

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

BlueScope Recycling and Materials LLC
2384 Springmill Road
Mansfield, Ohio 44903

**Director's Final
Findings and Orders**

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.

By:  Date: 10/08/2025

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to BlueScope Recycling and Materials LLC (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.02(G), 3734.13 and 3745.01 and Ohio Administrative Code (OAC) rule 3745-50-31.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Pursuant to ORC § 3734.02(G) and rule 3745-50-31 of the Ohio Administrative Code (OAC), the Director may, by order, exempt any person generating, storing, treating, or disposing of hazardous waste in such quantities or under such circumstances that, in the determination of the Director, it is unlikely that the public

health or safety or the environment will be adversely affected thereby, from any requirement to obtain a permit or comply with other requirements of ORC Chapter 3734. Any such exemption shall be consistent with and equivalent to rules promulgated under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6921 et seq., as amended.

2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(P).
3. Respondent operates a scrap metal recycling business located at 2384 Springmill Road, Mansfield, Ohio (Facility). The Facility has been assigned U.S. EPA identification number OHD987042017.
4. Respondent generated "hazardous waste" as that term is defined by ORC §3734.01 and OAC rules 3745-50-10(H)(2) and 3745-51-03. Respondent generated non-acute hazardous waste in amounts greater than 1,000 kilograms per calendar month and therefore was operating as a "Large Quantity Generator" (LQG) of hazardous waste, as defined in OAC rule 3745-50-10(L)(5), subject to the requirements in OAC Chapter 3745-52.
5. At the Facility, Respondent generated hazardous waste dust which exhibited the characteristic of toxicity due to lead (D008) as defined in OAC rule 3745-52-24.
6. On August 25, 2023, Respondent submitted a RCRA Subtitle C Site Identification Form to Ohio EPA to notify as a Large Quantity Generator of hazardous waste.
7. On March 1, 2024, Respondent submitted a biennial report which indicated Respondent generated 45,000 pounds of hazardous waste dust (D008) during the 2023 reporting year and as of December 31, 2023, the hazardous waste remained on-site in a greater than 90-day storage unit.
8. On October 3, 2024, Ohio EPA conducted a compliance evaluation inspection at the Facility and determined Respondent, *inter alia*:
 - a. Established and operated the Facility as a hazardous waste storage facility without a hazardous waste installation and operation permit, in violation of ORC § 3734.02(E) and (F) and OAC rules 3745-50-41(A) and 3745-50-45(A). Specifically, Respondent generated hazardous waste dust (D008) from the Microfines Plant metal crushing process equipment. The hazardous waste dust (D008) accumulated on the floor of the building until it was removed and placed into roll-off box containers located in the outdoor bunker storage area. Additionally, hazardous waste dust was found

accumulating in other portions of the Microfines building, such as on equipment, walls and building support structures. Furthermore, Ohio EPA determined a container of hazardous waste dust was stored in the outside bunker accumulation area for greater than 90 days. The hazardous waste was stored at the Facility for at least 296 days before it was transported to an authorized facility for disposal on July 22, 2024, and July 23, 2024.

- b. Failed to comply with the requirements for accumulation of hazardous waste in containment buildings, in violation of OAC rule 3745-52-17(A)(4). Hazardous waste dust was generated during the operation of the Microfines Plant metal crushing process equipment and temporarily accumulated on the floor of the building. The process was permanently shut down subsequent to the generation of the hazardous waste dust.
9. By letter dated January 15, 2025, Ohio EPA notified Respondent of the violations referenced in Finding No. 8. of these Orders.
10. Because there was no evidence of releases of hazardous waste observed where the hazardous waste was unlawfully stored in the outdoor bunker storage area referenced in Finding No. 8.a. of these Orders, and since the hazardous waste dust has been transported to an authorized facility, the Director has determined that no further action is required of Respondent to resolve the violations of ORC § 3734.02(E) and (F) and OAC rules 3745-50-41(A) and 3745-50-45(A) referenced in Finding No. 8.a. of these Orders. However, pursuant to OAC rule 3745-52-17(A)(8), as a large quantity generator Respondent will be required to meet the clean-up standards where hazardous waste has been accumulated to satisfy closure obligations, such as when use of an accumulation area ceases.
11. Since Respondent failed to meet the conditions for exemption for a large quantity generator by failing to comply with the requirements for accumulation of hazardous waste in a containment building as referenced in Finding No. 8.b. of these Orders, Respondent is required to have a hazardous waste facility installation and operation permit and is subject to all general facility standards found in OAC Chapter 3745-54 and 55, including but not limited to, closure in accordance with OAC rules 3745-55-11 through 3745-55-20, the financial assurance for closure requirements contained in OAC rules 3745-55-42 through 3745-55-51 and corrective action for waste management units in accordance with OAC rule 3745-54-101. To obtain a hazardous waste facility installation and operation permit, Respondent is required to submit "Parts A and B" of the application in accordance with OAC Chapter 3745-50.
12. The submittal of a Closure Plan which complies with the administrative

requirements of OAC Chapters 3745-65 and 66 and the substantive requirements of OAC Chapters 3745-54 and 55 including, but not limited to, the groundwater protection program in accordance with OAC rules 3745-54-90 through 3745-54-100 in lieu of the submittal of an application for a hazardous waste facility installation and operation permit is unlikely to adversely affect the public health or safety or environment. Therefore, the Director finds that the issuance to Respondent of an exemption from the requirement to submit an application for a hazardous waste facility installation and operation permit for the Facility is unlikely to adversely affect the public health or safety or the environment within the meaning of ORC § 3734.02(G).

V. ORDERS

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Respondent is hereby exempted from the requirement to submit an application for a hazardous waste facility installation and operation permit for the Facility, provided that Respondent complies with the following:
 - a. Within 60 days after the effective date of these Orders, Respondent shall submit to Ohio EPA for review and approval a Closure Plan for areas at the Facility where hazardous waste was managed in the containment building as described in Finding No. 8.b. of these Orders. A copy of the Closure Plan shall be submitted in accordance with Section X. of these Orders and an additional copy submitted to Ohio EPA, Division of Environmental Response and Revitalization, Manager, Engineering Section, P.O. Box 1049, Columbus, Ohio 43216-1049;
 - b. This Closure Plan shall comply with the administrative requirements of OAC Chapters 3745-65 and 3745-66 and the substantive requirements of OAC Chapters 3745-54 and 3745-55, including but not limited to, the groundwater protection program in accordance with OAC rules 3745-54-90 through 54-100.
 - c. The Closure Plan is subject to approval by Ohio EPA. If Ohio EPA does not approve the Closure Plan and provides Respondent with a written statement of deficiencies, Respondent shall submit a revised Closure Plan for approval addressing the deficiencies within 30 days of receiving such written statement. If Ohio EPA modifies the Closure Plan, the modified Closure Plan becomes the approved plan. Upon Ohio EPA's written approval of the Closure Plan, Respondent shall implement the approved

Closure Plan in the manner and pursuant to the time frames set forth in the approved Closure Plan and OAC rules 3745-55-13/3745-66-13;

- d. Within 90 days after approval of the Closure Plan pursuant to Order No. 1.c., Respondent shall submit a closure cost estimate.
 - e. Within 90 days after approval of the Closure Plan cost estimate pursuant to Order No. 1.d., Respondent shall submit documentation demonstrating that Respondent has established financial assurance and liability coverage for the area of the Facility subject to closure, in accordance with OAC rules 3745-55-42 through 3745-55-47; and
 - f. Within 60 days after completion of closure, Respondent shall submit certification of closure to Ohio EPA in accordance with OAC rules 3745-55-15. Ohio EPA's acceptance of the closure certification shall resolve the violation referenced in Finding No. 8.b. of these Orders.
2. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$10,000.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. and which will be deposited into the environmental protection remediation fund established pursuant to ORC § 3734.281. The official payment shall be submitted to Ohio EPA according to the instructions on the invoice. Notification of penalty payment shall be sent to the Hazardous Waste Program Compliance Assurance Manager, Ohio EPA, Division of Environmental Response and Revitalization, P.O. Box 1049, Columbus, Ohio 43216-1049 or via electronic mail at Mitchell.mathews@epa.ohio.gov.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Environmental Response and Revitalization acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is a [e.g., corporate officer] who is in charge of a principal business function of Respondent.

VII. OTHER CLAIMS

Nothing in these Orders 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 these Orders, for any liability arising from, or related to, the operation of the Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents (except penalty payment checks) required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
Division of Environmental Response and Revitalization
347 N. Dunbridge Road
Bowling Green, Ohio 43402
Attn: Hazardous Waste Program Manager

And Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Manager, Hazardous Waste Compliance Assurance Section
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Environmental Response and Revitalization
P.O. Box 1049
Columbus, Ohio 43216-1049

For deliveries to the building:

Manager, Hazardous Waste Compliance Assurance Section
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Environmental Response and Revitalization
50 West Town Street
Columbus, Ohio 43215

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

For electronic mail delivery, submit documents to the following email addresses:

Mitchell.Mathews@epa.ohio.gov
Gary.Deutschman@epa.ohio.gov

XI. RESERVATION OF RIGHTS

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform corrective action at the Facility, at some time in the future, pursuant to ORC Chapter 3734. or any other applicable law. Respondent reserves its rights to raise any administrative, legal or equitable claim or defense with respect to performing such corrective action. Ohio EPA and Respondent each reserve all other rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the right to seek corrective action at the Facility by Respondent, which right Ohio EPA does not waive, compliance with these Orders shall

be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

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

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

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

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

E-SIGNED by Logue John
on 2025-10-08 12:16:01 EST

2025-10-08 12:16:01

John Logue
Director

IT IS SO AGREED:

BlueScope Recycling and Materials LLC

Daniel Ard
Signature

10-2-25
Date

Daniel Ard
Printed or Typed Name

HSE Director
Title