

OHIO E.P.A.

Issue Date: March 14, 2000

MAR 14 2000

Effective Date: March 14, 2000

ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Bailey-PVS Oxides, L.L.C.	:	<u>Variance from Waste Classification</u>
135 Technology Drive	:	
P.O. Box 70	:	
Southpoint Industrial Park	:	
Canonsburg, Pennsylvania 15317	:	
<b>Applicant</b>	:	

PREAMBLE

The issuance of this variance is expressly conditioned upon the Applicant's and Hanna Steel Corporation's agreement to the following terms and conditions:

I. JURISDICTION

This variance is issued pursuant to the authority vested in the Director of the Ohio EPA under Chapter 3734 of the Ohio Revised Code and Rule 3745-50-311 of the Ohio Administrative Code (OAC). The Applicant and Hanna Steel Corporation consent to and agree not to contest the Director's authority and Ohio EPA's jurisdiction to issue this variance.

II. PARTIES COVERED

This variance shall apply only to the Applicant and Hanna Steel Corporation. This variance may not be transferred or assigned to any other party.

The signatories to this variance certify that they are fully authorized to execute and legally bind the Party they represent.

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

By: Deanne Anderson Date 03/14/00

### III. DEFINITIONS

1. Unless otherwise expressly provided herein, the terms used in this variance shall have the same meaning as used in Chapter 3734 of the Revised Code. Whenever the terms listed below are used in this variance, the following definitions shall apply:
  - a. "Applicant" shall mean Bailey-PVS Oxides, L.L.C. headquartered at 135 Technology Drive, Suite 504, Cannonsburg, PA 15317, which operates and maintains spent pickle liquor reclamation facilities at various locations in the United States and abroad.
  - b. "Application" shall mean the response to the criteria listed in OAC Rule 3745-50-312(B) and supporting documents for a variance submitted by Bailey-PVS Oxides, L.L.C. on October 19, 1999, to the Director of Ohio EPA which is attached hereto and incorporated.
  - c. "Covered Generator" shall mean: Hanna Steel Corporation, Pekin Plant, 220 Hanna, Pekin, IL 61554.
  - d. "Facility" shall mean the spent pickle liquor reclamation/iron oxide production facility, storage tanks, and unloading/loading station, and associated equipment located at 6191 County Road 10, Delta, Ohio 43515, which is operated by the Applicant.
  - e. "Ohio EPA" shall mean the Ohio Environmental Protection Agency and its designated representatives.
  - f. "Paragraph" shall mean a portion of this variance identified by an Arabic numeral or an upper or lower case letter.
  - g. "Parties" shall mean the Ohio EPA, the Applicant and the Covered Generator.
  - h. "Section" shall mean a portion of this variance identified by a Roman Numeral.
  - i. "Prior to Acceptance at the Facility" shall mean when the Certain Hazardous Waste is at the generator's site, in transit, or waiting to be unloaded at the Facility.

- j. "Accepted at the Facility" shall mean when the Certain Hazardous Waste is loaded from the transport vehicle into the Applicant's storage tanks prior to being reclaimed.
- k. "Spent Pickle Liquor" (SPL) shall mean hydrochloric acid that has been used in the surface treatment or pickling of steel, by a Covered Generator, and has become depleted or contaminated to the point that it is no longer usable. In this variance and Application, the terms "Waste Pickle Liquor" (WPL), and "Ferrous Chloride" (FC) refer to SPL. SPL has a ferrous chloride concentration range of 17- 30% w/w in water.
- l. "Characteristically Hazardous HCl" shall mean a material, Prior to Acceptance at the Facility, that is hydrochloric acid that was used by and generated from the pickling of steel by a person who is not a Covered Generator and that meets the definition of a characteristic hazardous waste as defined in OAC Rules 3745-51-21 to 3745-51-24.
- m. "K062 Hazardous Waste" shall mean the material, Prior to Acceptance at the Facility, that is a hazardous waste listed as K062 pursuant to OAC Rule 3745-51-32 and is generated by a person who is not a Covered Generator.
- n. "Certain Hazardous Waste" shall mean K062 Hazardous Waste and/or Characteristically Hazardous HCl.
- o. "K062 Recyclable Material" shall mean K062 Hazardous Waste that is Accepted at the Facility by the Applicant and will be reclaimed by the Applicant to produce RA and iron oxide.
- p. "Characteristically Hazardous HCl Recyclable Material" shall mean Characteristically Hazardous HCl that is Accepted at the Facility and will be reclaimed by the Applicant to produce RA and iron oxide.
- q. "Recyclable Material" shall mean K062 Recyclable Material and Characteristically Hazardous HCl Recyclable Material.
- r. "Regenerated Acid" (RA) shall mean hydrochloric acid reclaimed from SPL, K062 Recyclable Material, and/or Characteristically Hazardous HCl Recyclable Material. The regenerated acid has a hydrochloric acid concentration of 18-19%.

- s. "Iron Oxide" or "Iron Oxide Product" shall mean the by-product of the spray roasting SPL reclamation process having the molecular formula  $Fe_2O_3$ .
- t. "SPL Products" shall mean regenerated acid and iron oxide.

#### IV. FINDINGS OF FACT & CONCLUSIONS OF LAW

1. The Applicant operates and maintains a spent pickle liquor reclamation facility and iron oxide production facility. The reclamation process used is spray roasting.
2. On October 19, 1999, the Applicant submitted an Application to the Director for a variance from classification as a waste for SPL transported to the Applicant from Hanna Steel Corporation and for a variance from classification as a waste for Certain Hazardous Waste when the Certain Hazardous Waste is Accepted at the Facility by the Applicant.
3. The Applicant will obtain SPL from Hanna Steel Corporation and Certain Hazardous Waste from persons who are not Covered Generators and produce RA and iron oxide products from these materials.
4. The RA produced by Bailey-PVS Oxides, L.L.C. will be returned to steel manufacturing and fabricating facilities for reuse in the steel pickling operations. Bailey-PVS Oxides, L.L.C. will market the iron oxide product. Iron oxide is used by various manufacturing operations to produce products such as colorants, powder coatings, catalysts and recording tapes.
5. Based upon the information submitted by the Applicant in the Application, the Director finds that SPLs transported to the Applicant from Hanna Steel Corporation that Bailey PVS-Oxides L.L.C. uses to produce iron oxide and RA as described in the Application, are not wastes, provided that the conditions of the variance are satisfied.
6. Based upon the information submitted by the Applicant in the Application, the Director finds that Certain Hazardous Waste that Bailey-PVS Oxides, L.L.C uses to produce iron oxide and RA as described in the Application, are not wastes once Accepted at the Facility, provided the conditions of the variance are satisfied.

7. SPL, K062 Hazardous Waste, and Characteristically Hazardous HCl are generated by steel pickling operations within iron and steel industries, and the steel finishing industry. The pickling process typically uses HCl to remove surface scale from steel, in preparation for further processing (e.g. electroplating). Through repeated use, pickle liquor becomes depleted or contaminated to the point it is no longer usable. The acid reclamation process restores SPL, K062 Hazardous Waste, and Characteristically Hazardous HCl to its original characteristics, for reuse by removing iron oxide.
8. SPL produced by Hanna Steel Corporation and Certain Hazardous Waste are transported in trucks to the Facility. At the Facility, the SPL and Certain Hazardous Waste are pumped into and stored in a series of twelve (12) tanks in a tank farm. The tank farm is equipped with secondary containment. SPL, Recyclable Material, RA, and rinse water are stored in the tank farm. RA is distributed to Hanna Steel Corporation and other operators of steel pickling operations for reuse in the steel pickling process.
9. SPL and Certain Hazardous Waste are transported by a tanker truck to a truck pad at the Facility. The truck pad has secondary containment to contain spills, wash waters, etc, which are diverted to a collection sump. SPL and Certain Hazardous Waste are discharged from tankers into storage tanks in the tank farm. SPL and Recyclable Material are reclaimed and, iron oxide produced, in a process vessel. The common ductwork for the vent system in the tank farm directs vapors under negative pressure through a wet scrubbing system. The resulting liquids from the wet scrubbing system are recycled back into the system. All HCL vapors from truck loading/unloading air displacement in the tank farm are recaptured via this wet scrubbing system.
10. The Application addressed the standards and criteria set forth in OAC Rule 3745-50-312(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 material, rather than reclaimed materials?**

The Applicant provided details on the economic viability of using regenerated acid rather than virgin materials in Attachment A. In page 3 of the Application the Applicant provides numerous uses of iron oxide and anticipates the market for iron oxide will grow 10-15% annually.

**b. The prevalence of the practice on an industry-wide scale?**

The Applicant provided documentation (Attachment C) in the Application showing the number of facilities, as of 1997, that regenerate spent pickle liquor and produce iron oxide. Of the 138 worldwide acid reclamation facilities listed in Attachment C, 10 are in the United States.

**c. The extent to which the material is handled before reclamation to minimize loss.**

The Applicant described in specific sections, in the Application, how it will minimize loss of materials (question 3 of the Application) at the Facility. The other section is: *Employee Training (Attachment G)*.

The Applicant will respond to spills or releases of SPL, Certain Hazardous Waste, and Recyclable Material at the Facility in accordance with the procedures described in the *Best Management Practices Plan*.

The Applicant stated that the Facility is inspected every two hours using a checklist (Attachment F). Any leaks in the tank farm are contained in the containment and sump system, and are pumped into the acid reclamation/iron oxide process.

All liquid transfers are done on the truck pad of the loading/unloading area. The truck pad is diked and drains into the receiving sump. Liquids collected in the receiving sump are pumped to the tank farm for storage and eventually used in the reclamation process.

Transporters deliver SPL to the Facility and return RA to the Covered Generator and steel pickling operations in accordance with U.S. Department of Transportation (USDOT) standards. All incoming tankers are recorded by date, time, and weigh bill, and samples are taken of every load.

Transporters deliver Certain Hazardous Waste to the Facility in accordance with the hazardous waste regulations, USDOT standards and requirements of the Public Utilities Commission of Ohio (PUCO).

The Applicant also provided details as to how Hanna Steel Corporation, the Covered Generator, will minimize the loss of materials at its facility. The

sections describing these procedures are located in the Application at pages 11 through 13 including Attachments Q (Emergency Response Plan), Attachment R (Spill Response Plan), Attachment T (Safety Training), Attachment U(List of Emergency Equipment).

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

The time between SPL generation at the Covered Generator and its reclamation at Bailey-PVS Oxides L.L.C. is about 6.3 days. The details are described on page 14 of the Application. The time period between SPL reclamation at Bailey-PVS Oxides L.L.C. and the return of RA to generators is about 6.3 days. Overall, the estimated total time period between SPL generation and the return of RA to the Covered Generator is thirteen days.

Bailey-PVS Oxides L.L.C. provided no estimate of the time period between the generation of Certain Hazardous Waste and its reclamation at Bailey-PVS Oxides L.L.C.

- e. The location of the reclamation operation in relation to the production process?**

According to the Applicant, the Hanna Steel Corporation facility is located in Illinois and the Bailey-PVS Oxides L.L.C. facility is in Delta, Ohio. The distance between the Hanna Steel Corporation facility and Bailey-PVS Oxides L.L.C. facility is 360 miles. Bailey PVS-Oxides L.L.C. gave no estimate of the distances between the generators who will send it Certain Hazardous Waste and the Facility.

- f. 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.**

The Applicant stated that the RA is essentially in the same form as the hydrochloric acid solution used in steel pickling operations, except for the iron oxide content being slightly higher .

Typical steel pickling operations buy concentrated hydrochloric acid solution and dilute it for use in the pickling line. Virtually all hydrochloric pickling lines use an effective concentration of hydrochloric acid approximately 20% by weight. Regenerated acid has an effective hydrochloric acid concentration of 18-19% by weight.

The RA produced by the Applicant will be used for its original intended purpose in the pickling of steel.

**g. Whether the person who generates the material also reclaims it.**

The Applicant stated that it does not generate the SPL and Certain Hazardous Waste that is reclaimed at the Facility. The SPL and Certain Hazardous Waste are generated by persons who operate steel pickling operations.

**h. Other relevant factors?**

Baileys-PVS Oxides L.L.C. provided a yearly estimate of 2 million gallons of SPL from Hanna Steel Corporation to be recycled. There is virtually no waste produced in the SPL reclamation process. The acid can continuously be used and then regenerated, thus eliminating the need for Hanna Steel Corporation and other steel companies to purchase raw HCL for pickling of steel.

## **V. GENERAL CONDITIONS**

1. All activities undertaken by the Applicant and Hanna Steel Corporation pursuant to this variance shall be performed in accordance with the requirements of all applicable federal, state and local laws, regulations and ordinances.
2. The Applicant described the SPL and Recyclable Material reclamation process and detailed its intended use of it in the Application. The Applicant shall construct, operate and maintain all of the equipment and facilities associated with the reclamation process in accordance with the description and intended use of the reclamation process as set forth by the manufacturers. In addition, the Applicant shall comply with the following specific conditions:

- a. The Applicant shall record and retain, for as long as this variance is in effect, documentation of: analysis of each incoming load of SPL and Certain Hazardous Waste, amount of SPL received from Hanna Steel Corporation, amount of Certain Hazardous Waste received from each hazardous waste generator, periodic analysis of regenerated acid and iron oxide products to confirm they fall within customer specifications, amount of iron oxide produced, sold, and disposed of by the Applicant, amount of SPL from Hanna Steel Corporation that is disposed of, amount of Certain Hazardous Waste received from hazardous waste generators that is disposed of by the Applicant, amounts of regenerated acid returned to Hanna Steel Corporation, and amounts of regenerated acid distributed to persons who operate steel pickling operations and who are not Covered Generators.
- b. The Applicant shall report the information required in Paragraph 2.a. of this Section to Ohio EPA on an annual basis with the report required due on March 1, of each year. The first report is due March 1, 2000. The report shall be submitted in accordance with Section X.
- c. The Applicant shall manage and clean up any spills or releases of SPL, Certain Hazardous Waste and Recyclable Material occurring at the Facility and manage cleanup debris and releases that cannot be used in the reclamation process as K062 hazardous waste in accordance with all applicable Ohio EPA hazardous waste rules.
- d. The Applicant shall handle and store SPL, Certain Hazardous Waste and Recyclable Material in such a manner as to minimize their release into the environment. The Applicant described management procedures and documents in its Application to minimize the release of the SPL, Certain Hazardous Waste and Recyclable Material into the environment. The Applicant shall maintain at the Facility and revise as necessary: Spill Response Plan and Spill Report Log; procedures for unloading and loading transport vehicles; Employee Training Plan and Schedule; Best Management Practices Plan, and associated Facility inspection logs and operating logs; and Emergency Response Plan.
- e. The Applicant shall maintain the condition and integrity of equipment used to handle, store, convey, contain and reclaim SPL, Certain Hazardous Waste and Recyclable Material. The equipment includes but is not limited to: tanks, tank system, all facility secondary containment systems, loading and

unloading area, sumps, piping and conveyance systems, and reclamation unit and the associated equipment.

- f. Hanna Steel Corporation shall transport, or cause to be transported, SPL to the Applicant in accordance with transportation rules implemented by PUCO and USDOT.
- g. The Applicant shall sign the manifest for Certain Hazardous Waste received from a generator who is not a Covered Generator and comply with OAC Rule 3745-65-71 regarding the manifest.
- h. The Applicant shall comply with OAC Rule 3745-65-76 when Certain Hazardous Waste is Accepted at the Facility with no accompanying manifest.
- i. The Applicant shall not stage, hold, or store Certain Hazardous Waste in transport vehicles for longer than 8 hours after the vehicle arrives at the Facility before unloading Certain Hazardous Waste into the storage tanks prior to reclamation.
- j. The Applicant shall maintain a record of the following for each transport vehicle: the time the vehicle arrived at the Facility, the time the vehicle was unloaded, the volume of SPL or Certain Hazardous Waste received, and the name of the generator or Covered Generator. The Applicant shall maintain the records for three years.
- k. The Applicant shall immediately contact the Covered Generator of SPL or generator of Certain Hazardous Waste when the Applicant receives SPL or Certain Hazardous Waste it cannot reclaim and must reject the load. Non-reclaimable SPL and Certain Hazardous Waste shall be returned to the generator, or be transported to a permitted hazardous waste storage, treatment, or disposal facility, or be sent for legitimate recycling. A rejected load must be managed in accordance with all applicable Ohio EPA hazardous waste regulations. The Applicant may assume generator duties for the purpose of completing the manifest.
- l. The Applicant shall manage as K062 hazardous waste, in accordance with all applicable Ohio EPA hazardous waste regulations, unusable residues generated at the Facility from the storage or reclamation of SPL and

Recyclable Material, and any iron oxide and RA generated at the Facility that will be disposed.

- m. The Applicant must manage SPL products in such a manner as to minimize their release or discharge into the environment. The Applicant described, in its Application, management procedures at the Facility for RA.
- n. The variance shall be terminated when any of the following events occur:
  - i. The Applicant no longer operates the Facility;
  - ii. The Applicant no longer engages in the management of SPL and/or Recyclable Material at the Facility;
  - iii. The effective period of the variance terminates pursuant to Section XII of the variance.
- o. The Applicant shall promptly provide a written notice to Ohio EPA, in accordance with Section X, after the date of the events described in Paragraph n.i., n.ii., and n.iii. of this Section, occur.
- p. Within thirty (30) days after the date any of the events described in Paragraphs n.i., n.ii., and n.iii., occur, the Applicant must prepare and submit to Ohio EPA, CO and NWDO, a Sampling and Remediation Plan ("SRP") that meets the requirements in OAC Rules 3745-66-11(A) and (B), 3745-66-97 and 3745-66-14, for all areas at the Facility where SPL and Recyclable Material are managed, stored, and reclaimed.

The SRP must be sent to Ohio EPA, CO and NWDO (in accordance with Section X). The SRP is subject to Ohio EPA approval. Ohio EPA will notify the Applicant, in writing, as to whether or not it approves of the Applicant's SRP. If the SRP is not approved, Ohio EPA will identify the deficiencies or problems in the SRP, in a written statement. The Applicant must revise the SRP, or submit a new SRP, based on the findings and deficiencies noted in Ohio EPA's statement. The revised or new SRP must be submitted to Ohio EPA for approval within thirty (30) days of receipt of the written statement. If Ohio EPA modifies the unapproved SRP, the Modified SRP becomes the approved SRP.

- q. Upon receipt of the approved SRP, the Applicant must implement the approved SRP, in accordance with the requirements of OAC Rules 3745-66-11(A) and (B), 3745-66-97 and 3745-66-14 and the specifications and schedule in the approved SRP.
- r. Within thirty (30) days after completion of work required by the approved SRP, the Applicant must submit to Ohio EPA, for review and approval, a certification that the work was conducted in accordance with the approved SRP. The certification must be signed by the Applicant and must follow the format in OAC Rule 3745-50-42(D). The signed certification must be submitted to Ohio EPA, CO and NWDO, in accordance with Section X.

Ohio EPA retains the right to inspect the Facility and take samples, photographs and notes, access processes records, logs, invoices, analytical data, etc, prior to, during, and subsequent to certification of the SRP. If, after inspection and review of the Facility, Ohio EPA does not conclude that the Facility meets the conditions of the certified SRP, it shall deem the "certified" SRP invalid and cleanup of the Facility, inadequate.

Ohio EPA shall prepare and submit a report to the Applicant describing why it invalidated the SRP certification and what the Applicant must undertake in resolving the deficiencies or problems in order to comply with certification. Within 30 days of this notice, the Applicant must prepare and submit a revised SRP to Ohio EPA as to how it intends to correct the deficiencies or problems. Upon receipt of approval of the revised SRP, the Applicant must, within 45 days, implement the revised SRP and submit a signed, revised certification of cleanup to Ohio EPA. As above, Ohio EPA retains the right to inspect the Facility and the Applicant's records to ascertain whether or not the Facility has satisfactorily been cleaned up.

## **VI. ACCESS TO INFORMATION**

The Applicant and Hanna Steel Corporation shall provide the Ohio EPA, upon request, copies of all documents and information relating to this variance within their respective possession or control, or within the possession or control of their respective contractors or agents, including but not limited to documents and information related to the issuance, use and implementation of this variance.

The Applicant and Hanna Steel Corporation may assert a claim that documents and other information submitted to the Ohio EPA pursuant to this variance are confidential under the provisions of Rule 3745-50-30 of the Ohio Administrative Code. If no such claim of confidentiality accompanies the documents and other information when they are submitted to the Ohio EPA, the documents and other information may be made available to the public without notice to the Applicant or Hanna Steel Corporation.

The Applicant and Hanna Steel Corporation may assert that certain documents and information are privileged under attorney-client or any other privilege recognized by state law. If the Applicant or Hanna Steel Corporation make such an assertion, the Applicant or Hanna Steel Corporation shall provide the Ohio EPA with the following: (1) the title of the document or information; (2) the date of the document or information; (3) the name and title of the author of the document or information; (4) the name and title of each addressee and recipient; (5) a general description of the contents of the document or information; and (6) the privilege being asserted by the Applicant or Hanna Steel Corporation.

No claim of confidentiality shall be made with respect to any data, including but not limited to, all sampling, analytical monitoring, or laboratory or interpretive reports.

Nothing in this Section shall be construed as in any way limiting the 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 SITES**

The Applicant shall provide Ohio EPA with access, at all reasonable times, including during normal business hours, to Applicant's Facility. 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:

- a. Monitoring the implementation or use of this variance;
- b. Conducting sampling;
- c. Inspecting and copying records, operating logs, contracts, and other documents and information related to the implementation or use of this variance; and

- d. Verifying any data and other information submitted to Ohio EPA.

Nothing in this Section shall be construed as in any way limiting the 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. Nothing in this variance shall be construed as waving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to Applicant's operation of its Facility. Ohio EPA reserves all rights and privileges except as specified herein.

### **IX. RESERVATION OF RIGHTS**

Ohio EPA reserves the right to take any action, including but not limited to, the right to seek injunctive relief, recover costs, pursue civil penalties, seek criminal penalties, or undertake any removal, remedial or response action, pursuant to any available legal authority as a result of past, present or future violations of state or federal laws or regulations, or the common law, arising from events or conditions related to the Applicant's Facility.

Notwithstanding any provision of this variance, the State of Ohio retains all of its access, inspection and information gathering rights and authorities, including enforcement authorities related thereto, under any applicable statute or regulation.

### **X. NOTICE**

Annual reports and other information required to be submitted to the Ohio EPA pursuant to this variance shall be sent to the following addresses:

For mailings:

Ohio Environmental Protection Agency  
Division of Hazardous Waste Management

Compliance Assurance Section  
Lazarus Government Center  
P.O. Box 1049  
Columbus, Ohio 43216-1049

For deliveries to the building:

Ohio Environmental Protection Agency  
Division of Hazardous Waste Management  
Compliance Assurance Section  
Lazarus Government Center  
122 South Front Street  
Columbus, Ohio 43216

and

Ohio Environmental Protection Agency  
Northwest District Office  
Division of Hazardous Waste Management  
347 North Dunbridge Road  
Bowling Green, Ohio 43402

#### **XI. MODIFICATION**

Ohio EPA retains the sole and exclusive right to modify this variance for any reason at any time.

#### **XII. EFFECTIVE PERIOD**

Unless otherwise revoked by the Director, this variance shall terminate five (5) years after the effective date of this variance. An application for a renewal may be submitted to the Director in accordance with applicable law.

**IT IS SO DECIDED:**

Christopher Jones  
Christopher Jones  
Director

March 14, 2000  
Date

**XIII. WAIVER**

The Applicant and Hanna Steel Corporation agree that this variance is lawful and reasonable and agree to comply with all terms and conditions contained herein.

The Applicant and Hanna Steel Corporation hereby waive the right to appeal the issuance, terms and conditions, notice, service, implementation, modification, termination or revocation of this variance and hereby waive any and all rights that they may have to seek judicial review of the issuance, terms and conditions, notice, service, implementation, modification, termination or revocation of this variance either in law or equity.

**IT IS SO AGREED:**

**Hanna Steel Corporation**

[Signature]  
By  
E.V.P. OPERATIONS  
Title

2/24/00  
Date

**Bailey-PVS Oxides, L.L.C.**

[Signature]  
By  
V.P. Operations  
Title

2-16-2000  
Date

**Ohio Environmental Protection Agency**

Christopher Jones  
Christopher Jones  
Director

March 14, 2000  
Date

PUBLIC NOTICE

FULTON COUNTY

FINAL ISSUANCE OF A VARIANCE FROM CLASSIFICATION AS A WASTE

Notice is hereby given that, on March 14, 2000, the Director issued a final Variance from Classification as a Waste under OAC Rule 3745-50-314 to Bailey - PVS Oxides, L.L.C. for their facility located at 6191 County Road 10, Delta, Ohio 43515. The Variance From Classification concerns spent pickle liquor (K062) hazardous waste and characteristically hazardous hydrochloric acid from generators who have not received a variance.

This final action was not preceded by a proposed action and is appealable to the Environmental Review Appeals Commission.

*File*

