



MARYLAND DEPARTMENT OF THE ENVIRONMENT

MDE

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Governor

Anthony G. Brown
Lieutenant Governor

September 9, 2010

Shari T. Wilson
Secretary

Robert M. Summers, Ph.D.
Deputy Secretary

CERTIFIED MAIL

Mr. Russell Becker
Environmental Engineering & Affairs
Severstal Sparrows Point
1430 Sparrows Point Boulevard
Sparrows Point, Maryland 21219

Re: Consent Decree, Civil Action Nos. JFM-97-558, JFM-97-559

Dear Mr. Becker:

The Land Management Administration ("LMA") of the Maryland Department of the Environment ("Department") has reviewed your letter and work plan dated June 25, 2010, prepared in response to the Department's January 8, 2010 letter, issues raised in your February 8, 2010 Notice of Dispute and the subsequent dispute resolution meeting held on May 26, 2010. The work plan addressing the compliance action items included in the January 8, 2010 letter is approved by the Department in accordance with the following conditions as summarized below:

1. Provide a map that delineates the actual footprint of the Coke Point Landfill.

All parties agree that Drawing C-002 referenced in the Facility-Wide Waste Minimization Plan Work Plan for the Recovery and Recycling of Iron Bearing and Concrete Materials from Coke Point Landfill also submitted to Baltimore County Soil Conservation District (BCSCD) as part of the erosion/ sediment control plan in August 2008 will serve as the footprint of Coke Point Landfill for all future waste management activities. This map will also be incorporated into the revised operations manual.

2. Clearly and permanently mark the boundaries of the Coke Point Landfill to prevent unauthorized access and unauthorized disposal as stated in Section VII Compliance Requirement for Coke Point and Greys Landfill Operation of the Consent Decree.

As noted in the June 25, 2010 work plan, access control berms and gate access structures will be installed to mark the boundaries of the Coke Point Landfill and restrict access to authorized users within three months of receipt of this letter. At least one month prior to initiating construction, the location of the proposed berms and gate access structures must be noted on a copy of Drawing C-002 and submitted to the Department for approval. The installation of the access control berms must comply with all applicable State and local permit requirements.



- 3. Identify areas with unauthorized dumping and characterize the waste material identified.**
The work plan must also include a evaluation of the material observed during a site visit conducted on June 24, 2009 by an inspector from the Department's Solid Waste Program. that included assorted wastes including plastics, wood, trash and other material described as unauthorized dumping that was observed in the southeast corner of the Coke Point Landfill. Severstal must provide a written evaluation of the material and state whether any material is "unacceptable waste" as described in the Consent Decree, Section VII. Compliance Requirements, Item C 1.c. Any material identified as "unacceptable" must be removed.
- 4. Characterize refractory brick debris observed throughout the landfill area.**
As noted in the June 25, 2010 letter, Severstal is proceeding with an assessment of the type and usage and typical quantity of refractory brick used at the facility and will submit the assessment to the Department within one month of the work plan approval. Upon review of the assessment the Department will determine if laboratory testing will be required for characterization of refractory brick currently in the Coke Point Landfill and for future refractory brick disposal.
- 5. Revise the operations manual.**
The work plan states that a revised operations manual will be provided within six weeks of the work plan approval.
- 6. Implement quarterly ground water monitoring.**
The work plan indicates that an assessment of the existing monitoring wells will be submitted to the Department within one month of approval of the work plan. Upon receipt and review of the monitoring well assessment the Department will confirm the proposed monitoring well sampling plan. It is anticipated that the first quarterly sampling round will be conducted in the 3rd quarter of 2010.
- 7. Implement surface run off monitoring**
Surface run off monitoring may be required when landfill facility improvements are designed and installed in the future. The work plan acknowledged that whatever changes are made to the site's stormwater controls will be included in a timely revision to the facility's NPDES Permit Stormwater Pollution Prevention plan.
- 8. Slope Stabilization**
The work plan states that a draft engineered plan will be provided to the Department within three months of the work plan approval. The final schedule for completing the grading activities will be developed once an approved erosion and sediment control plan is obtained from the Baltimore County Soil Conservation District (BCSCD) and the Department. As noted in the work plan, the Department will be provided monthly progress reports during the plan approval process.

To inform any interested parties about the timeframe and scope of activities that will take place pursuant to the numbered items above, the Department will hold a public informational meeting within one month of the start of any substantial field activities (large equipment on site, earth moving, etc.). The Company should plan to attend the meeting with Department representatives to present their work plan and to address any questions/concerns the public may have.



As stated in the June 25, 2010, Severstal noted that approval of the proposed work plan will eliminate the requirement to proceed with formal dispute resolution of the issues raised in the February 8, 2010 letter. It should be noted that the resolution of this dispute and implementation of the approved work plan is governed by the compliance provisions of the existing consent decree, including but not limited to, force majeure and stipulated penalties. If you have any questions or would like to discuss these issues further, please contact Project Coordinator Ms. Barbara Brown, at 410-537-3212.

Sincerely,



Horacio Tablada, Director
Land Management Administration

cc Abraham Ferdas, Director EPA Region III, Land and Chemicals Division
Jay Sakai, Director, MDE Water Management Administration
Mitch McCalmon, Deputy Director, MDE Land Management Administration
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