



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

April 5, 2013

**RE: BDM WARREN STEEL
HOLDINGS LANDFILL
NOTICE OF VIOLATION**

Chuck Betters
BDM Warren Steel Holdings, LLC f.k.a
RG Steel Warren, LLC, Severstal Warren, Inc.
& WCI Steel, Inc.
999 Pine Avenue
Warren, OH 44483-6528

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

Dear Mr. Betters:

The Ohio Environmental Protection Agency (Ohio EPA) Northeast District Office (NEDO) Division of Materials and Waste Management (DMWM) has not received the 2012 annual operational report or the second semi-annual ground water monitoring data for the residual solid waste landfill located at the BDM Warren Steel Holdings facility.

Failure to submit the annual report and ground water monitoring data is a violation of the following requirements in Ohio Administrative Code (OAC):

1. OAC 3745-30-14(M) "The owner or operator of a residual solid waste landfill facility shall submit an "annual operational report" to the appropriate Ohio EPA district office and approved health department not later than the first day of April of each year."
2. OAC 3745-30-14(B)(6)(b) "The owner or operator shall comply with...The ground water monitoring, assessment, and corrective measures requirements of rule 3745-30-08 of the Administrative Code."
3. OAC 3745-30-08(A)(1) "The owner or operator, of any new residual or industrial solid waste landfill facility...shall implement and maintain a ground water monitoring program capable of determining the impact of the landfill facility on the quality of ground water occurring within the uppermost aquifer system and all significant zones of saturation above the uppermost aquifer system underlying the landfill facility. The ground-water monitoring program shall comply with paragraphs (B) to (F) of this rule and shall be protective of human health and safety and the environment..."

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Because the owner or operator has failed to comply with OAC 3745-30-14(B)(6)(b) and OAC 3745-30-08(A)(1), the owner or operator has also failed to comply with the requirements in OAC 3745-30-08(C) for conducting sampling, analysis, and statistical methods; OAC 3745-30-08(D) for conducting determining the concentration or value of applicable parameters; and OAC 3745-30-08(E) for implementing a ground water quality assessment program to determine the concentration and the rate and extent of migration of waste-derived constituents in the ground water at the landfill facility.

BDM Warren Steel Holdings, 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, BDM Warren Steel Holdings, 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 katharina.snyder@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, BDM Warren Steel Holdings, 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, please contact me by telephone at (330) 963-1257, or by e-mail at katharina.snyder@epa.ohio.gov.

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.

Sincerely,


Katharina Snyder
Division of Materials and Waste Management

KS/cl

cc: Jeff Rizzo, DDAGW-NEDO
Kevin Francis, Trumbull County Health Department
Keith McLaughlan, BDM Warren Steel Holdings, LLC
File: [Singh/LAND/RG STEEL/ANN/78]
File: [LAND/RG STEEL/GRO/78]