

**IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO**

STATE OF OHIO, <i>ex rel.</i>	:	CASE NO.
MICHAEL DEWINE	:	
OHIO ATTORNEY GENERAL,	:	
	:	JUDGE
Plaintiff,	:	
	:	
v.	:	
	:	
WARREN STEEL HOLDINGS, LLC	:	
	:	
Defendant.	:	

PLAINTIFF’S MOTION FOR TEMPORARY RESTRAINING ORDER


Plaintiff, the State of Ohio (“Plaintiff”/“State”), at the request of the Director of Environmental Protection (“Director”), moves this Court, pursuant to R.C. 3734.13(C), R.C. 3752.17(B) and R.C., R.C. 6111.07(B) and Civ.R. 65, for the issuance of a Temporary Restraining Order against Defendant Warren Steel Holdings, LLC (“Warren Steel”). The State seeks to require Defendant Warren Steel to comply with hazardous waste laws under R.C. Chapter 3734, cessation of regulated operation laws under R.C. Chapter 3752, and water pollution laws under R.C. Chapter 6111, including Warren Steel’s water pollution permit at its steel production facility at 4000 Mahoning Avenue, Warren, Trumbull County, Ohio (“Site”).

The Site permanently ceased operation on January 14, 2016, and counsel for Warren Steel has advised Ohio EPA that Warren Steel would not comply with any environmental laws or rules as of that date, including hazardous waste, the cessation of regulated operations, or water pollution rules, or its water pollution permit. The failure to fully comply with hazardous waste

rules, the cessation of regulated operation rules, and Warren Steel's water pollution permit will potentially expose the public to dangerous chemicals or wastes and may lead to the release of untreated waste water directly into the Mahoning River. The grounds for this Motion are set forth in the attached Memorandum in Support and Affidavit. The State seeks an oral argument at which witnesses will be presented. A proposed entry and order is attached.

Respectfully submitted,

MICHAEL DEWINE
OHIO ATTORNEY GENERAL



Timothy Kern (0034629)
Clint R. White (0086393)
Assistant Attorneys General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215
Telephone: (614) 466-5261
Fax: (614) 644-1926
Timothy.Kern@OhioAttorneyGeneral.gov
Clint.White@OhioAttorneyGeneral.gov

Attorneys for Plaintiff State of Ohio

MEMORANDUM IN SUPPORT

I. INTRODUCTION

The State seeks to require Defendant Warren Steel to comply with hazardous waste laws, cessation of regulated operation laws, and water pollution laws. The failure to comply with these laws and applicable rules directly threatens public health and safety. By failing to staff and operate its wastewater treatment facility, Defendant Warren Steel will discharge untreated wastewater in violation of its water pollution permit, more formally called its National Pollutant Discharge Elimination System (“NPDES”) permit, into the Mahoning River. Failure to comply with a term and condition of an NPDES permit is a violation of R.C. 6111.07(A).

From a date not yet known to Plaintiff but since at least August 21, 2015 during Ohio EPA’s inspection and continuing to the present, Warren Steel had established and operated a hazardous waste facility without a permit. Ohio EPA inspectors observed electric arc furnace dust, which is a listed hazardous waste (K061) illegally stored or disposed on the ground. Since counsel for Warren Steel has informed Ohio EPA legal counsel Andrea Smoktonowicz on January 15, 2016 that Defendant Warren Steel will provide security only for one week, Defendant needs to be ordered by this Court to ensure that entry of persons to the Site is prevented after that date as required by Ohio Adm.Code 3745-54-14. By failing to provide and maintain security to prevent unauthorized access to the Site, there could be exposure from the hazardous waste to children, adults, and even vandals. If such persons are allowed unimpeded access to the Site, their entry could cause further releases of hazardous waste into the environment.

In addition, by failing to remove regulated substances, which are hazardous chemicals, there will also be a serious risk of fire and explosion from the abandoned hazardous chemicals. By failing to provide and maintain security to prevent unauthorized access, there will be exposure from the hazardous chemicals to children, adults, and even vandals. If such persons are allowed unimpeded access to the Site, their entry could cause the release of hazardous chemicals into the environment.

Warren Steel's failure to remove the regulated substances and thus comply with the cessation of regulated operations rules will create a public nuisance and will be violations of the Cessation of Regulated Operations Statute, R.C. Chapter 3752 and the rules set forth in Ohio.Adm.Code Chapter 3745-352.

Warren Steel has an industrial wastewater treatment facility that uses lagoons for the treatment and disposal process as identified in its NPDES permit. Warren Steel has failed to pay its utility bill and has stopped operating the wastewater treatment facility. While additional industrial wastewater should not be introduced into the system due to Warren Steel's shutdown, precipitation and snow melt will add to the wastewater in the lagoons. If the wastewater treatment facility does not continue to operate, an imminent danger of overflow of untreated wastewater is created, causing a direct discharge to the Mahoning River in violation of R.C. Chapter 6111 and Warren Steel's NPDES permit. Ohio EPA legal counsel Todd Anderson and Andrea Smoktonowicz on January 15, 2016 requested from Warren Steel's electric service provider that it continue to provide electricity to the lagoons and wastewater treatment facility. That provider was seeking to discontinue Warren Steel's electricity but agreed to provide electricity in the interim. But for the State's efforts, electricity would not be provided and would create a threat of

direct discharge. Defendant needs to be ordered by this Court to ensure that electricity is provided to the lagoons and wastewater treatment plant.

Because Warren Steel is and will be violating laws and rules designed to protect public health, safety, and the environment, the State respectfully requests that this Court issue a Temporary Restraining Order in this case requiring Warren Steel to take immediate measure to eliminate the most urgent of the conditions created.

II. STATEMENT OF FACTS

Warren Steel owns and operates the Site which, before abandonment on January 14, 2016, produced steel. On December 4, 2015, Defendant Warren Steel submitted to Ohio EPA a temporary cessation of regulated operations notification. As stated on the Tier II chemical inventory report submitted to the State Emergency Response Commission, the local emergency planning committee, and the fire department having jurisdiction over the Site, as required by R.C. 3750.08, the regulated substances are located at several location throughout the Site. The regulated substances include sulfuric acid, argon, compressed, oxygen, compressed, manganese, carbon, and steel. The hazards related to these regulated substances include fire and acute and chronic health hazards, (Warren Steel 2014 Tier II report, Anderson Aff. ¶ 11). As defined by Ohio Adm.Code 3745-352-05(A)(DD), the regulated substances are either extremely hazardous substances or hazardous substances. The sulfuric acid stored at the Site is an extremely hazardous substance.

Because counsel for Warren Steel has informed Ohio EPA legal counsel that Defendant Warren Steel will not comply with the cessation of regulated operations, hazardous waste, or water pollution laws or rules, the State seeks an order from this Court

to ensure that outdoor locations and building structures at the Site where regulated substances are present or have caused contamination are secured from unauthorized access as required by R.C. 3752.07, Ohio Adm.Code 3745-352-20(A)(1)(b) and Ohio Adm.Code 3745-352-30. (Smoktonowicz Aff. ¶ 9, Anderson Aff. ¶ 12). These security measures include boarding, locking, or other means to secure all windows, doors, and other potential means of entry, fencing, lighting and a surveillance system, a guard or security service, and visible signs.

Security measures required by R.C. 3752.07, Ohio Adm.Code 3745-352-20(A)(1)(b) and Ohio Adm.Code 3745-352-30 must be maintained until all regulated substances and all debris, nonstationary equipment and furnishings, nonstationary containers, and motor vehicles and rolling stock that contain or are contaminated with regulated substances are removed and properly transferred or disposed as required by R.C. 3752.06, Ohio Adm.Code 3745-352-20(A)(2)(d) through (A)(2)(f). Ohio Adm.Code 3745-352-20(A)(2)(g) then requires the submittal of a certification to the Director showing compliance with the removal requirements.

Ohio Adm.Code 3745-54-14 also requires the owner or operator of a hazardous waste facility to prevent the unknown entry and minimize the unauthorized entry of persons onto the Site. After previously stated, from a date not yet known to Plaintiff but since at least August 21, 2015, Warren Steel had established and operated a hazardous waste facility without a permit. Since counsel for Warren Steel has informed Ohio EPA legal counsel on January 15, 2016 that Defendant Warren Steel will provide security only for one week, Defendant needs to be ordered by this Court to ensure that entry of persons to the Site is prevented after that date. (Sloan Aff. ¶ 7, Smoktonowicz Aff. ¶ 9, Anderson

Aff. ¶ 12).

Wastewater at Defendant Warren Steel's wastewater treatment facility consists of process wastewater and industrial storm water. Defendant Warren Steel's wastewater treatment works consists of a primary lagoon and three secondary lagoons, which flow to a recycle basin prior to being routed through a wastewater treatment facility before discharging to the Mahoning River. Effluent discharged through the wastewater treatment works, whether after treatment or by overflow, is pollution, industrial waste, and/or other wastes as defined under R.C. 6111.01(A), (C), and (D). (Gomes Aff. ¶ 7).

Warren Steel's NPDES Permit requires Warren Steel to maintain a safe level of freeboard in its lagoons. On or about January 14 through 17, 2016, Defendant Warren Steel failed to maintain one foot of freeboard at the lagoons. Defendant Warren Steel's failure to maintain the minimum freeboard at the lagoons is a violation of its NPDES permit and by failing to do so, has created a threat of overflow of untreated wastewater from the lagoons into the Mahoning River. Therefore, by failing to comply with its NPDES permit, Defendant Warren Steel is causing an imminent threat of pollution, industrial waste, or other wastes from lagoons at the Site into the Mahoning River in violation of its NPDES permit and 6111.07(A). By shutting down, Defendant Warren Steel has abandoned its wastewater treatment facilities as of January 14, 2016 with no provision or plan to ensure proper operation of such facilities, which creates an ongoing risk of violation of the NPDES permit and overflow to the Mahoning River. Improper abandonment of its wastewater treatment facility is also a separate violation of the NPDES permit. (Gomes Aff. ¶ 14).

III. LAW AND ARGUMENT

The facts and equities in this case establish that there are multiple grounds upon which the State should be granted the requested Temporary Restraining Order, namely Defendant's failure to comply with the hazardous waste, cessation of regulated operations, and water pollution statutes and rules. In addition, Defendant will cause a public nuisance, and the four common law factors for issuance of a temporary restraining order in such cases also weigh in favor of the State.

A. Defendant will violate Ohio law when it fails to fully comply with the hazardous waste, cessation of regulated operations, and water pollution statutes and rules.

The State seeks to enforce Ohio's environmental laws in this case, therefore the Court should issue a temporary restraining order because the State has presented facts through the affidavits of Ohio EPA employees that verify that Defendant has no intention of complying with the hazardous waste, cessation of regulated operations, and water pollution statutes and rules, all of which remain applicable to Warren Steel at this Site.

1. A temporary restraining order is appropriate when the State presents evidence that a defendant has satisfied the statutory prerequisites for injunctive relief.

Ohio courts have long distinguished between private equitable actions for injunctive relief and statutory injunctions enforceable by the State, the latter of which the State is seeking here. See *Ackerman v. Tri-City Geriatric & Health Care, Inc.*, 55 Ohio St. 2d 51 (1978). In *Ackerman*, the Director of Health sought to enjoin the operation of an unlicensed nursing home pursuant to a state statute. *Id.* at 56. The Supreme Court of Ohio held that the Director of Health, as a "governmental agent" seeking to enforce a

statute, merely had to show that the nursing home had violated a statute authorizing injunctive relief to obtain such relief. *Id.* at 57-58.

The Court held that, “unlike equitable-injunction actions . . . , [statutory violations] proscrib[e] behavior . . . which the General Assembly has determined not to be in the public interest.” *Id.* at 57. As a result, to obtain injunctive relief, the Director of Health only had to establish “that the conditions which the General Assembly has deemed worthy of injunctive relief exist.” *Id.* The Court reasoned that it would be “redundant” to require a governmental agent to establish the elements of a private action for injunctive relief, such as irreparable damage or lack of an adequate legal remedy, because “activities deemed harmful by the General Assembly are not designed primarily to do justice to the parties but to prevent harm to the general public.” *Id.*

Courts have consistently applied the *Ackerman* rule in actions brought to enforce Ohio’s environmental protection laws. *See, e.g., State ex rel. Brown v. Chase Foundry & Manufacturing Co.*, 8 Ohio App.3d 96, 100-101 (10th Dist., 1982) (involving the enforcement of Ohio’s air pollution control laws); *State ex rel. Celebrezze v. Ohio Oil Field Service, Inc.*, Mahoning App. No. 82 C.A. 95 (Sept. 1, 1984) (involving the enforcement of Ohio’s water pollution laws). Moreover, the rule from *Ackerman* applies to all forms of injunctive relief—temporary restraining orders, as well as preliminary and permanent injunctions. *See, e.g., State v. Alexander Bros., Inc.*, 43 Ohio App.2d 154 (5th Dist., 1974).

2. Ohio's hazardous waste cessation of regulated operations, , and water pollution laws authorize and require injunctive relief

The State seeks to enforce Ohio's hazardous waste, cessation of regulated operations, and water pollution laws. Ohio Revised Code 3752.17(A) states that the court in which an action for an injunction is filed has jurisdiction to and shall grant preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated or is violating any section of this chapter or rule adopted under it. Ohio's hazardous waste and water pollution laws have identical provisions. *See* R.C. 3734.10, R.C. 3734.13(C) and R.C. 6111.07(B). Accordingly, pursuant to *Ackerman*, the State only needs to provide evidence that Defendant will violate these statutes to obtain a temporary restraining order in this case.

3. Defendant is violating Ohio's hazardous waste, cessation of regulated operations, and water pollution laws by failing to provide security and failing to remove regulated substances as well as failing to maintain the minimum freeboard and failing to operate the wastewater treatment facility, thereby warranting a temporary restraining order.

On January 14, 2016, Defendant Warren Steel ceased operations at the Site, and counsel for Defendant Warren Steel has advised Ohio EPA that Warren Steel will not comply with the hazardous waste, cessation of regulated operations, or water pollution laws and rules set forth in R.C. Chapters 3734, 3752, and 6111 respectively, and the rules adopted thereunder. Such defiance regarding compliance with laws designed to protect human health and the environment is a severe threat to the public.

As noted above, each of these laws has specific requirements that protect public health and safety, including, but not limited to the limitation of access to hazardous waste

and hazardous chemicals and the prevention of the discharge of untreated pollutants into waters of the State, in this case the Mahoning River.

The General Assembly intended that failure to comply with these laws should be enjoined, and the prevention of further violation of these laws and rules is appropriate injunctive relief. Therefore, this Court should issue a temporary restraining order ordering Warren Steel to comply with the hazardous waste, cessation of regulated operations, and water pollution laws as required by the attached order.

B. All equitable requirements for a temporary restraining order have also been met.

This Court should also grant the State a temporary restraining order to enjoin the public nuisance alleged in the State's Complaint, whereby Defendant Warren Steel is threatening public health, welfare, and safety. The State will establish each of the four prongs of the test for temporary restraining order weigh in its favor.

Under Civil Rule 65(A), the State must establish there will be irreparable injury if the Court does not enjoin Defendant's conduct. Further, Ohio courts have generally considered whether four factors are shown by clear and convincing evidence in order to issue a preliminary injunction: (1) that the plaintiff is likely to prevail on the merits; (2) that there is likely to be irreparable injury unless relief is granted; (3) that third-parties will not suffer unjustifiable harm if such relief is granted; and (4) that an injunction will be in the public interest. *Procter & Gamble Co. v. Stoneham*, 140 Ohio App.3d 260, 267, 747 N.E.2d 268, 273 (1st Dist.2000).

1. The State is likely to prevail on the merits that Defendant's lack of action threatens public health and welfare.

The facts alleged in the State's Complaint and the facts established by affidavits

and testimony in support of this Motion show that the Defendant Warren Steel operated a facility subject to various environmental requirements. As of January 14, 2016, it simply closed its doors and walked away from all these still-applicable requirements. There is no question that the facts exist to support a conclusion that the State will be able to show a public nuisance created by the remaining hazardous chemicals, hazardous wastes, and nearly-overflowing wastewater treatment lagoons.

2. The public is likely to suffer irreparable injury unless a temporary restraining order is issued.

By abandoning the Site with the remaining hazardous wastes, hazardous chemicals and almost-full lagoons, Defendant creates a risk of exposure of persons to hazardous chemicals and hazardous wastes, and risks the discharge of untreated pollutants to the Mahoning River. This is a clear risk of irreparable injury that could and should be avoided.

3. Third parties will not suffer unjustifiable harm if the Court issues the temporary restraining order.

A temporary restraining order that requires Defendant's compliance will not cause unjustifiable harm to third parties. To the contrary, citizens of the community will receive a substantial benefit if the temporary restraining order is issued, because it will eliminate the threat of exposure and the possible release of hazardous or extremely hazardous substances and untreated, unpermitted discharges to the Mahoning River.

4. An injunction will be in the public interest, as it will protect public health and the environment.

Although the hazardous waste, water pollution, and cessation of regulated operations laws make it clear that actions that violate them threaten or injure the public health, safety, and welfare, the facts of the situation speak for themselves as well.

Defendant Warren Steel has allowed dangerous chemicals and wastes to be unsecured and available to the public. At an abandoned facility, this is a clear nuisance. Moreover, the threat that pollution from flooded lagoons would reach the Mahoning River without treatment is a nuisance in fact and by statutory definition. See R.C. 6111.04(A)(2). Therefore, because all four factors under common law weigh in favor of a temporary restraining order to immediately abate Defendant's defiance to the requirements of the cessation of regulated operations laws., this Court should grant the State's Motion.

IV. RELIEF REQUESTED

The State has filed a Complaint against Defendants and ultimately seeks permanent and perpetual injunctive relief as well as civil penalties against Defendants. Until the Court renders final judgment in this case, the State seeks to end the immediate human health and environmental hazard due to Warren Steel's unlawful acts at their Site. Based on the foregoing, the State respectfully requests that the Court issue a temporary restraining order against Warren Steel. An order providing temporary relief is provided for the Court's convenience.

Respectfully submitted,

MICHAEL DEWINE
OHIO ATTORNEY GENERAL



Timothy Kern (0034629)

Clint R. White (0086393)

Assistant Attorneys General

Environmental Enforcement Section

30 East Broad Street, 25th Floor

Columbus, Ohio 43215

Telephone: (614) 466-5261

Fax: (614) 644-192

Timothy.Kern@OhioAttorneyGeneral.gov


Clint.White@OhioAttorneyGeneral.gov

Attorneys for Plaintiff State of Ohio

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing *Plaintiff's Motion for Temporary Restraining Order and Memorandum in Support* has been served by e-mail on this the 20th day of January, 2016, upon:

Thad Florence
Counsel for Warren Steel Holdings, LLC
t.florence@optimasteel.com



Timothy J. Kern
Assistant Attorney General

TIER II REPORT

Facility Information

Name: Warren Steel Holdings, LLC

Shipper:

Department: Warren Works

Site Number: of

State Fees Total:

Report Year: 2014

ADDRESS

Street Address:

4000 Mahoning Ave.

Warren OH 44483-1924 USA

County: Trumbull Fire District: Champion Twp. Fire Dept. Cross Street:

Mailing Address:

Email:

PHONES (Type & Phone Number)

Work 330-874-0487

CONTACTS

Kowach, Chris, Safety Tech

Phone: 24-hour: 330-856-9032

Phone: Emergency: 330-847-0487

Prater, Donny

Phone: 24-hour: 606-465-7159

Phone: Emergency: 606-929-1335

Scheel, John, General Manager

Phone: 24-hour: 770-315-5339

Fire Department, Warren Township,

Phone: Emergency: 330-898-2041

Phone: 24-hour: 330-898-2041

CHEMICAL INVENTORY

7664-93-9 Sulfuric Acid

7440-37-1 Argon Compressed

7782-44-7 Oxygen, Compressed

7439-96-5 Manganese

7440-44-0 Carbon

Steel

ID CODES

NAICS, 331111, Iron and Steel Mills

Dun & Bradstreet, 14-046-3907,

REGULATORY INFORMATION

Subject to Emergency Planning under Section 302 of EPCRA (40 CFR part 355)?

[] Yes [x] No

Subject to Chem. Accident Prevention under Section 112(r) of CAA (40 CFR part 68, Risk Mgmt. Pgm.)? [] Yes [x] No

Is the facility manned? [x] Manned [] Unmanned

Maximum No. of Occupants: 500

Chemicals in Inventory/Transit

Chemical Name: Sulfuric Acid

CAS: 7664-93-9

Facility/Route: Warren Steel Holdings, LLC , Dept: Warren Works, Report Year: 2014 MSDS:

In Inventory In Transit EHS Substance Trade Secret

LOCATION

Confidential

Max Amt: pounds, Type: Tank inside building, Pressure: Ambient pressure, Temperature: Ambient temperature,

Location: C03, B02

PHYSICAL STATE & QUANTITY

pure mixture solid liquid gas

Physical & Health Hazards: fire pressure reactive acute chronic

Below Reporting Thresholds

Max Amt: pounds, Max Amt Code: 04 (1,000 - 4,999 pounds) Avg Amt: pounds, Avg Amt Code: 03
(500 - 999 pounds) Max Amt in largest container:

COMPONENTS

No Component data available.

DATES

Identical to previous year.

Days on site: 365, Date signed: 2/27/2015, Tier2 received: 3/2/2015

Chemical Name: Argon Compressed

CAS: 7440-37-1

Facility/Route: Warren Steel Holdings, LLC , Dept: Warren Works, Report Year: 2014 MSDS:

In Inventory In Transit EHS Substance Trade Secret

LOCATION

Confidential

Max Amt: pounds, Type: Above ground tank, Pressure: Greater than ambient pressure, Temperature: Less than ambient temp. / not cryog, Location: T07

PHYSICAL STATE & QUANTITY

pure mixture solid liquid gas

Physical & Health Hazards: fire pressure reactive acute chronic

Below Reporting Thresholds

Max Amt: pounds, Max Amt Code: 06 (10,000 - 24,999 pounds) Avg Amt: pounds, Avg Amt Code: 06
(10,000 - 24,999 pounds) Max Amt in largest container:

COMPONENTS

No Component data available.

DATES

Identical to previous year.

Days on site: 365, Date signed: 2/27/2015, Tier2 received: 3/2/2015

Chemicals in Inventory/Transit

Chemical Name: Oxygen, Compressed

CAS: 7782-44-7

Facility/Route: Warren Steel Holdings, LLC , Dept: Warren Works, Report Year: 2014 MSDS:

In Inventory In Transit EHS Substance Trade Secret

LOCATION

Confidential

Max Amt: pounds, Type: Above ground tank, Pressure: Greater than ambient pressure, Temperature: Cryogenic conditions, Location: T-05A, 15, 16

Max Amt: pounds, Type: Cylinder, Pressure: Greater than ambient pressure, Temperature: Ambient temperature, Location: B06, Floor 1

Max Amt: pounds, Type: Tank wagon, Pressure: Greater than ambient pressure, Temperature: Ambient temperature, Location: T18

PHYSICAL STATE & QUANTITY

pure mixture solid liquid gas

Physical & Health Hazards: fire pressure reactive acute chronic

Below Reporting Thresholds

Max Amt: pounds, Max Amt Code: 06 (10,000 - 24,999 pounds) Avg Amt: pounds, Avg Amt Code: 06 (10,000 - 24,999 pounds) Max Amt in largest container:

COMPONENTS

No Component data available.

DATES

Identical to previous year.

Days on site: 365, Date signed: 2/27/2015, Tier2 received: 3/2/2015

Chemical Name: Manganese

CAS: 7439-96-5

Facility/Route: Warren Steel Holdings, LLC , Dept: Warren Works, Report Year: 2014 MSDS:

In Inventory In Transit EHS Substance Trade Secret

LOCATION

Confidential

Max Amt: pounds, Type: Other, Pressure: Ambient pressure, Temperature: Ambient temperature, Location: B01, Floor 2

PHYSICAL STATE & QUANTITY

pure mixture solid liquid gas

Physical & Health Hazards: fire pressure reactive acute chronic

Below Reporting Thresholds

Max Amt: pounds, Max Amt Code: 06 (10,000 - 24,999 pounds) Avg Amt: pounds, Avg Amt Code: 06 (10,000 - 24,999 pounds) Max Amt in largest container:

COMPONENTS

No Component data available.

DATES

Identical to previous year.

Days on site: 365, Date signed: 2/27/2015, Tier2 received: 3/2/2015

Chemicals in Inventory/Transit

Chemical Name: Carbon

CAS: 7440-44-0

Facility/Route: Warren Steel Holdings, LLC , Dept: Warren Works, Report Year: 2014 MSDS:

In Inventory In Transit EHS Substance Trade Secret

LOCATION

Confidential

Max Amt: pounds, Type: Bag, Pressure: Ambient pressure, Temperature: Ambient temperature, Location: B06, Floor

1

Max Amt: pounds, Type: Silo, Pressure: Ambient pressure, Temperature: Ambient temperature, Location: North Side of B01, Meltshop

PHYSICAL STATE & QUANTITY

pure mixture solid liquid gas

Physical & Health Hazards: fire pressure reactive acute chronic

Below Reporting Thresholds

Max Amt: pounds, Max Amt Code: 06 (10,000 - 24,999 pounds) Avg Amt: pounds, Avg Amt Code: 06 (10,000 - 24,999 pounds) Max Amt in largest container:

COMPONENTS

No Component data available.

DATES

Identical to previous year.

Days on site: 365, Date signed: 2/27/2015, Tier2 received: 3/2/2015

Chemical Name: Steel

CAS:

Facility/Route: Warren Steel Holdings, LLC , Dept: Warren Works, Report Year: 2014 MSDS:

In Inventory In Transit EHS Substance Trade Secret

LOCATION

Confidential

Max Amt: pounds, Type: furnace, Pressure: Ambient pressure, Temperature: Greater than ambient temperature, Location: Melt Shop

Max Amt: pounds, Type: Baghouse, Pressure: Ambient pressure, Temperature: Ambient temperature, Location: Melt Shop Baghouse

PHYSICAL STATE & QUANTITY

pure mixture solid liquid gas

Physical & Health Hazards: fire pressure reactive acute chronic

Below Reporting Thresholds

Max Amt: pounds, Max Amt Code: 10 (100,000 - 499,999 pounds) Avg Amt: pounds, Avg Amt Code: 10 (100,000 - 499,999 pounds) Max Amt in largest container:

COMPONENTS

No Component data available.

DATES

Identical to previous year.

Days on site: , Date signed: 2/27/2015, Tier2 received: 3/2/2015

**IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO**

STATE OF OHIO, <i>ex rel.</i>	:	CASE NO.
MICHAEL DEWINE	:	
OHIO ATTORNEY GENERAL,	:	
	:	JUDGE
Plaintiff,	:	
	:	
v.	:	
	:	
WARREN STEEL HOLDINGS, LLC	:	

JOURNAL ENTRY AND ORDER

This matter came before the Court on the State’s Complaint and Motion for Temporary Restraining Order. The Court has jurisdiction over this matter under R.C.3734.10, 3734.13(C), R.C. 3752.17(A), and 6111.07(B). Based upon the record before the Court, the Court hereby orders the following:

1. In accordance with Ohio Adm.Code 3745-54-14 order Defendant to maintain sufficient security to prevent the unknown entry and minimize the unauthorized entry of persons onto the Site where hazardous wastes, including but not limited to electric arc furnace dust, are located.
2. In accordance with R.C. 3752.07, Ohio Adm.Code 3745-352-20(A)(1)(b) and Ohio Adm.Code 3745-352-30, order Defendant to ensure that outdoor locations and building structures at the Site where regulated substances are present or have caused contamination are secured from unauthorized access.

3. In accordance with R.C. 6111.07(A), order Defendant to comply with its National Pollutant Discharge Elimination System (“NPDES”) permit by requiring Defendant to maintain at least one foot of freeboard at the wastewater treatment lagoons at the Site.
4. In accordance with R.C. 6111.07(A), order Defendant to comply with its National Pollutant Discharge Elimination System (“NPDES”) permit by requiring Defendant to pay for electricity needed to operate the wastewater treatment facility at the Site and to hire and pay a person qualified to operate the wastewater treatment facility.
5. In accordance with R.C. 3734.07, R.C. 3752.08, and R.C. 6111.05, order Defendant to provide access to the Site by Ohio EPA and its representatives and contractors so that Ohio can determine compliance with this Order and other applicable provisions of law.
6. This Order applies to Defendant, their employees, officers, directors, agents, vendors, contractors, customers, and any other individuals or entities that have access to Defendant’s Site.

The Court shall retain jurisdiction of this action for the purpose of enforcing this Order. This Order shall remain in effect until further Order by this Court. Any other considerations of liability, civil penalties, fines, costs and/or fees associated with the State’s Complaint shall be consolidated with trial in this matter to be scheduled at a later date.

IT IS SO ORDERED.

DATE

**JUDGE
TRUMBULL COUNTY COURT OF COMMON
PLEAS**