



State of Ohio Environmental Protection Agency

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April 20, 2009

Mr. Kirk Reich
General Manager
AK Steel, Middletown Works
1801 Crawford Street
Middletown, Ohio 45043-0001

**RE: AK Steel Solid Waste Landfills 38 & 39, Butler County
Ohio Administrative Code (OAC) Rule 3745-27-13 Authorization Request**

Dear Mr. Reich,

On December 24, 2008, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO), received a request titled "Rule 13 Application: Geotechnical Borehole Advancements, Solid Waste Landfills (SWMU's 38 and 39) at AK Steel Corporation, Middletown Works" which was prepared by AK Steel Corporation (AK Steel). AK Steel requested authorization to drill investigatory soil boreholes within three hundred feet of two (2) closed landfills at AK Steel, Middletown works. The purpose of the boreholes is to collect geotechnical data to support the design of the proposed aboveground conveyor system that will transport coke from Middletown Coke Company (SunCoke Energy) to A K Steel, Middletown Works. AK Steel proposes to do drill fifteen (15) soil boreholes within three hundred feet of two closed landfills (SWMU's 38 & 39).

A notice of deficiency (NOD) was sent to AK Steel on January 23, 2009 and Ohio EPA, DSIWM, SWDO received a revised request on March 9, 2009.

Based upon a review of the request, submitted December 24, 2008 and revised March 9, 2009, I have determined, pursuant to OAC Rule 3745-27-13, that the proposed activities, if conducted in accordance with the request and the following conditions, will not result in a violation of applicable laws or regulations, will not create a nuisance, and are unlikely to adversely affect the public safety or health or the environment. Therefore, AK Steel and/or their appointed representative are hereby authorized to perform the activities outlined in this letter in accordance with the submitted plans, specifications, and information. This approval is subject to the following conditions:

CONDITIONS

1. This approval grants authorization to drill fifteen (15) soil boreholes within three hundred feet of two closed landfills (SWMU's 38 & 39) in accordance with the request titled "Rule 13 Application:

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Geotechnical Borehole Advancements, Solid Waste Landfills (SWMU's 38 and 39) at AK Steel Corporation, Middletown Works", submitted December 24, 2008, and revised March 9, 2009. All activities must be conducted in strict accordance with the plans, specifications, and information submitted as part of this request. There may be no deviation from the approved plans without prior written authorization from Ohio EPA.

2. Not later than seventy-two (72) hours prior to the start of activities associated with this authorization, AK Steel shall submit written notification, which specifies the anticipated date of work commencement, to Ohio EPA, DSIWM, SWDO.
3. All on-site activities shall be performed in a manner that prevents migration of leachate, explosive gas, or toxic gas from the Facility.
4. All activities undertaken shall not create a nuisance and shall not adversely affect public safety or health or the environment.
5. Any solid waste to be removed from the Facility shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with Ohio Revised Code (ORC) Chapter 3734 and the regulations promulgated thereunder.
6. Any liquids, semi-solids, industrial wastes, and other wastes regulated by ORC Chapter 6111 that are removed during intrusive activities shall be containerized and securely stored until these materials are properly characterized and disposed in accordance with ORC Chapter 6111 and the regulations promulgated thereunder.
7. Prior to any disposal of waste or contaminated soil from the Facility, AK Steel shall submit copies of sample analysis results, the treatment or disposal method selected, and a letter of acceptance from the treatment or disposal facility to Ohio EPA, DSIWM, SWDO pursuant to OAC Rule 3745-27-13(H)(4).
8. Not later than sixty (60) days after completing the activities authorized by this approval, AK Steel shall submit to Ohio EPA, DSIWM, SWDO a certification report in accordance with OAC Rule 3745-27-13(H)(10).
9. All on-site activities shall be accomplished in compliance with all applicable state and federal laws and regulations pertaining to environmental protection, including but not limited to the control of air pollution, leachate, surface water run on and runoff, and protection of ground water. Surface water control structures shall be constructed as needed to divert water around the construction site. For the purposes of erosion control during all phases of construction at the Facility, AK Steel shall use Best Management Practices (BMP) standards as specified in the Ohio Department of Natural Resources, Division of Soil and Water Conservation manual titled *Rainwater and Land Development*.

10. AK Steel shall take measures to control fugitive dust and other air emissions that may result from activities authorized by this action.
11. In accordance with OAC Rule 3745-27-13(M)(1), this authorization shall terminate three (3) years after its effective date if AK Steel has not begun the activities authorized herein.
12. The director of Ohio EPA (Director) may revoke this authorization if AK Steel violates, or is likely to violate, any applicable law or if continued implementation of the approved plans causes a threat to human health or safety or the environment.
13. Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This authorization shall not be interpreted to release AK Steel or others from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control 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. You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 3745.04. 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 which the Commission, in its discretion, may reduce if by affidavit you demonstrate 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
309 South Fourth Street, Room 222
Columbus, OH 43215

If you have any questions concerning this authorization, please contact Pat Willoughby of Ohio EPA, SWDO at (937) 285-6648.

Sincerely,

Chris Korleski
Director

cc: Scott Hester, DSIWM-CO
Tracy Buchanan, DSIWM-SWDO
Pat Willoughby, DSIWM-SWDO
CK/HHH/plh