



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Shari T. Wilson
Secretary

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Deputy Secretary

January 8, 2010

CERTIFIED MAIL

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

Dear Mr. Becker:

Thank you for your letter of September 11, 2009 in response to the Maryland Department of the Environment's letter to you dated August 13, 2009. While the Department appreciates the updates on material recovery efforts and related operations at the Coke Point Landfill, and is aware of the Maryland Port Administration's interest in the property, the potential future purchase of the Coke Point area does not relieve Severstal (the Company) of the obligation to comply with the provisions of the Consent Decree and design and implement interim measures at the site to address ongoing environmental concerns.

Therefore, pursuant to Section V.(A) Interim Measures of the Consent Decree, the Department hereby requires that the Company submit an Interim Measures work plan and schedule to the Department for review and approval within forty-five (45) days of receipt of this letter that, at a minimum, will accomplish the following:

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

Several maps indicating the boundaries of the Coke Point Landfill have been provided previously, including Exhibit 2 of the Consent Decree, Civil Action Numbers JFM-97-558 and JFM-97-559, Drawing No. 175101 included in the Sparrows Point Plant Landfill Compliance Plan (LCP) dated July 1998 and 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. Each map has indicated a different footprint for the Coke Point Landfill.

- 2. By June 1, 2010, 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.**

Access/Security Improvements consisting of an access control berm and entry gate as described in the text and noted on drawing 17502 in the LCP were not installed as described. The physical boundaries of the Coke Point Landfill must be identified with a permanent means of marking such as durable posts set in concrete every 250 feet as described in COMAR 26.04.07.

- 3. Identify areas with unauthorized dumping and characterize the waste material identified.** During a site visit conducted on June 24, 2009 by an inspector from the Department's Solid Waste Program, assorted wastes including plastics, wood, trash and other material described as unauthorized dumping was observed in the southeast corner of the Coke Point Landfill. The work plan must include a schedule for removal and proper disposal of any identified unauthorized material by June 1, 2010.

- 4. Characterize refractory brick debris observed throughout the landfill area.** During site visits on May 24, 2007 and October 1, 2009, material that appeared to be refractory brick was observed throughout the Coke Point Landfill. As stated in Section VII of the Consent Decree, waste regulated as a controlled hazardous substance (CHS) may not be disposed of in the Sparrows Point solid waste acceptance facilities. The requested work plan must include a description of the testing methodology and analytical methods to be used to verify the material is non-hazardous. After approval of the work plan, the MDE project coordinator must be notified in accordance with Section XV Sampling, at least fourteen (14) days prior to sampling. Sampling must be completed by June 1, 2010. All testing results must be submitted to MDE within ten (10) days of receipt. Upon review of the sampling results, MDE may request additional characterization and/or a plan and schedule for removal and proper disposal of any identified unauthorized material.

- 5. Revise the operations manual.**

The manual must include current practices for inspecting and directing all incoming materials, including the designated contact, business mailing address and practices for all tenants/subcontractors operating within the footprint of the Coke Point Landfill, designate material stockpile areas, describe current procedures used to prevent unauthorized access and unauthorized disposal, designate material stockpile areas and proposed improvements. As noted in the Consent Decree, areas for scavenging or salvage must be clearly designated and separate from the work face of the fill.

6. Implement quarterly ground water monitoring beginning January 2010.

Section VII C of the Consent Decree required that groundwater monitoring be performed initially to determine the impact of the landfill on the groundwater and provide on-going monitoring to detect any changes in condition. Section 6.1 and Table 6-1 of the LCP states that groundwater monitoring will be implemented with the Site Wide Investigation. The most recent groundwater sampling results submitted to the Department were collected in 2004. Prepare a work plan that includes a scaled site plan and table showing all wells sampled as part of the site wide investigation for the Coke Point landfill area and any additional permanent wells installed at part of the Maryland Port Authority Phase II Site Assessment. The table should include well number, total depth, screen length, and water zone. All wells are to be sampled quarterly for at least one year beginning January 2010 using the sampling protocol and analyte list detailed in the May 27, 2009 letter from Department regarding the ground water monitoring requirements for Greys Landfill. The MDE project coordinator must be notified in writing at least fourteen (14) days prior to sampling. Submit all sampling results bi-annually including all lab data and field sampling information (i.e. date sampled, purge volume etc.) After receiving four consecutive quarters of sampling results the Department will reevaluate the sampling frequency and reserves the right to require more frequent analysis should continuing adverse impacts to groundwater be observed.

7. Implement surface run off monitoring

Section VII C of the Consent Decree required collection of surface runoff samples and timely application for and diligent pursuit of approval from the NRCD of the company's sediment and erosion control plan. Although several proposed plans for sediment and erosion control have been submitted as part of previous reports for the Coke Point land fill area, the perimeter dikes/swales to divert perimeter surface water run off and sediment traps have not been installed.

Furthermore, although Section 6.2 of the LCP stated that the stormwater outfall to the Patapsco River will be identified in the (NPDES) permit and will be located at the surface runoff discharge point from the sediment and erosion control structures installed at the landfill, environmental monitoring of the two existing outfalls (#022 and #023) were not required to be sampled under the existing NPDES permit and during the site visit on Oct 1, 2009, it was noted that outfall 023 was blocked by material emplaced as part of the gravel berm.

The work plan should include surface run off sampling locations including the location of any temporary or permanent surface run off sampling locations on a scaled site map, methodology, frequency, and proposed analytic methods. The work plan should state that whatever changes are made to the site's perimeter controls will also be included in a timely revision to the facility's NPDES Permit Stormwater Pollution Prevention plan.

8. Slope Stabilization

The work plan must include an implementation schedule for regrading slag and other materials that are not fully contained and are in a position to slough off into the river along the Coke Point shoreline. Several plans have been submitted previously to the Department but have not been implemented as required in Section VII Compliance Requirement of the Consent Decree.

The work plan requested must include a schedule for completing the interim grading procedures outlined in Section 3.2 of the April 2008 Facility-Wide Waste Minimization Plan Work Plan for the Recovery and Recycling of Iron Bearing and Concrete Materials from Coke Point Landfill.

The work plan must also include a schedule for addressing the comments provided to Severstal by the Baltimore County Soil Conservation District (BCSCD) on the Coke Point Landfill Erosion and Sediment Control Plan submitted in August 2008, as well as for completion of all site work included in the plan.

If Severstal does not intend to complete the interim grading plan followed by the final grading plan, because the Coke Point Landfill will not be utilized as an active landfill in the capacity previously envisioned they may submit an alternate plan and completion schedule that meets the requirements of the Consent Decree and/or proceed with the Phase I plan already developed incorporating outstanding comments from BCSCD.

The Department expects all work required to address the slope stabilization issue at Coke Point be completed by January 1, 2012. Failure to complete all work by this date will result in the assessment of stipulated penalties pursuant to Section XVII of the Consent Decree.

9. Permits

Severstal must comply with the requirement to obtain and confirm to all local, State and federal permits necessary to complete the work. Any changes made to the site's perimeter controls must be reflected in the facility's NPDES Permit Stormwater Pollution Prevention plan ("SWPPP"). The work plan must include a description of the permits required to complete the Interim Measure.

10. Provide a detailed schedule for meeting each requirement.

The Work Plan must include a specific detailed schedule for meeting each requirement. The plan shall also include a quarterly update to the Department to document progress. If the Company expects that any item in the proposed schedule will not be met, it must notify the Department fifteen (15) days prior to the original completion date with a new completion date as well as an explanation for the missed milestone. It will be at the Department's discretion to assess any penalties; however, failure to comply with this notification requirement will result in stipulated penalties as provided under Section XVII of the Consent Decree.

11. By March 1, 2010, provide a detailed Community Relations Plan.

As outlined in Secretary Wilson's October 22, 2009 correspondence with Mr. Thomas Russo and requested in Mr. Horacio Tablada's August 13, 2009 correspondence with you (both letters enclosed), as well as required under Attachment A of the Consent Decree related to Interim Measures Scope of Work, the Department requires that the Company submit a detailed and robust Community Relations Plan with schedules for initial implementation and ongoing activities. Failure to submit a Community Relations Plan by March 1, 2010 will result in the assessment of stipulated penalties provided under Section XVII of the Consent Decree.

Lastly, regarding potential compliance issues with the State Discharge Permit 90-DP-0064B (NPDES Permit MD0001201), **Severstal is required to correct within 30 days** any outstanding deficiencies with implementation of the facility's SWPPP, as noted in inspections performed by the MDE Water Management Administration. On repeated inspections, MDE has observed various areas of the site where stormwater management controls have not been installed as per the existing plan resulting in the placement of sediments in a position likely to run off to surface waters. Therefore, Severstal is directed to conduct a separate engineering review of sitewide stormwater management controls to determine compliance with the existing SWPPP and to determine the need for further improvements to the plan that will more effectively control runoff from site operations. **By April 1, 2010**, Severstal must submit to the Department a report describing the findings of the evaluation. The report shall describe any deficiencies noted with the SWPPP and the actions taken or proposed to correct deficiencies, with timelines for implementation, and any amendments to the SWPPP. The Department reserves its rights with respect to enforcement action to address any alleged violations of the NPDES Permit and Sections 9-322 and 9-323 of the Environment Article, including the assessment of civil penalties pursuant to 9-342 of the Environment Article, Annotated Code of Maryland.

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
Andrew Fan, EPA Region III, Project Coordinator
Susan Hodges, Esquire, EPA Senior Assistant Regional Counsel
Matthew Zimmerman, Esquire, Assistant Attorney General
Barbara Brown, MDE, Project Coordinator