OhioEPA

State of Ohio Environmental Protection Agency

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P.O. Box 1049
Columbus, OH 43216-1049

May 22, 2007

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

OHD 980 618 177

Re: Wheeling Pittsburgh Steel Corp.
OHD 010 448 231 Martins Ferry, OH
OHD 000 810 382 Steubenville North
OHD 980 618 177 Steubenville South
OHD 082 964 313 Yorkville , OH
Financial Assurance
Notice of Violation

Dear Mr. Smith:

On May 10, 2007, I completed a review of the financial assurance documentation file for the Wheeling Pittsburgh Steel Corp. (WPSC) facilities referenced above. I evaluated your facilities for compliance with financial assurance and liability requirements set forth in Ohio Administrative Code (OAC) rules 3745-55-42, 3745-55-43 and 3745-55-47.

On April 24, 2000, the Director of the Ohio Environmental Protection Agency (Ohio EPA) approved an amended closure plan for closure of the spent pickle liquor tank storage area at the Yorkville facility. To date, WPSC has not submitted a closure certification or financial assurance documentation for this hazardous waste unit to Ohio EPA.

In addition, WPSC is required to provide closure cost estimates and financial assurance documentation for closures at the following locations:

- Martins Ferry facility, ARCO scrubber waste storage area;
- Steubenville North facility, spills in the former spent pickle liquor tank system area; and
- Steubenville South CAS-OB dust.

In accordance with OAC rule 3745-66-40, all facilities, with the exception of State of Ohio and federal agencies, conducting hazardous waste treatment, storage and/or disposal activities are required to comply with Ohio's financial assurance requirements. Any facility conducting hazardous waste treatment, storage and/or disposal activities must establish compliance with the financial assurance requirements when hazardous waste activities begin. Financial assurance must be maintained by the owner/operator at all times until full closure of all hazardous waste units is completed.

As of this date, WPSC has not submitted any financial assurance documentation for the facilities referenced above. ***Upon review of the financial assurance documentation, the following violations were observed:***

OAC rule 3745-66-42(A)
WPSC has failed to submit a closure cost estimate to reflect the closure activities to be conducted;

OAC rule 3745-66-43
WPSC has failed to provide financial assurance at least equal to the amount of the revised closure cost estimate;

OAC rule 3745-66-47(A)
WPSC has failed to provide liability coverage until such time that closure is certified at the facility.

Please address these violations upon your receipt of this letter. WPSC shall remain in violation until these violations are abated.

If you have any questions regarding this letter, or the financial assurance regulations, please feel free to contact me at (614) 644-2973.

Sincerely,

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

cc: Tammy McConnell, IT&TS, DHWM
Rich Stewart, DHWM, SEDO

IBW/sl
Wheeling Pittsburgh Steel FRR.07.wpd

NOTICE:
Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with applicable regulations.