

**Environmental  
Protection Agency**

John Kasich, Governor  
Mike DeWine, Lt. Governor  
Chris Bertone, Director

September 10, 2010

**RE: SEVERSTAL  
2009 ANNUAL REPORT  
NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Mark Clark  
Severstal Warren, Inc.  
1040 Pine Ave. SE  
Warren, OH 44483-6528

Dear Mr. Clark:

The Ohio Environmental Protection Agency (Ohio EPA) Northeast District Office (NEDO) Division of Solid and Infectious Waste Management (DSIWM) has completed a review of the 2009 annual operational report for the Severstal Warren, Inc. class I residual waste landfill located in Warren, Trumbull County, Ohio. The 2009 annual operational report was received at NEDO on March 31, 2010.

Ohio EPA has identified the following violations:

1. **OAC 3745-30-14(M)(1)** *A topographic map of the residual solid waste landfill facility, certified by a professional skilled in the appropriate discipline(s), with updated contour lines on the plan drawing containing information specified in rule 3745-30-05 of the Administrative Code. The scale and contour interval shall be consistent with the approved plans. At a minimum, the owner or operator shall identify the following:*

The contour lines are difficult to decipher and are not consistent with the approved plans. The topographic map must clearly delineate and label the contour lines in five foot intervals.

2. **OAC 3745-30-14(M)(1)(c)** *The areal extent of closed areas of all units that have a final cap system or have transitional cover.*

An alteration was approved on December 14, 2004 which includes plan sheet 6C depicting the operational phasing for filling phases 1 and 2 and constructing phase 3 of the facility. The owner/operator has exceeded the waste grades depicted for phases 1 and 2 upon completion of construction of phase 3. Phase 3 has not been constructed. A final cover system should already have been installed over portions of phases 1 and 2. Therefore, the owner/operator is in violation of the following rules:

**OAC 3745-30-14(B)(2)** which states: *The owner or operator shall conduct all construction and operation at a residual solid waste landfill facility in strict compliance with the applicable authorizing document(s), including permit(s) to install...or an alteration(s) concurred with in writing by Ohio EPA...*

**OAC 3745-30-14(E)(7)(b)** which states: *(b) The owner or operator shall not begin filling in a new phase, without completing the previous phase, except to the extent necessary for the proper operation of the residual solid waste landfill facility.*

3. **OAC 3745-30-14(M)(1)(d)** *Areas that have intermediate cover.*

The owner/operator is in violation of this rule because the topographic map does not indicate areas that have intermediate cover.

4. **OAC 3745-30-14(M)(1)(f)** *The projected phase(s) for filling in the coming year.*

The owner/operator is in violation of this rule because the topographic map does not contain this information.

5. **OAC 3745-30-14(M)(1)(h)** *On-site borrow areas and cover material stockpiles.*

The owner/operator is in violation of this rule because the topographic map does not contain this information.

6. **OAC 3745-30-14(M)(1)(i)** *A comparison of the actual vertical and horizontal limits of emplaced waste to the vertical and horizontal limits of waste placement authorized in the applicable authorizing document(s), including an approved permit(s) to install, plan approval, or operational report. If emplaced waste exceeds the limits of vertical and horizontal waste placement authorized in the applicable authorizing document(s), this comparison shall include a topographic map which delineates the areal extent of emplaced waste that exceeds approved limits specified in such authorizing documents. In addition, the topographic map shall contain notes that indicate the following information for waste exceeding authorized limits of waste placement: the maximum estimated volume, the maximum depth, and the average depth.*

The emplaced waste exceeds the limits of waste placement authorized in the permit to install. The annual report topographic map shows areas in Phase 1 and 2 in which the vertical limits of waste placement exceed the limits in the approved permit to install. The owner/operator is in violation of the rule because the map does not contain notes that indicate the maximum estimated volume, the maximum depth, and the average depth of the waste exceeding authorized limits.

7. **OAC 3745-30-14(M)(3)** *A summary of the quantity of leachate collected for treatment and disposal on a monthly basis during the year, location of the leachate treatment and/or disposal, and verification that the leachate management system is operating in accordance with this rule.*

The annual report does not contain the quantity of leachate collected for treatment and disposal, and does not contain verification that the leachate management system is operating.

8. **OAC 3745-30-14(M)(6)** *The most recent final closure cost estimate and post-closure care cost estimate which have been revised in accordance with paragraph (E)(14)(a) of this rule.*

The post-closure cost estimate included in the 2009 annual report is \$3,544,191.15. The cost estimate in the Severstal Warren, Inc. RSWDF permit to install approved on July 23, 1999, was \$120,440 per year or \$3,613,200 total; which, when adjusted for inflation, is approximately \$4,500,000 in 2010 dollars. The owner/operator must increase the post-closure estimate and associated financial assurance, or provide justification and obtain Ohio EPA concurrence for the decreased cost estimate.

Ohio EPA has identified the following deficiency:

1. **OAC Rule 3745-30-14(M)(3)** *An estimate of the remaining sanitary landfill facility life, in years, and in terms of the remaining volume of the sanitary landfill facility to be filled, in cubic yards.*

The remaining life in years was included on the annual report in Section 12. The Section 12 Table states the remaining capacity is 1, 510,816 cubic yards. The calculations in Section 12, 2a, states that the remaining is 3,289,584 cubic yards.

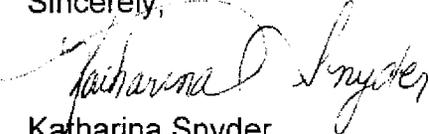
Please clarify the remaining capacity of the facility. The remaining life calculations should take into account the amount of waste which will be relocated in order to accurately portray the remaining life of the facility.

Mark Clark  
Severstal Warren, Inc.  
September 10, 2010  
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Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the Entity from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

Please submit a response to this notice of violation by October 10, 2010. If you have any questions regarding this letter, please contact me at (330) 963-1257.

Sincerely,



Katharina Snyder  
Division of Solid and Infectious Waste Management

KS:cl

cc: Jeffrey Rizzo, DDAGW-NEDO  
Kevin Francis, Trumbull County Health Department  
File: [Kurko/LAND/WCI/Severtal/GRO/78]  
DSIWM #3241

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PS Form 3811, February 2004 See reverse for instructions

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Mark Clark  
 Severstal Warren, Inc.  
 1040 Pine Ave. SE  
 Warren, MI 44483-6528

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