. Director revokes the Variance.

XII. MODIFICATIONS

This Variance may be modified in writing by agreement of the parties hereto. Applicant shall submit written requests describing Modifications they are seeking to the Ohio EPA Northeast District Office at the address in Section XIII. Modifications that are of the nature of a Class 1 permit modification, as described in OAC rule 3745-50-51, may be authorized by letter from the Chief of the Division of Materials and Waste Management and are not a final action of the Director.

XIII. NOTICE

All documents required to be submitted by Applicant pursuant to this Variance shall be addressed to:

Ohio Environmental Protection Agency
Northeast District Office
Division of Materials and Waste Management
2110 East Aurora Road
Twinsburg, Ohio 44087
Attn: DMWM Manager

and Ohio EPA Central Office at the following address:

For mailings

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Materials and Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049

For deliveries

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Materials and Waste Management
50 West Town Street, Suite 700
Columbus, Ohio 43215

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XIV. RESERVATION OF RIGHTS

Ohio EPA and Applicant each reserve all rights, privileges, and causes of action, except as specifically waived in Section XV. of these Orders.

XV. WAIVER

Without admission of any of the findings made under this Variance, Applicant agrees that this Variance is lawful and reasonable and agrees to comply with the terms and conditions of this Variance.

Applicant hereby waives the right to appeal the issuance, terms and conditions, and service of this Variance, and Applicant hereby waives any and all rights Applicant may have to seek administrative or judicial review of this Variance either in law or equity.

Notwithstanding the preceding, Ohio EPA and Applicant agree that if this Variance is appealed by any other party to the Environmental Review Appeals Commission, or any court, Applicant retains the right to intervene and participate in such appeal. In such an event, Applicant shall continue to comply with the terms and conditions of this Variance notwithstanding such appeal and intervention unless this Variance is stayed, vacated, or modified.

XVI. EFFECTIVE DATE

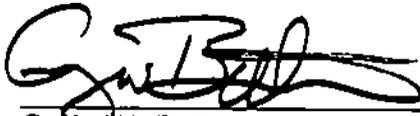
The effective date of this Variance is the date this Variance is entered into the Ohio EPA Director's journal.

XVII. SIGNATORY AUTHORITY

Each undersigned representative of a party to this Variance certifies that he or she is fully authorized to enter into this Variance and to legally bind such party to this Variance.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

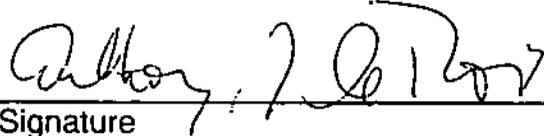


Craig W. Butler
Director

2/8/16
Date

IT IS SO AGREED:

Thomas Steel Strip Corporation



Signature

1/4/2016
Date

Anthony DeNoi
Printed or Typed Name

V.P. of Manufacturing
Title