



March 21, 2013

Mr. David Hogan, General Manager, Engineering & Environmental  
RG Steel Warren, LLC  
999 Pine Avenue, SE  
Warren, OH 44483

**RE: Notice of Violation  
RG Steel Warren, LLC, Trumbull County, OH**

Dear Mr. Hogan:

By letter dated January 10, 2013, you were notified that RG Steel Warren, LLC has not updated the closure and post-closure care financial assurance annually as required by Ohio Administrative Code ("OAC") Rules 3745-27-15(D) and 3745-27-16(D). These rules state [in pertinent part], *"The owner or operator shall annually review and analyze the closure and post-closure care cost estimates and shall make any appropriate revisions to these estimates and to the financial assurance instrument. Any revised closure or post-closure care cost estimate must be adjusted for inflation..."* To date, RG Steel Warren, LLC has failed to submit this updated financial assurance to Ohio EPA.

The cost estimates submitted in your 2011 annual report were \$2,544,270.08 for closure and \$3,791,313.90 for post-closure care which total \$6,335,583.98. These cost estimates were updated by the 2011 inflation factor. However, the inflation factor for 2012 was 2.1%. At a minimum, the 2011 closure and post-closure care cost estimates should have been updated by the 2.1% inflation factor for 2012. RG Steel Warren, LLC is in violation for failure to properly update the closure and post-closure care cost estimates and increase the amount of financial assurance.

RG Steel Warren, LLC remains in violation of OAC Rules 3745-27-15 and 3745-27-16 until the cost estimates have been increased for inflation, the amount of financial assurance has been increased appropriately, and documentation demonstrating the increase in financial assurance is submitted to Ohio EPA.

Currently, the amount of financial assurance that is funded for this site is \$5,500,000.00. Please increase the amount funded in your financial assurance instrument to reflect, at a minimum, the current cost of closure and post-closure care and submit evidence of this increase to my attention at Ohio EPA. This may be done by depositing additional funds into the trust fund or by submitting a new financial assurance instrument for the increased amount with an instrument that meets the financial assurance requirements of OAC Rules 3745-27-15 and 3745-27-16.

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RG Steel Warren, LLC needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, RG Steel Warren, LLC is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [fanny.haritos@epa.ohio.gov](mailto:fanny.haritos@epa.ohio.gov).

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, RG Steel Warren, LLC is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions regarding this letter, please contact me by telephone at (614) 728-5343 or by e-mail at [fanny.haritos@epa.ohio.gov](mailto:fanny.haritos@epa.ohio.gov).

Sincerely,



Fanny Haritos  
Financial Assurance and Remediation Unit  
Division of Materials and Waste Management

FH/ljm

cc: Katharina Snyder, DMWM, NEDO  
Jerry Parker, DMWM, NEDO