



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

By UPS

May 6, 2013

Russell Becker
Vice President, Remediation
Sparrows Point LLC
1650 Des Peres Road, Suite 303
St. Louis, Missouri 63131

Subject: Coke Oven Area Corrective Measures Study Work Plan

Dear Mr. Becker:

EPA has reviewed the Coke Oven Area Corrective Measures Study Work Plan, dated April 8, 2013, submitted by Sparrows Point LLC (SPL) (SPL CMS Workplan) to the Environmental Protection Agency (EPA) and the Maryland Department of Environment (MDE). The SPL CMS Workplan does not include certain key elements that SPL had proposed in its October 23, 2012 letter to the Agencies. In addition, those key elements were discussed by the parties in more detail during a November 29, 2012 meeting and were further documented by EPA in a January 8, 2013 letter.

Specifically, in its October 12, 2012 letter SPL acknowledged that "interim measures are appropriate for implementation now in advance of the Corrective Measures Study and final remedy selection;" stated that the "first component of developing the path forward is to evaluate which interim measures best complement current goals;" and promised a "report presenting the findings and a schedule for the installation of additional and modified interim measures." Oct. 23, 2012 letter, p. 2.

During our November 29, 2012 meeting SPL reiterated its commitment to continue operating the existing Interim Measures in Cells 1, 3, 4, and 6 that had been installed by the prior owners of the facility, but requested that the agencies consider a possible alternative proposal to address the contamination in the areas covered by the previously approved Interim Measures for Cells 2 and 5 that originally was scheduled for installation by January 22, 2013. EPA expressed its willingness to consider such a proposal, but stated that one of its principal concerns was to address contamination that was leaving the facility in the areas covered by Cells 2 and 5.

In its January 8, 2013 letter to SPL EPA accepted SPL's proposal with several specific requirements, including that SPL's proposal "should address at a minimum the goals set forth in the February 9, 2009 letter from EPA to RG Steel" under which all six of the Interim Measures cells had been outlined, and reiterating that

the Agencies consider reducing the source and controlling the migration of the dissolved plumes offshore [i.e. including the areas covered by Cells 2 and 5] as a high priority. The proposed CMS Workplan for the Coke Point peninsula should reflect this, and include any appropriate interim measures that can be implemented prior to the final remedy.

EPA's Jan 8, 2013 letter, p. 2.

In its Jan. 8, 2013 letter EPA also noted that the Figure 1 outlining the area to be covered by SPL's proposal that it had submitted as part of a December 11, 2012 e-mail did not reflect the known extent of the benzene and naphthalene plumes at Coke Point Peninsula that need to be addressed. Enclosed with this letter are maps showing the known extent of the benzene and naphthalene dissolved phase plumes and estimated source areas. ELT/Sparrows Point LLC's proposed CMS Workplan should address all of the contaminated groundwater at the Coke Point Peninsula.

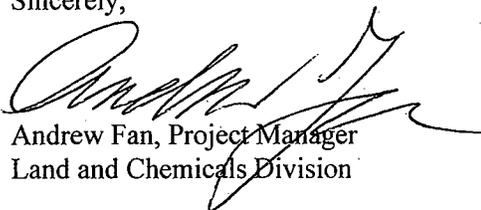
EPA's Jan 8, 2013 letter, p. 2-3. The maps provided by EPA highlighted the fact that the dissolved phase plume with concentrations exceeding 1% solubility limits of benzene and naphthalene are migrating offshore, and Cells 2 and 5 are strategically placed to intercept that offshore migration.

Against this background, the SPL CMS Workplan is inadequate. Rather than including specific proposals to address migration of the dissolved plumes from the areas covered by Cells 2 and 5, the CMS Workplan summarizes the existing Interim Measures for Cells 1, 3, 4, and 6; includes a proposal to conduct a modeling study and a non-specific discussion of upgrading source removal in Cell 6; and concludes with final remedial action alternatives to be proposed in a draft CMS report submitted 10 months after Agency approval of the work plan. The SPL CMS Workplan makes no mention whatsoever of the areas covered by Cells 2 and 5. During the May 1, 2013 teleconference call among the parties, SPL representatives explained that the silence on the areas of Cells 2 and 5 was deliberate, made in the belief that the final remedy developed after further study, would be adequate to address the entire Coke Oven area, including the ground water contamination in the vicinity of Cells 2 and 5. This proposal does not sufficiently address EPA's direction to SPL with regard to the area covered by Cells 2 and 5. With the schedule outlined in this proposed work plan the actual installation of remedial measures to address existing ground water contamination in the areas outside of the existing IM Cells will be prolonged for a year or more.

For the reasons outlined above, EPA has determined that SPL must implement the Interim Measures for Cells 2 and 5 as previously approved by EPA in its January 13, 2011 letter (copy enclosed), in compliance with the July 26, 2012 discharge permits issued by MDE for these cells. Within 90 days of receipt of the letter SPL shall submit the design plan for Cells 2 and 5, and shall install and have them operational within 90 days of the receipt of Agency approval of the design plan.

Please call me at (215) 814-3426 if you have technical questions regarding this matter. For legal questions, please have your attorney contact Charles Howland, Senior Assistant Regional Counsel, at (215)814-2645.

Sincerely,



Andrew Fan, Project Manager
Land and Chemicals Division

cc: Barbara Brown, MDE