



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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

**AUG 25 2010**

Russell Becker  
Program Manager  
Environmental Engineering & Affairs  
Severstal Sparrows Point  
1430 Sparrows Point Blvd  
Sparrows Point, MD 21219

Subject: Consent Decree, Civil Action Numbers JFM-97-558 & JFM-97-559  
Severstal Sparrows Point Facility, Offsite Ecological Risk Assessment

Dear Mr. Becker:

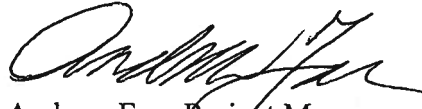
Pursuant to Section XIII, SUBMISSION REQUIRING EPA AND /OR MDE APPROVAL of the above- referenced Consent Decree ("CD") the United States Environmental Protection Agency ("EPA") and the Maryland Department of the Environment ("MDE") hereby disapprove Severstal's April 2 2010 submission, titled "*Work Plan to Assess Offsite Ecological Impacts from Current Releases from the Five Special Study Areas*" ("April, 2010 Revised Work Plan"). The need for Severstal to complete this investigation was first set forth in a letter from MDE to Severstal dated August 13, 2009. Severstal submitted a proposed workplan under cover of a letter dated October 13, 2009, the deficiencies in which were detailed in EPA's February 3 2010 letter to Severstal. Severstal's April, 2010 Revised Work Plan, again fails to comply with the requirements for the performance of an adequate, site wide investigation, for the reasons set forth below.

Although the proposed work (groundwater discharge pathway assessment, surface water pathway assessment, and bathymetric survey) partially fulfills the requirements of the Work Plan required under the CD, it fails to include a specific plan to collect surface water and sediment samples necessary to characterize the extent and nature of contamination, which is fundamental to the performance of the offsite ecological risk assessment. Instead, the April, 2010 Revised Work Plan proposes to collect offsite water and sediment samples only after Severstal completes its proposed pathway assessments, and then only if those assessments identify current releases to the offsite environment from the five Special Study Areas defined in the CD. There are several flaws with Severstal's approach, which EPA and MDE have several times explained to Severstal. First, there is already data suggesting that there are current releases from the onshore facility to the offshore sediments and waters. Second, Severstal is incorrect in its premise that it is only required to investigate current releases from the five Special Study Areas, and that pathway

assessments are prerequisites to identifying locations to collect offsite water and sediment samples. In addition to these fundamental flaws with Severstal's response, the proposed storm water sampling, which does not include sediment sampling, will not generate representative samples that can be used to project contamination in receiving sediments due to the high temporal variability of storm water.

In as much as Severstal has invoked the dispute resolution process of the CD as it relates to its October 13, 2009 Work Plan, EPA does not expect Severstal to respond to this letter at this time. If you have questions, please call me at (215) 814-3426. For legal, please have your attorney contact Susan Hodges in our Office of Regional Counsel at (215)814-2643 or Charles Howland in the Office of Regional Counsel at (215)814-2645.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Fan", written in a cursive style.

Andrew Fan, Project Manager  
Land and Chemicals Division

cc: Barbara Brown, MDE