



State of Ohio Environmental Protection Agency

Southeast District Office

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

June 10, 2010

**MUSKINGUM COUNTY
AK STEEL CORP.
DHWM/SEDO
OHD004281598**

Cory Levengood
AK Steel Corporation
1724 Linden Ave
Zanesville, Ohio 43701

Dear Mr. Levengood:

On March 16, 2010, Vicky German and I performed a compliance inspection of AK Steel Corporation's Zanesville plant to determine its compliance with Ohio's hazardous waste laws and regulations as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

Based on this inspection, a notice of violation letter was issued to you on April 23, 2010. Your May 24, 2010 response attempts to refute Ohio EPA's determinations regarding the coating sumps and the HP process tank. Based on our review of your response and the three sample results for the coating sump wastes included therein, AK Steel remains in violation of the following hazardous waste regulations; please provide the information requested below, within thirty days of the date of this letter:

- (1) **Containment and detection of releases, OAC rule 3745-66-93(A):** In order to prevent the release of hazardous wastes or hazardous constituents to the environment, secondary containment that meets the requirements of this rule must be provided.

The sumps for collecting the coating wastes (D002) (D007) under the #7 and #15 coating lines, and under #4 HP and the strip anneal line are considered tanks under RCRA (see OAC rule 3745-50-10). Your May 24 response states that the coating wastes are at times not hazardous, however, the sumps remain regulated hazardous waste tanks until they are emptied and decontaminated through closure. After closure is performed, any waste that is collected in the sumps that tests hazardous will subject these sumps to the RCRA regulations again, so the possibility that sometimes the waste is not hazardous is of no practical significance. Under Ohio and Federal law, these sumps meet the definition of sumps and therefore tanks. In summary, AK Steel has not shown that these are not regulated hazardous waste sumps. These sumps are not equipped with the required

secondary containment. Therefore, AK Steel must begin collecting the coating wastes in containers or tanks (that meet these requirements) and cease using these sumps to collect hazardous waste. To demonstrate compliance, provide photographs showing that alternative collection methods are being used for these wastes, in addition to implementing an approved closure plan for the sumps (see below), will be sufficient to abate this violation.

- (2) **Closure and post-closure care, OAC rule 3745-66-97(A):** At closure of a tank system, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils and structures and equipment contaminated with waste, and manage them as hazardous waste, unless under provisions contained in paragraph (D) of OAC rule 3745-51-03. The closure plan, closure activities, cost estimates for closure, and financial responsibility for tank systems must meet all of the requirements specified in rules 3745-66-10 to 3745-66-21 and 3745-66-40 to 3745-66-48 of the OAC.

AK Steel must conduct closure of the coating waste sumps; a closure plan for these sumps must be submitted to the director and to this office for review and approval. This violation will be abated once AK Steel has implemented the approved closure plan.

- (3) **Closure Plan, amendment of plan, OAC rule 3745-66-12(A)/OAC rule 3745-55-12(A):** Written plan. The owner or operator of a hazardous waste management facility must have a written closure plan.

AK Steel does not have written closure plans for the four coating sumps (tanks) as cited in #1 above. This violation will be abated once AK Steel has submitted a closure plan addressing each of these sumps to the director.

- (4) **Inspections, OAC rule 3745-66-95(C):** The owner or operator must document in the operating record of the facility an inspection of those items listed in paragraphs (A) ... of this rule.

AK Steel does not currently record the daily tank inspections for the No. 4 Hard Pickle Process Transfer Station. Your response letter dated May 24, 2010 states that the pickle liquor collected in this tank is not hazardous waste because it is, *at times*, sent back to the pickle baths for further use and thus not a waste. However, when the pickle liquor is not sent back to the pickler tubs, it is regulated hazardous waste from the moment it leaves the pickler tubs, as your letter acknowledges. This issue was addressed in the original NOV letter and Ohio EPA has concluded this tank to be a regulated hazardous waste tank. Therefore, AK Steel must begin recording the daily tank inspections of this equipment pursuant to OAC rule 3745-65-95(C), including data from the tank level gauge and leak detection system.

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Additionally, this tank must be labeled with the words "Hazardous Waste". Lastly, since the secondary containment is required to be inspected and the tank sits down in vault, address how personnel will determine if any small releases or leaks are present. Please provide a week's worth of completed inspection logs for this tank system (the inspection logs for the 25,000-gallon used acid tank system can be modified to include this additional equipment) and a photograph indicating that the tank has been labeled to demonstrate compliance.

Ohio EPA considers these violations serious in nature and the company's failure to provide an adequate response will result in referral of AK Steel's violations to our Central Office Enforcement Section for consideration of escalated enforcement.

If you have any questions, please call me at (740) 380-5278.

Sincerely,



Richard Stewart
District Representative
Division of Hazardous Waste Management

RS/mlm

cc: Harry Sarvis, DHWM/CO

NOTICE:

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