

**Environmental
Protection Agency**

Governor
Lt. Governor
Director

September 21, 2011

**RE: SEVERSTAL
2010 ANNUAL REPORT
RESPONSES FOR 2006-2009
REPORTS
NOTICE OF VIOLATION**

CERTIFIED MAIL

Keith McLaughlan
RG Steel Warren, LLC f.k.a
Severstal Warren, Inc. & WCI Steel, Inc.
1040 Pine Ave. SE
Warren, OH 44483-6528

Dear Mr. McLaughlan:

The Ohio Environmental Protection Agency (Ohio EPA) Northeast District Office (NEDO) Division of Materials and Waste Management (DMWM) has completed a review of the 2010 annual report for the RG Steel Warren, LLC (RG Steel) residual waste landfill, and responses submitted to Ohio EPA letters regarding the 2006-2009 annual reports. The 2011 annual report was submitted in accordance with Ohio Administrative Code (OAC) Rule 3745-30-14(M). The landfill is located at 1040 Pine Avenue, city of Warren, Trumbull County.

Ohio EPA has identified the following violations:

1. RG Steel remains in violation of OAC Rule 3745-27-14(M)(1)(i) which requires "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 violation has been cited previously, and RG Steel provided responses to the violation with the 2011 annual report. In response to notices of violation (NOVs) for the 2006 through 2009 annual reports, the following three sets of plan sheets were submitted: Current Elevations (Topographical Map); Isopach Map – Heckett Mountain and Phase 1 & 2 (Current Elevation to PTI / Operational Report Surface); and Isopach Map – Current Elevation to PTI Surface. Similar drawings were included in the 2010 annual report. The second sheet of each set includes a table which is titled with the year of the associated annual report. The table specifies two areas: Internal Slope on the North Side of Phases 1 and 2 with Phase 3 and the South, East, and West Sides of Phases 1 and 2. Information for both areas includes the volume of emplaced waste that exceeds the authorized horizontal and vertical limits, the maximum depth of emplaced waste that exceeds the vertical limits, and the average depth of emplaced

waste that exceeds the authorized vertical limits. In the upper left portion, the second drawing also includes the following note: "Note for Phases 1 and 2: Isopach values shown in red on the North sides of Phases 1 and 2 indicate elevation above the internal slope between Phases 1, 2 and 3. Existing waste elevation does not exceed final permit top of waste elevation in Phase 1 and 2 (See Sheet 3 of 3)"

RG Steel has not complied with the rule because the submittal does not include a topographical map that compares actual vertical and horizontal limits of waste placement 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. As mentioned previously, the first drawing of the set is a topographical map, however, this map does not provide the necessary comparisons. Ohio EPA understands that comparisons were provided on two isopach drawings. While this information is useful, it was not presented on a topographical map as required.

In addition, the rule states that 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. The comparison is critical for the following three areas which either have overheight or potential overheight issues: Internal Slope on the North Side of Phase 1 and 2 with Phase 3; South, East, and West Sides of Phases 1 and 2 and the prior landfill as it pertains to the 1978 Operational Report.

The volume exceeding the authorized internal slope on the north side of Phases 1 and 2 with Phase 3 has increased from 35,070 cubic yards (cys) as presented in the 2006 annual report to 75,116 cys in the 2010 report. To further evaluate this area of concern, please provide the following information:

- a. Specify the degree of the internal waste slope for Phases 1 and 2 because it does not appear to have been addressed in the 1999 Permit to Install (PTI) or the December 14, 2004 PTI alteration approval. Plan sheet 6B of the alteration approval shows a 33% waste grade in Phase 1 and sheet 6C includes a grade of 25% for Phases 1 and 2. Neither drawing indicates if this information pertains to interim waste grades.
- b. Interim waste slopes should be evaluated for deep-seated translational and rotational failure mechanisms. These analyses should be performed to ensure that the existing slopes are stable.

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- c. The following text is provided in the 2010 annual report, Section 12, "Disposal Capacity," Attachment 1, p. 16C: "...RG Steel is preparing a PTI Alteration Request to be submitted to Ohio EPA for the construction of Phase 3 of the facility. If the PTI alteration request is approved by Ohio EPA, RG Steel intends to commence construction of the Phase 3 during 2012." Given that the annual report was submitted on April 19, 2011 (approximately 4 months ago), RG Steel should provide an update concerning this proposed request.
- d. The rule requires a comparison to the approved waste limits. Since the interim waste grades have not been previously approved, RG should explain the rationale for the submitting this information.

RG Steel provided a written response on November 19, 2010, to Ohio EPA's September 10, 2010 NOV. The response states on page four of the correspondence: "...there is approximately...877 cy of slag fines for surface water control above the Phases 1 and 2 PIT surface around the west, south and east side..." The data, however, provided on the second plan sheet of the revised package for the 2006 through 2010 annual reports reflects a range of 850 cys to 1,566 cys of emplaced waste exceeding the authorized, vertical waste limits. Please explain the inconsistency between the response and the annual reports.

On the second drawing of the three plan sets for the 2006 to 2010 annual reports, there is a note on the right hand side which states: "Isopach values shown in red on the old landfill indicate elevation above the 1978 Operational Report surface." Since OAC Rule 3745-30-14(M)(1)(i) refers to a PTI, plan approval or operational report, please provide a comparison including a topographic map and waste exceedance information for the former landfill, in addition to the isopach maps.

In response to Violation 2 of the 2009 annual report, RG Steel states: "...Final cover will be placed after waste reaches final grade in Phases 1 and 2. The south slope of Phases 1 and 2 are approximately 50 feet below the top of final grades in some areas..." Upon review of the isopach information as presented on Sheet No. 3 of 3 in the revised package for the 2010 annual report, it appears that the existing waste is approximately 100 feet below approved waste grades in some areas of the leading edge of waste placement into Phase 1 and 2. Also, the annual report does not provide a topographical map which compares actual waste limits to approved waste limits. The landfill's "top of waste" plan is presented on sheet 4C of the December 14, 2004 PTI alteration approval. Please submit a map, as required by the rules, in addition to the isopach data.

RG Steel 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 RG Steel remains 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.*

2. RG Steel remains in violation of OAC Rule 3745-30-14(M)(1)(d) which requires drawings to show "Areas that have intermediate cover."

In the November 17, 2010 response to Violation 3 of the 2009 annual report, RG Steel referenced OAC Rule 3745-30-14(G)(1) by stating: "...Intermediate cover is only required where additional residual waste is not to be deposited for 180 days. Even though there may have been a period of time when waste was not placed in the Landfill, intermediate cover was not required because Severstal Warren always intended to continue to depositing waste in these areas..." Although the rule allows for some alternate time period if infiltration will not be increased, it does not address the "intentions" of a facility.

In addition, Note D of P.S. 1 of 3, "Current Elevations – February 2010", submitted on November 19, 2010, states: "(D) Interim and Intermediate Cover: Latex dust suppressant was applied over the entire area of the facility, except for the working area in the center of the facility shown as current areas of waste removal for recycling, latex dust suppressant was also applied within the entire areas of Phases 1 and 2." Also, a note at the bottom of the page reflects "Due to the idling of the Severstal Warren Inc. facility steel making operations for 2009, the volume of waste landfilled in 2009 was significantly less than previous years. Waste placement for 2009 only occurred near the access road A south entrance into Phase 1."

Based on the information presented in these two notes concerning Phases 1 and 2, several items should be addressed. First, the rule requires the identification of all areas that have intermediate cover, which the notes do not adequately express. Second, in comparing the language in the first note to the drawing, the location of the the working area in the center of the facility is not clearly shown as the current area of waste removal. Third, there is an inconsistency relating to Phases 1 and 2. In the first note, the text reflects that suppressant was applied to the entire area of both phases.

In the second note, it is written that waste was placed near access road A during 2009. It is unclear if the facility is in compliance with OAC Rule 3745-30-14(G)(1). Although it is written that suppressant was applied to the entire area of the facility and both phases, there is no mention of re-application of the dust suppressant after the 180 day period. In addition, it was mentioned that waste placement occurred near access road A during 2009. The note does not reflect if the time between waste placement events was greater than 180 days. If so, intermediate cover should have been applied. Finally, on page 4 of the November 16, 2011 PTI alteration request, Item No. 5 is titled "Alternate Intermediate Cover". The alteration request states that a latex dust suppressant will be applied to areas of waste that are not under final cover and have not been used for more than 90 days. RG Steel must apply intermediate cover as required by the authorized time frame.

3. RG Steel remains in violation of OAC Rule 3745-30-14(M)(3) which requires "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."

In response to Violation 7 of the 2009 annual report, RG Steel states that leachate flows continuously from the landfill to the on-site wastewater treatment plant. The flow is reported on monthly discharge monitoring reports (DMR) to Ohio EPA. DMWM has confirmed that DMR information is submitted electronically to Ohio EPA. Regardless the annual report should include the required summary of leachate data. RG Steel may submit copies of the DMRs for 2010 that highlight the monthly treatment and disposal of leachate. Future annual reports should include DMRs or similar data summaries.

4. RG Steel remains in violation of OAC Rule 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.*

In the November 17, 2010 response, RG Steel states that the annual cost estimates were reduced because the contingency line item was reduced from ten to five percent as allowed by rule. Such a rule does not exist. Therefore, please revise the cost estimates as required by rule.

Ohio EPA has the following comments regarding the 2010 annual report and response to NOVs:

1. RG Steel has addressed the violation of OAC Rule 3745-30-14(M)(1)(h) which requires the drawing to show "On-site borrow areas and cover material stockpiles."

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Note (H) on plan sheet 1 of 3 in the revised packages reflects that there are no on-site borrow areas or stockpiles. Although the note is accurate, it should be revised to reflect that the borrow areas / stockpiles are located immediately east of Pine Avenue on property owned by RG.

2. There appears to be a typographical error on Sheet No. 1 of 3 of the annual report, there is some text in the middle of the old landfill which states: "Current areas for waste removal for recycling during 201?" The proper revision is requested.

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 letter by October 21, 2011. If you have any questions concerning this letter, please contact me at (330) 963-1257.

Sincerely,



Katharina Snyder
Division of Materials and Waste Management

KS:cl

cc: Kevin Francis, Trumbull County Health Department
File: [Sowers/LAND/Severstal/ANN/78]
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