



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

November 18, 2020

Warren Steel Holdings, LLC
4000 Mahoning Ave.
Trumbull, Ohio 44483

**Re: Warren Steel Holdings, LLC
Director's Final Findings and Orders (DFFO)
DFFOs
Beneficial Use
Trumbull County
BENU023806**

Subject: Final Findings and Orders of the Director

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter regarding Warren Steel Holdings, LLC

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 E. Broad St., 4th Floor
Columbus, Ohio 43215

If you have any questions, please contact Teri Finfrock at (614) 644-3037.

Sincerely,

Jeri Main

Jeri Main, Administrative Professional Unit Division
of Materials & Waste Management

Enclosure

cc: Harry Sarvis/ Phil Cherosky, DMWM, CO
Frank Zingales/Clarrisa Gereby/Jarnal Singh, DMWM, NEDO
Teri Finfrock, Legal, CO

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**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Warren Steel Holdings, LLC	:	<u>Director's Final Findings</u>
4000 Mahoning Ave.	:	<u>and Orders</u>
Trumbull, Ohio 44483		

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are hereby issued to Warren Steel Holdings, LLC ("WSH") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Section 3734.02(G) and Ohio Administrative Code ("OAC") Chapter 3745-27.

II. PARTIES BOUND

These Orders shall apply to and be binding upon WSH, its contractors, agents, and successors in interest liable under Ohio law. No changes in ownership of WSH or of the Property (as hereinafter defined) shall in any way alter WSH's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734 and the rules promulgated thereunder.

"Fill" means WSH Residual Waste placed on the ground in order to fill an existing depression or hole in the ground, create mounds, or otherwise artificially change the grade or elevation of the Site (as hereinafter defined).

"WSH" includes WSH and its officers, agents, and employees acting in their official capacity.

"WSH Residual Waste" means mixtures of slag, refractory waste, spent ladle residuals, and mill scale generated during electric arc furnace ("EAF") and milling operations at the WSH property located at 4000 Mahoning Avenue, Warren, Ohio.

"Waters of the state" has the same meaning as in section 6111.01(H) of the Revised Code.

IV. FINDINGS

The Director of Ohio EPA (“Director”) has determined the following findings:

1. WSH owns the property located at 4000 Mahoning Ave, Warren, Ohio (“Property”). The Property is the location of a former EAF steel manufacturing facility that ceased operations in 2016.
2. On August 4, 2020, WSH submitted an Alternative Waste Management Project request (“WSH’s Request”) to Ohio EPA seeking authorization to permanently place no more than 1,700 cubic yards of WSH Residual Waste on the Property. The WSH Residual Waste is stored in piles on the Property.
3. The Property is zoned Industrial/Manufacturing.
4. WSH’s Request proposes to permanently place WSH Residual Waste as Fill to bring existing pits and trenches up to grade. The existing pits and trenches are located inside the eastern end of the 35-inch Mill Building (“Site”) at the Property as depicted in Attachment A, Figure 2.
5. On August 4, 2020, WSH submitted to Ohio EPA analytical results for samples of the WSH Residual Waste proposed for alternative disposal. This analysis demonstrated that no constituents analyzed in the samples exceeded the Ohio EPA Voluntary Action Program generic direct-contact soil standards for residential land use.
6. ORC Section 3734.01(E) defines “solid wastes” in pertinent part to mean “...such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations[.]”
7. ORC Section 3734.01(F) defines “disposal” in pertinent part to mean “...the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes... into or on any land or ground or surface water or into the air[.]”
8. ORC Section 3734.01(N) defines “facility,” in pertinent part, to mean “any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes[.]”
9. The permanent placement of WSH Residual Waste at the Site constitutes the disposal of solid waste at a facility pursuant to ORC Chapter 3734 and the rules promulgated thereunder.
10. ORC Sections 3734.02(C), 3734.05(A)(1), and 3734.05(A)(2) and OAC Chapters 3745-27 and 3745-37 require that a permit and license be obtained prior to the establishment or modification and operation of a solid waste facility.

11. The disposal of WSH Residual Waste at the Site constitutes the establishment or modification and operation of a solid waste facility prior to which a permit and license must be obtained.
12. OAC Rule 3745-27-05(A) specifies the methods of solid waste disposal that are authorized in Ohio, including sanitary landfilling, incineration, and composting. In addition, OAC Rule 3745-27-05(A)(4) states that solid wastes may be disposed as engineered fill or by land application, provided the Director determines that such alternative methods will not create a nuisance, are unlikely to adversely affect the public health or safety or the environment and are capable of complying with other applicable laws.
13. The proposed disposal method, which is the permanent placement of no more than 1,700 cubic yards of WSH Residual Waste at the Site as Fill, is a method of disposal other than sanitary landfilling, incineration, or composting and, therefore, requires authorization from the Director pursuant to OAC Rule 3745-27-05(A)(4).
14. OAC Rule 3745-27-05(A)(4) sets forth the requirements for an alternative disposal method authorization.
15. On August 4, 2020, WSH submitted WSH's Request requesting authorization to alternatively dispose WSH Residual Waste pursuant to OAC Rule 3745-27-05(A)(4). Ohio EPA reviewed WSH's Request and determined that WSH provided the required information in accordance with OAC Rule 3745-27-05(A)(4).
16. The Director has determined that the disposal of the WSH Residual Waste in compliance with these Orders will not create a nuisance or harm human health or the environment and will not prevent compliance with other applicable laws provided it is performed in accordance with these Orders.
17. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or license or comply with other requirements of ORC Chapter 3734 and any rules adopted thereunder.
18. Pursuant to ORC Section 3734.57(A), the owner or operator of a solid waste disposal facility must collect and remit to the state a disposal fee for solid waste disposed at the facility.
19. The permanent placement of the WSH Residual Waste at the Site constitutes the disposal of solid waste at a facility pursuant to ORC Chapter 3734 and the rules promulgated thereunder, and does not fall within the exceptions in ORC Section

3734.57(D); therefore, the state solid waste disposal fee, absent an exemption, is otherwise applicable to the disposal of WSH Residual Waste at the Site.

20. The Director has determined that, for the disposal of WSH Residual Waste at the Site as Fill, granting WSH an exemption from the requirements of ORC Chapter 3734 and OAC Chapters 3745-27 and 3745-37 to obtain a permit and a license to establish or modify and operate a solid waste facility and to collect and remit the state solid waste disposal fee is unlikely to adversely affect the public health or safety or the environment, provided that WSH performs the activities in accordance with these Orders.
21. Ohio EPA's jurisdiction is limited to determining whether disposing the WSH Residual Waste is unlikely to adversely affect the public health or safety or the environment. Ohio EPA has no jurisdiction over the stability, or durability of the WSH Residual Waste and is not making a determination on the appropriateness of the WSH Residual Waste for any particular use. Prior to disposal of the WSH Residual Waste, WSH should consult with a structural engineer or other professional, as appropriate, to determine whether the WSH Residual Waste is suitable in each specific instance it is used.
22. These Orders authorize the disposal of WSH Residual Waste at the Site only in compliance with all provisions of these Orders. To the extent that any provision of these Orders conflicts with a provision in WSH's Request, or in any attachment to the WSH's Request, WSH is only authorized as specifically provided herein and shall comply with these Orders and these Orders shall supersede any inconsistent requirement in the WSH's Request, in any attachment to WSH's Request, or any document submitted pursuant to these Orders.

V. ORDERS

1. For WSH Residual Waste that is disposed at the Site in accordance with these Orders, WSH is hereby exempted from the requirements to collect and remit the state solid waste disposal fee set forth in ORC Section 3734.57(A) and from the requirements to obtain a permit and license before establishing a solid waste facility set forth in ORC Sections 3734.02(C), 3734.05(A)(1), and 3734.05(A)(2) and OAC Chapters 3745-27 and 3745-37. These Orders do not relieve WSH from the obligation to collect or remit any other solid waste disposal fee.

Disposal Requirements

2. Only WSH Residual Waste located in the eight WSH Residual Waste piles depicted in Table 1 and Figure 3 of WSH's Request is eligible for disposal pursuant to these Orders.

3. WSH shall dispose of WSH Residual Waste at the Site pursuant to these Orders only when utilized as Fill in existing pits and trenches as depicted in Finding #4 and Attachment A, Figure 2, unless otherwise approved in writing by Ohio EPA.
4. WSH shall ensure that the total volume of WSH Residual Waste disposed as at the Site as Fill pursuant to these Orders does not exceed 1,700 cubic yards, unless otherwise approved in writing by Ohio EPA.
5. WSH shall obtain and comply with all authorizations required by ORC Chapter 3704.
6. WSH shall dispose of WSH Residual Waste at the Site in such a manner that noise, fugitive dust, odors and other air emissions that may result from activities authorized through these Orders are strictly controlled so as not to cause a nuisance or a health hazard.
7. WSH shall obtain and comply with all authorizations required by ORC Chapter 6111, including but not limited to a National Pollutant Discharge Elimination System (NPDES) permit for the control of storm water and the discharge of wastewater, and shall dispose of WSH Residual Waste at the Site in such manner as to control storm water run-on and run-off and protect Waters of the state. WSH shall report any unauthorized discharge to Waters of the state to Ohio EPA (Call 1-800-282-9378) within 24 hours of discovery.
8. WSH shall ensure that the disposal of WSH Residual Waste does not create a nuisance or adversely affect public safety or health or the environment. The Director reserves the right to revoke this Order at any time for any lawful reason. Immediately upon the effective date of any such revocation, WSH shall cease disposing WSH Residual Waste at the Site.
9. WSH shall not prevent the Director, or the Director's authorized representative(s), from entering upon the Property or any location where WSH Residual Waste is stored or disposed, at any reasonable time, for the following purposes:
 - a. To inspect and copy records that must be kept under these Orders.
 - b. To collect samples; perform monitoring; take photographs; perform measurements, surveys, and other tests; and inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required pursuant to these Orders.
 - c. For all other purposes for which the Director or an authorized representative of Ohio EPA has rights of access or inspection authority under applicable law.

10. WSH shall notify Ohio EPA Division of Materials and Waste Management, Beneficial Use Unit at least 24 hours in advance of the first disposal of WSH Residual Waste on the Site.

Recordkeeping and Reporting Requirements

11. WSH shall maintain a daily log that, for each day WSH Residual Waste is disposed of at the Site pursuant to these Orders, includes but is not limited to all the following information:
 - a. The date;
 - b. The amount of WSH Residual Waste disposed of at the Site that day, in cubic yards; and
 - c. The locations where WSH Residual Waste was disposed, depicted using latitude and longitude information or illustrations on a topographic map.
12. WSH shall maintain all of the following records and reports for a minimum of 5 years after the disposal of WSH Residual Waste pursuant to these Orders, and shall make them available to Ohio EPA upon request:
 - a. Daily log records required pursuant to Order Number 12;
 - b. All laboratory reports of all sampling results and analyses;
 - c. All other records and reports required by these Orders.
13. Not later than sixty (60) days after final disposal of WSH Residual Waste on the Site pursuant to these Orders, WSH shall submit to Ohio EPA an End of Project Report that includes, at a minimum, the following:
 - a. Total amount, in cubic yards, of WSH Residual Waste disposed at the Site pursuant to these Orders;
 - b. Latitude and longitude information, and pictures of each location at the Site where WSH Residual Waste was disposed along with the amount, in cubic yards, of WSH Residual Waste disposed at each location; and
 - c. A notarized statement from the Permittee that, to the best of the knowledge of the Permittee, the information contained in the Annual Report is true and accurate.
14. Unless otherwise directed by Ohio EPA in writing, WSH shall submit the End of Project Report via the Division of Materials and Waste Management's virtual dropbox:

https://fileshare.epa.ohio.gov/filedrop/co_dmwm_submittals

15. This authorization shall expire one year after its effective date unless revoked by Ohio EPA or otherwise superseded through enactment or promulgation of laws or rules.

VI. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to the WSH.

VII. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary for noncompliance with these Orders, including seeking penalties against WSH for noncompliance with these Orders.

Nothing in these Orders shall be construed to authorize any activity, method, or waiver from the requirements of ORC Chapter 3734 or the regulations promulgated thereunder, except as expressly provided herein. These Orders shall not be interpreted to release WSH from responsibility under ORC Chapters 3704, 3734, or 6111; under the Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require WSH to perform additional activities pursuant to ORC Chapter 3734 or any other applicable law in the future. Nothing herein shall restrict the right of WSH to raise any administrative, legal, or equitable claim or defense with respect to such further actions that Ohio EPA may seek to require of WSH.

VIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

IT IS SO ORDERED:

Ohio Environmental Protection Agency

A handwritten signature in blue ink, appearing to read "Laurie A. Stevenson", is written over a horizontal line.

Laurie A. Stevenson

Attachment A



Figure 1: 4000 Mahoning Ave, Warren, Ohio (“Property”). The red rectangle indicates the location of the 35-Inch Mill Building on the Property.



Figure 2: The red rectangle indicates the location of existing pits and trenches in the eastern end of the 35-Inch Mill Building ("Site") where disposal of the WSH Residual Waste will occur.