



State of Ohio Environmental Protection Agency

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P.O. Box 1049
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JUN 19 2007

Re: Former Brainard Strapping Facility
OHD004205589
Financial Assurance
Notice of Violation

Mr. Patrick J. Smith
Wheeling Pittsburgh Steel Corp.
Commercial Avenue
Mingo Junction, Ohio 43938

Mr. William E. Marsteller
Gearmar Properties, Inc.
P.O. Box 209
Portersville, Pennsylvania 16051

Dear Sirs:

On June 7, 2007, I completed a review of the financial assurance documentation on file for the former Brainard Strapping facility referenced above. I evaluated your facility for compliance with financial assurance for post-closure as set forth in the Ohio Administrative Code (OAC) rules 3745-55-44 and 3745-55-45. I spoke with both of you previously concerning the sale of the former Brainard Strapping/Coil Coating (BSCC) facility located in Warren, Trumbull County, Ohio. The property was sold by Wheeling Pittsburgh Steel Corp. (WPSC) to Gearmar Properties, Inc. (GPI) on January 6, 2005.

When WPSC purchased the BSCC facility from Sharon Steel, WPSC assumed responsibility for post-closure care of a former gravel covered RCRA storage area. The storage area was covered with an asphalt cap as part of the modified closure plan for the facility. The post-closure care consists of: annual inspections and reporting; cap repair and replacement; and sealing of the cap every five years. The post closure care began on April 4, 2000. At that time the cost of post-closure care for the 30 year period was estimated to be \$42,750.

To demonstrate compliance with financial assurance for post-closure care, WPSC uses a Letter of Credit with a value of \$46,000.00 from Wachovia Bank, issued September 10, 2004. WPSC also maintains a standby trust agreement with PNC Bank.

I spoke with Mr. Smith on April 18, 2007 and he indicated that WPSC did not intend to maintain financial assurance for the post-closure care at the facility. The financial assurance established by WPSC must remain in place until such time as a new financial instrument has been established.

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

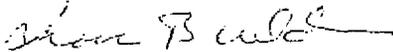
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Upon review of the financial assurance for the above facility the following violation was found:

Ohio Administrative Code 3745-55-44(B): The post-closure cost estimate must be adjusted for inflation annually. The last post-closure care cost estimate was submitted on December 9, 2002. At that time, the cost of post-closure care for the 30 year period was estimated to be \$43,776. Please submit a post-closure cost estimate updated for inflation.

If you have any questions, or need further clarification of any matter mentioned in this letter, please do not hesitate to call me at (614) 644-3067. I will be happy to assist you in any way possible.

Sincerely,



Isaac B. Wilder
Compliance Assurance Section
Division of Hazardous Waste Management

cc: John Palmer, DHWM, NEDO
Tammy McConnell, DHWM, RISS

Keyword: jms; Bramard Strapping