

After the Commission makes a final decision on this matter, the PCO is subject to a Motion for Rehearing pursuant to §80.272. Only the Applicant, the Executive Director, or the Public Interest Counsel may file a Motion for Rehearing on a PCO pursuant to §80.272(b). However, any person affected by a final order of the Commission may file a petition for judicial review within 30 days after the order is final and appealable in accordance with §80.275(a).

Attachments

cc: Mr. Blas J. Coy, Jr., Public Interest Counsel

bcc: Ms. Susan Jere White, Staff Attorney, Waste Section, Environmental Law Div.
Ms. Dawn Burton, Staff Attorney, Waste Section, Environmental Law Div.
Mr. Gary Beyer, Remediation Division
Ms. Angelyn Eastman, I&HW Permits Section
Mr. Michael Brashear, Waste Section Manager, Tyler Regional Office

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF POST § BEFORE THE
CLOSURE CARE AND §
REMEDATION CONCERNING § TEXAS COMMISSION ON
U. S. STEEL TUBULAR §
PRODUCTS, INC. § ENVIRONMENTAL QUALITY

POST-CLOSURE CARE ORDER NO. 30093

DOCKET NO. 2006-0349-IHW

I. JURISDICTION

This Post-Closure Care Order (PCO) is issued to U. S. Steel Tubular Products, Inc. (formerly known as Lone Star Steel Company, L.P.) (Applicant), owner and operator at the Applicant's plant (Facility) pursuant to the authority vested in the Texas Commission on Environmental Quality (TCEQ) under Texas Health & Safety Code, §361.082(h) and Texas Water Code, §7.031(f).

II. RESPONSIBILITIES OF APPLICANT/ORDERING PROVISIONS

1. The obligations of this PCO shall apply to and be binding upon the Applicant, its officers, directors, employees, agents, trustees, receivers, successors, and assigns, and upon all other persons, including, but not limited to, firms, corporations, subsidiaries, contractors, or consultants acting under or on behalf of the Applicant in connection with implementation of this PCO. As part of a corporate acquisition and reorganization effective January 1, 2008, Applicant Lone Star Steel Company, L.P. became a wholly owned subsidiary of parent United States Steel Corporation and was renamed U. S. Steel Tubular Products, Inc. The Facility is now being operated as the "Texas Operations Division of U. S. Steel Tubular Products, Inc."
2. No change in ownership, corporate status, or partnership status relating to the Facility will in any way alter the status or responsibility of the Applicant under this PCO. The Applicant shall be responsible for and liable for completing all of its obligations under this PCO, regardless of whether the activities specified herein are to be performed by employees, agents, contractors, or consultants of the Applicant, or by employees, agents, contractors, or consultants of any party to whom the property is transferred before or after the execution of this PCO.
3. The Applicant is responsible for ensuring that all of its contractors, subcontractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed under this PCO will comply with the terms of this PCO.

4. Any documents transferring ownership and/or operations of the Facility from the Applicant to a successor-in-interest shall include written notice and a copy of this PCO. The Applicant shall provide written confirmation that the notice and a copy of this PCO were provided to the new owner and/or operator and written notice of the transfer of ownership and/or operations of the Facility to the TCEQ not less than 90 days before the transfer. Transfer of this PCO ownership or operational control is subject to approval by the Executive Director. The Applicant shall submit applications to amend this PCO 90 days before any change in the ownership or operational control of the property subject to this PCO.
5. The Applicant agrees to undertake all actions required by the terms and conditions of this PCO including any portions of this PCO incorporated by reference.
6. The Applicant shall perform the Technical Requirements specified in Attachment A, Technical Requirements.

III. STATEMENT OF PURPOSE

Through this agreed PCO, the TCEQ, in accordance with 30 Texas Administrative Code (TAC) Section (§) 335.2(m), requires the following:

1. post-closure care for hazardous waste management units; and
2. Resource Conservation and Recovery Act (RCRA) facility investigation and corrective action for solid waste management units (SWMUs), as applicable, in accordance with 30 TAC §335.167.

IV. APPLICATION MATERIALS

This PCO is based on information submitted in the Applicant's PCO application dated November 16, 2004, and revised April 5, June 7, July 12, & September 13, 2005, April 20 & November 15, 2007 and January 21, 2008. The application and revisions have been certified by the Applicant to be accurate and complete.

The application as amended is incorporated into this PCO by reference as if fully set out herein. Where the provisions of this PCO conflict with the application, this PCO supersedes the application. The expressed incorporation of the application does not relieve the Applicant of its obligation to comply with all laws or regulations that apply to the activities authorized by this PCO.

V. FINDINGS OF FACT

1. The Applicant is a corporation that owns and operates hazardous waste management units at a Facility

located at 6866 US Highway 259 South in Morris County, Texas as follows: the Main Plant Hazardous Waste Management Area is approximately 16.62 acres and is located on US Highway 259 South at the intersection of US Highway 259 & State Highway 729 approximately 2.3 miles south of Lone Star, Texas within the drainage area of Segment No. 0404 of the Cypress Creek Basin (North Latitude 32° 54' 43", West Longitude 94° 43' 17"); and the Northern Hazardous Waste Management Area is on approximately 13.43 acres and is located on State Highway 250 approximately 2.9 miles southwest of Hughes Springs, Texas within the drainage area of Segment No. 0404 of the Cypress Creek Basin (North Latitude 32° 58' 31", West Longitude 94° 40' 07").

2. The facility is a steel mill that manufactures iron and steel products including piping and tubing. On-site wastes were disposed in two landfills which are now closed.
3. This PCO is based upon information contained in the application dated November 16, 2004, and revised on April 5, June 7, July 12, & September 13, 2005, April 20 & November 15, 2007 and January 21, 2008, submitted to the TCEQ under 30 TAC §§305.50(b) and 335.2(m) and declared administratively complete by the Executive Director on July 15, 2005.
4. The PCO application includes two closed landfills subject to post-closure care; two areas that are under RCRA Facility Investigation (RFI) and/or subject to corrective action; and a legal description for the closed units. This PCO is specific to the waste management units identified in Table I - Authorized Units for which post-closure care applies, and to the SWMUs identified in Provisions H.3. & H.8. of Attachment A for which a RFI and/or corrective action applies, under 30 TAC §§335.156 and 335.167.
5. Notice of Receipt of an Application and the Intent to Obtain a PCO was provided to the public in accordance with 30 TAC §39.806 on August 10, 2005. At this time, two (2) comments from the public have been received on this application, one favorable and one opposed.
6. Notice of a Proposed PCO and Preliminary Decision was provided to the public in accordance with 30 TAC §39.807 on June 13, 2007 in the Texarkana and Daingerfield newspapers, and on June 15, 2007 in the Longview newspaper.
7. Public comments regarding the Notice of a Proposed PCO and Preliminary Decision were processed in accordance with 30 TAC §55.156.
8. Wastes and waste constituents managed in the unit(s) addressed by this PCO are identified in Attachment A - Technical Requirements.
9. The application identifies the hazardous and solid waste constituents released or left in place at the Facility. The Applicant conducted a RCRA Facility Assessment (RFA) under an Environmental Protection Agency (EPA) requirement, authorized in the 1984 Hazardous and Solid Waste Amendments (HSWA), to perform comprehensive corrective actions at operating, closed, or closing

RCRA facilities. The RFA was completed in March 1989 to identify releases or potential releases requiring further investigation.

10. The Applicant is seeking authorization by this PCO to establish post-closure care of two landfill units, and to continue a RFI and/or corrective action measures approved for remaining SWMUs identified in the application.
11. The Applicant conducted disposal of hazardous waste at the Facility subject to interim status requirements of 30 TAC Chapter 335, Subchapter E. The Applicant owned and operated two landfills at the Facility under interim status on or after November 8, 1984 rendering the Facility subject to the requirement to obtain a RCRA permit as required by 40 CFR §270.10(e).
12. Neither the TCEQ or the EPA has issued a hazardous waste permit to the Applicant for the treatment, storage, and/or disposal of hazardous waste at the Facility. The Applicant submitted a permit application for a hazardous waste permit on May 2, 1985. Processing of this permit application, assigned Hazardous Waste Permit No. 50155, has been suspended due to the processing of this PCO. The processing of the permit application will be completed or terminated after approval or denial of this PCO, as appropriate.
13. The Applicant identified itself as handling the hazardous wastes, identified in Section IV.G. of the PCO application dated November 16, 2004, at the waste management units of the facility.
14. The Applicant is conducting a RFI in response to a *RCRA Facility Assessment Preliminary Review/Visual Site Inspection Report*, dated March 1989 (RFA). When the application was filed, two of the 36 SWMUs recommended for further investigation were still under investigation. The two SWMUs are identified in Provisions H.3. & H.8. of Attachment A. The other 34 SWMUs identified in the RFA have been investigated and all issues addressed.
15. The Texas Coastal Management Program is not applicable to this facility.
16. The Executive Director has prepared a compliance history, dated February 20, 2008, for the Applicant, under the requirements of 30 TAC Chapter 60. The Applicant has a compliance history ranking of average and a numerical rating of 0.33. The compliance history, dated February 20, 2008, for the Applicant is incorporated into this PCO by reference.
17. The Applicant voluntarily agrees to comply with all the terms and conditions of this PCO, explicitly waives its right to request a contested case hearing on this matter, and consents to issuance of this PCO without a contested case hearing.

VI. CONCLUSIONS OF LAW AND DETERMINATIONS

1. This PCO subjects the Applicant to the jurisdiction of the TCEQ under the Texas Health & Safety Code, §361.082(h) and the Texas Water Code, §7.031(f).
2. The Applicant is a “person” as defined in Texas Health & Safety Code §361.003(23).
3. The Applicant is the “owner/operator” of an existing “hazardous waste management facility” as those terms are defined at 30 TAC §335.1.
4. The Applicant has demonstrated that the Facility meets the definition of “Facility” provided in 30 TAC §335.1(55)(b).
5. Certain wastes and constituents found at the Facility are “hazardous wastes” or “hazardous constituents” as defined by 40 CFR Part 261, as adopted by reference in Texas Health & Safety Code §361.003(12) and 30 TAC §335.1.
6. The Applicant has submitted an administratively complete PCO application.
7. The Executive Director processed the PCO application in accordance with all applicable TCEQ procedural requirements.
8. The Executive Director has satisfied the requirements of 30 TAC Chapter 60 and has included a copy of the Applicant’s compliance history as a part of this PCO.
9. The RFIs, corrective action measures, and post-closure care activities required by this PCO are consistent with all applicable federal and state law.
10. The Applicant is eligible for this PCO in lieu of a permit under 30 TAC §335.2(m) as the Applicant is seeking authorization to establish post-closure care of two landfill units and to continue the RFIs and/or corrective action measures for two SWMUs.
11. The Applicant left hazardous wastes or hazardous constituents in place and is subject to post-closure care in accordance with 40 CFR §270.1(c)(5) &(6) and 30 TAC §335.174.
12. The Applicant is authorized to operate the two landfills subject to post-closure care under 30 TAC §335.174.
13. The Applicant is authorized to continue the RFIs and/or any corrective action measures for the two SWMUs under 30 TAC Chapter 335.

VII. SUBMISSION/AGENCY APPROVAL

1. The Applicant shall submit all reports, plans, specifications, schedules, attachments, and response documents for review and approval within the time frame(s) specified by Attachment A - Technical Requirements, by Appendices B, C, or D of this PCO, or by the Executive Director.
2. The Executive Director shall notify the Applicant in writing of TCEQ's approval or disapproval of reports, plans, specifications, schedules, attachments, and response documents or any part thereof as necessary. Reports, plans, specifications, schedules, attachments, and response documents approved by the Executive Director in writing shall be deemed incorporated into and part of this PCO.
3. If the Executive Director does not approve any plan, report or other item required to be submitted to TCEQ for its approval under this PCO, the Applicant shall address any deficiencies as directed by the Executive Director and resubmit the plan, report, or other item within the time period specified by the Executive Director.
4. No informal advice, guidance, suggestion, or comments by the Executive Director regarding reports, plans, specifications, schedules, attachments, or any other written documents submitted by the Applicant will be construed as relieving the Applicant of its obligations to obtain written approval, if and when required by this PCO.

VIII. FINANCIAL ASSURANCE

The Applicant and its successors and assigns shall provide financial assurance for post-closure care and corrective action programs, as applicable, in a manner acceptable to the Executive Director in an amount not less than \$410,270 (2008 dollars) for post-closure care of the waste management units identified in Table I - Authorized Units within sixty (60) days after the issuance of this PCO. The financial assurance shall be secured and maintained in compliance with 30 TAC §335.179 and 30 TAC Chapter 37 Subchapter P, and 30 TAC §335.152. In addition, the Applicant, its successors and/or assigns shall submit to the Executive Director, upon request, such information as may be required to determine the adequacy of the financial assurance. The financial assurance for post-closure care may be periodically adjusted upon approval by the Executive Director based upon the number of years remaining in the post-closure care period.

IX. DISPUTE RESOLUTION

1. This section applies to any unresolved technical dispute between the TCEQ and the Applicant arising under this PCO. Any dispute that arises under or with respect to this PCO shall first be subject to informal negotiations between the TCEQ program area and the Applicant. The period of informal negotiations shall not exceed 30 calendar days from the date the Applicant notifies the TCEQ of the need for dispute resolution. The informal negotiation period may be extended at the discretion of the

TCEQ. The TCEQ's decision regarding an extension of informal negotiations shall not be subject to dispute resolution or judicial review. Invoking of informal negotiations shall not, by itself, postpone the deadlines for the Applicant under this PCO and its Tables and Attachments.

2. Following the expiration of the period of informal negotiations, the Applicant may refer the dispute to the Deputy Director, Office of Permitting, Remediation, and Registration in a letter briefly describing the issue(s) to be resolved. In its letter, the Applicant shall describe the nature of the dispute and shall include a proposal for its resolution. The filing of a letter shall not, in itself, postpone the deadlines for the Applicant under this PCO. In any dispute, the Applicant shall have the burden of demonstrating that its position is consistent with this PCO, its Appendices and Attachments, and applicable state and federal law. Any disputed issues will be responded to in writing.
3. Unless otherwise provided for in this PCO, the dispute resolution procedures of this Section shall be the exclusive mechanism to resolve technical disputes arising under or with respect to this PCO.
4. The procedures set forth in this Section shall not apply to enforcement or compliance actions initiated by the TCEQ to enforce the failure by the Applicant to comply with this PCO, its Attachments, or plans approved by the Executive Director of the TCEQ, or with obligations of Applicant that have not been disputed in accordance with this Section, or to prevent the imminent threat to the human health and the environment.

X. RESERVATION OF RIGHTS

1. TCEQ expressly reserves all statutory and regulatory powers, authorities, rights, remedies, both legal and equitable, that may pertain to the Applicant's failure to comply with any of the requirements of this PCO. The PCO shall not be construed as a waiver or limitation of any rights, remedies, powers, and/or authorities that TCEQ has under the Texas Solid Waste Disposal Act or any other statutory, regulatory or common law enforcement authority of the State of Texas. In addition, the Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas for further enforcement if the Executive Director determines that the Applicant is noncompliant with the requirements set forth in this PCO.
2. This PCO shall not be construed to affect or limit in any way the obligation of the Applicant to comply with all federal, state and local laws and regulations governing the activities required by this PCO. Nothing in this PCO is intended to release or waive any claim, cause of action, demand, or defense in law or equity that any party to this Agreement may have against any person(s) or entity not a party to this Agreement.
3. TCEQ expressly reserves all rights and defenses that it may have, including the right both to disapprove of work performed by the Applicant under this PCO and to request that the Applicant perform tasks in addition to those contained in Attachment A - Technical Requirements or in

Appendices B, C, or D of this PCO.

4. Notwithstanding any other provision of this PCO, the Applicant shall remain responsible for obtaining any federal, state, or local permit for any activity at the Facility including that necessary for the performance of the work and for the operation or closure of the Facility.
5. Any noncompliance with Executive Director approved plans, reports, specifications, schedules, attachments, and response documents shall be construed as a violation of the terms of this PCO.

XI. MODIFICATION OR AMENDMENT OF THE POST-CLOSURE ORDER

1. The Applicant may request of the Executive Director an extension of any deadline specified within any provision of Attachments A. Upon satisfactory demonstration of force majeure or good cause, the Executive Director may grant an extension not to exceed 90 days for deadlines specified within Attachment A. So long as any granted extension is for less than 90 days, this PCO shall be deemed modified and shall be duly enforceable with the new schedule without TCEQ approval of the extension.
2. Amendments to the PCO shall follow the PCO application requirements found in 30 TAC §305.50(b) and the public notification requirements found in 30 TAC §§39.809 and 55.156. All modifications or amendments require the approval of the Executive Director before implementation. The Executive Director may also initiate any modification or amendment if determined necessary for protection of human health and the environment. Any modification to the Attachment A- Technical Requirements or to Appendix B, C, or D shall be in writing and shall be effective on the date signed by the Executive Director.
3. Any reports, plans, specifications, schedules, and attachments required by this PCO shall be incorporated into this PCO upon written approval by the Executive Director.

XII. REMEDIES FOR NONCOMPLIANCE

1. The Applicant shall report to the Executive Director information regarding any noncompliance which may endanger human health or the environment.
 - a. Report of noncompliance information shall be provided orally within 24 hours from the time the Applicant becomes aware of the noncompliance.
 - b. A written submission of noncompliance information shall also be provided within fifteen (15) calendar days of the time the Applicant becomes aware of the noncompliance. The written submission shall contain the following:

- (1) a description of the noncompliance and its cause;
 - (2) the potential danger to human health or safety, or the environment;
 - (3) the period of noncompliance, including exact dates and times;
 - (4) if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - (5) steps taken or planned to reduce, eliminate, and prevent the recurrence of the noncompliance, and steps taken or planned to mitigate its adverse effects with schedule of implementation.
2. Noncompliance with any provision of this PCO may subject the Applicant to enforcement action.

XIII. TERMINATION

The provisions of this PCO shall be deemed satisfied upon the Applicant's receipt of written notice from TCEQ that the Applicant has demonstrated that the terms of this PCO, including any additional tasks determined by TCEQ to be required under this PCO, have been completed to the satisfaction of the TCEQ. This notice shall also affirm the Applicant's continuing obligation to recognize TCEQ's Reservation of Rights as required in Section X after all other requirements of the PCO are satisfied. The Applicant must provide public notice in accordance with 30 TAC §39.808 before the TCEQ issues a Notice of Termination.

XIV. INDEMNIFICATION OF THE STATE OF TEXAS

The Applicant agrees to indemnify, save, and hold harmless the State of Texas, its agencies, departments, agents, and employees, from any and all claims or causes of action arising from or on account of acts or omissions of the Applicant or its agents, independent contractors, receivers, trustees, and assignees in carrying out activities required by this PCO. This indemnification shall not be construed in any way as affecting or limiting the rights or obligations of the Applicant under its various contracts.

XV. FORCE MAJEURE

1. The Applicant shall perform all the requirements of this PCO according to the time limits set unless this performance is prevented or delayed by events that constitute a force majeure.
2. For the purposes of this PCO, a force majeure is defined as any event that is caused by an act of God, labor strike, work stoppage, or other circumstance beyond the Applicant's control that could not have

been prevented by due diligence, and that makes substantial compliance with the applicable provision or provisions of this PCO impossible. Such events do not include increased costs of performance, economic hardship, changed economic circumstances, normal precipitation events, or failure to submit timely and complete applications for federal, state, or local permits. Title 30 TAC §70.7(a) states: "If a person can establish that an event that would otherwise be a violation of a statute, rule, order, or permit was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of that statute, rule, order, or permit."

3. The Applicant has the burden of proving by clear and convincing evidence that any delay is or will be caused by events reasonably beyond its control.
4. In the event of a force majeure, the time for performance of the activity delayed by the force majeure shall be extended for the period of the delay attributable to the force majeure plus reasonable additional time for resumption of activities. The time for performance of any activity dependent on the delayed activity shall be similarly extended, except to the extent that the dependent activity can be implemented in a shorter time. The Executive Director shall determine whether subsequent requirements are to be delayed and the time period granted for any delay. The Applicant shall adopt all reasonable measures to avoid or minimize any delay caused by a force majeure.
5. In the event of a force majeure, the Applicant shall immediately notify the Executive Director by telephone within twenty-four (24) hours after the Applicant becomes aware of the event and shall within fifteen (15) calendar days of becoming aware of the event, notify the Executive Director in writing of the cause and anticipated length of the delay. The notification shall also state the measures taken and/or to be taken to prevent or minimize the delay and the time table that the Applicant intends to follow to implement the delayed activity. Failure of the Applicant to comply with the force majeure notice requirements will be deemed a forfeiture of its right under this section.

XVI. STATEMENT OF SEVERABILITY

The provisions of this PCO are severable. If a court of competent jurisdiction or other appropriate authority deems any provision of this PCO to be unenforceable, the remaining provisions shall be valid and enforceable.

XVII. SURVIVABILITY/PERMIT INTEGRATION

The requirements of this PCO shall not terminate upon the issuance of a RCRA permit or permit modification, air quality permit, or other form of permit or order, unless all of the requirements of this PCO are expressly integrated into or superceded by such permit or order, or if all provisions not expressly integrated into or superceded by such permit or order have been fully completed to TCEQ's satisfaction.

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XVIII. EFFECTIVE DATE

The effective date of this PCO is the date of hand-delivery of the PCO to the Applicant, or three days after the date on which the TCEQ mails notice of this PCO to the Applicant, whichever is earlier, under the Texas Government Code §2001.142.

**IN THE MATTER OF POST-
CLOSURE CARE AND
REMEDATION CONCERNING**

**U. S. STEEL TUBULAR
PRODUCTS, INC.**

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**BEFORE THE

TEXAS COMMISSION ON

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DOCKET NO. 2006-0349-IHW

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2. No change in ownership, corporate status, or partnership status relating to the Facility will in any way alter the status or responsibility of the Applicant under this PCO. The Applicant shall be responsible for and liable for completing all of its obligations under this PCO, regardless of whether the activities specified herein are to be performed by employees, agents, contractors, or consultants of the Applicant, or by employees, agents, contractors, or consultants of any party to whom the property is transferred before or after the execution of this PCO.
3. The Applicant is responsible for ensuring that all of its contractors, subcontractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed under this PCO will comply with the terms of this PCO.
4. Any documents transferring ownership and/or operations of the Facility from the Applicant to a successor-in-interest shall include written notice and a copy of this PCO. The Applicant shall provide written confirmation that the notice and a copy of this PCO were provided to the new owner and/or operator and written notice of the transfer of ownership and/or operations of the Facility to the TCEQ

not less than 90 days before the transfer. Transfer of this PCO ownership or operational control is subject to approval by the Executive Director. The Applicant shall submit applications to amend this PCO 90 days before any change in the ownership or operational control of the property subject to this PCO.

5. The Applicant agrees to undertake all actions required by the terms and conditions of this PCO including any portions of this PCO incorporated by reference.
6. The Applicant shall perform the Technical Requirements specified in Attachment A, Technical Requirements.

III. STATEMENT OF PURPOSE

Through this agreed PCO, the TCEQ, in accordance with 30 Texas Administrative Code (TAC) Section (§) 335.2(m), requires the following:

1. post-closure care for hazardous waste management units; and
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V. FINDINGS OF FACT

1. The Applicant is a corporation that owns and operates hazardous waste management units at a Facility located at 6866 US Highway 259 South in Morris County, Texas as follows: the Main Plant Hazardous Waste Management Area is approximately 16.62 acres and is located on US Highway 259 South at the intersection of US Highway 259 & State Highway 729 approximately 2.3 miles south of Lone Star, Texas within the drainage area of Segment No. 0404 of the Cypress Creek Basin (North Latitude 32° 54' 43", West Longitude 94° 43' 17"); and the Northern Hazardous Waste Management Area is on approximately 13.43 acres and is located on State Highway 250 approximately 2.9 miles

southwest of Hughes Springs, Texas within the drainage area of Segment No. 0404 of the Cypress Creek Basin (North Latitude 32E 58' 31", West Longitude 94E 40' 07").

2. The facility is a steel mill that manufactures iron and steel products including piping and tubing. On-site wastes were disposed in two landfills which are now closed.
3. This PCO is based upon information contained in the application dated November 16, 2004, and revised on April 5, June 7, July 12, & September 13, 2005, April 20 & November 15, 2007 and January 21, 2008, submitted to the TCEQ under 30 TAC §§305.50(b) and 335.2(m) and declared administratively complete by the Executive Director on July 15, 2005.
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7. Public comments regarding the Notice of a Proposed PCO and Preliminary Decision were processed in accordance with 30 TAC §55.156.
8. Wastes and waste constituents managed in the unit(s) addressed by this PCO are identified in Attachment A - Technical Requirements.
9. The application identifies the hazardous and solid waste constituents released or left in place at the Facility. The Applicant conducted a RCRA Facility Assessment (RFA) under an Environmental Protection Agency (EPA) requirement, authorized in the 1984 Hazardous and Solid Waste Amendments (HSWA), to perform comprehensive corrective actions at operating, closed, or closing RCRA facilities. The RFA was completed in March 1989 to identify releases or potential releases requiring further investigation.
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- requirements of 30 TAC Chapter 335, Subchapter E. The Applicant owned and operated two landfills at the Facility under interim status on or after November 8, 1984 rendering the Facility subject to the requirement to obtain a RCRA permit as required by 40 CFR§270.10(e).
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 14. The Applicant is conducting a RFI in response to a *RCRA Facility Assessment Preliminary Review/Visual Site Inspection Report*, dated March 1989 (RFA). When the application was filed, two of the 36 SWMUs recommended for further investigation were still under investigation. The two SWMUs are identified in Provisions H.3. & H.8. of Attachment A. The other 34 SWMUs identified in the RFA have been investigated and all issues addressed.
 15. The Texas Coastal Management Program is not applicable to this facility.
 16. The Executive Director has prepared a compliance history, dated February 20, 2008, for the Applicant, under the requirements of 30 TAC Chapter 60. The Applicant has a compliance history ranking of average and a numerical rating of 0.33. The compliance history, dated February 20, 2008, for the Applicant is incorporated into this PCO by reference.
 17. The Applicant voluntarily agrees to comply with all the terms and conditions of this PCO, explicitly waives its right to request a contested case hearing on this matter, and consents to issuance of this PCO without a contested case hearing.

VI. CONCLUSIONS OF LAW AND DETERMINATIONS

1. This PCO subjects the Applicant to the jurisdiction of the TCEQ under the Texas Health & Safety Code, §361.082(h) and the Texas Water Code, §7.031(f).
2. The Applicant is a “person” as defined in Texas Health & Safety Code§361.003(23).
3. The Applicant is the “owner/operator” of an existing “hazardous waste management facility” as those terms are defined at 30 TAC §335.1.
4. The Applicant has demonstrated that the Facility meets the definition of “Facility” provided in 30 TAC §335.1(55)(b).

5. Certain wastes and constituents found at the Facility are “hazardous wastes” or “hazardous constituents” as defined by 40 CFR Part 261, as adopted by reference in Texas Health & Safety Code §361.003(12) and 30 TAC §335.1.
6. The Applicant has submitted an administratively complete PCO application.
7. The Executive Director processed the PCO application in accordance with all applicable TCEQ procedural requirements.
8. The Executive Director has satisfied the requirements of 30 TAC Chapter 60 and has included a copy of the Applicant’s compliance history as a part of this PCO.
9. The RFIs, corrective action measures, and post-closure care activities required by this PCO are consistent with all applicable federal and state law.
10. The Applicant is eligible for this PCO in lieu of a permit under 30 TAC §335.2(m) as the Applicant is seeking authorization to establish post-closure care of two landfill units and to continue the RFIs and/or corrective action measures for two SWMUs.
11. The Applicant left hazardous wastes or hazardous constituents in place and is subject to post-closure care in accordance with 40 CFR §270.1(c)(5) &(6) and 30 TAC §335.174.
12. The Applicant is authorized to operate the two landfills subject to post-closure care under 30 TAC §335.174.
13. The Applicant is authorized to continue the RFIs and/or any corrective action measures for the two SWMUs under 30 TAC Chapter 335.

VII. SUBMISSION/AGENCY APPROVAL

1. The Applicant shall submit all reports, plans, specifications, schedules, attachments, and response documents for review and approval within the time frame(s) specified by Attachment A - Technical Requirements, by Appendices B, C, or D of this PCO, or by the Executive Director.
2. The Executive Director shall notify the Applicant in writing of TCEQ’s approval or disapproval of reports, plans, specifications, schedules, attachments, and response documents or any part thereof as necessary. Reports, plans, specifications, schedules, attachments, and response documents approved by the Executive Director in writing shall be deemed incorporated into and part of this PCO.
3. If the Executive Director does not approve any plan, report or other item required to be submitted to TCEQ for its approval under this PCO, the Applicant shall address any deficiencies as directed by the Executive Director and resubmit the plan, report, or other item within the time period specified by the

Executive Director.

4. No informal advice, guidance, suggestion, or comments by the Executive Director regarding reports, plans, specifications, schedules, attachments, or any other written documents submitted by the Applicant will be construed as relieving the Applicant of its obligations to obtain written approval, if and when required by this PCO.

VIII. FINANCIAL ASSURANCE

The Applicant and its successors and assigns shall provide financial assurance for post-closure care and corrective action programs, as applicable, in a manner acceptable to the Executive Director in an amount not less than \$410,270 (2008 dollars) for post-closure care of the waste management units identified in Table I - Authorized Units within sixty (60) days after the issuance of this PCO. The financial assurance shall be secured and maintained in compliance with 30 TAC §335.179 and 30 TAC Chapter 37 Subchapter P, and 30 TAC §335.152. In addition, the Applicant, its successors and/or assigns shall submit to the Executive Director, upon request, such information as may be required to determine the adequacy of the financial assurance. The financial assurance for postclosure care may be periodically adjusted upon approval by the Executive Director based upon the number of years remaining in the postclosure care period.

IX. DISPUTE RESOLUTION

1. This section applies to any unresolved technical dispute between the TCEQ and the Applicant arising under this PCO. Any dispute that arises under or with respect to this PCO shall first be subject to informal negotiations between the TCEQ program area and the Applicant. The period of informal negotiations shall not exceed 30 calendar days from the date the Applicant notifies the TCEQ of the need for dispute resolution. The informal negotiation period may be extended at the discretion of the TCEQ. The TCEQ's decision regarding an extension of informal negotiations shall not be subject to dispute resolution or judicial review. Invoking of informal negotiations shall not, by itself, postpone the deadlines for the Applicant under this PCO and its Tables and Attachments.
2. Following the expiration of the period of informal negotiations, the Applicant may refer the dispute to the Deputy Director, Office of Permitting, Remediation, and Registration in a letter briefly describing the issue(s) to be resolved. In its letter, the Applicant shall describe the nature of the dispute and shall include a proposal for its resolution. The filing of a letter shall not, in itself, postpone the deadlines for the Applicant under this PCO. In any dispute, the Applicant shall have the burden of demonstrating that its position is consistent with this PCO, its Appendices and Attachments, and applicable state and federal law. Any disputed issues will be responded to in writing.
3. Unless otherwise provided for in this PCO, the dispute resolution procedures of this Section shall be the exclusive mechanism to resolve technical disputes arising under or with respect to this PCO.
4. The procedures set forth in this Section shall not apply to enforcement or compliance actions initiated

by the TCEQ to enforce the failure by the Applicant to comply with this PCO, its Attachments, or plans approved by the Executive Director of the TCEQ, or with obligations of Applicant that have not been disputed in accordance with this Section, or to prevent the imminent threat to the human health and the environment.

X. RESERVATION OF RIGHTS

1. TCEQ expressly reserves all statutory and regulatory powers, authorities, rights, remedies, both legal and equitable, that may pertain to the Applicant's failure to comply with any of the requirements of this PCO. The PCO shall not be construed as a waiver or limitation of any rights, remedies, powers, and/or authorities that TCEQ has under the Texas Solid Waste Disposal Act or any other statutory, regulatory or common law enforcement authority of the State of Texas. In addition, the Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas for further enforcement if the Executive Director determines that the Applicant is noncompliant with the requirements set forth in this PCO.
2. This PCO shall not be construed to affect or limit in any way the obligation of the Applicant to comply with all federal, state and local laws and regulations governing the activities required by this PCO. Nothing in this PCO is intended to release or waive any claim, cause of action, demand, or defense in law or equity that any party to this Agreement may have against any person(s) or entity not a party to this Agreement.
3. TCEQ expressly reserves all rights and defenses that it may have, including the right both to disapprove of work performed by the Applicant under this PCO and to request that the Applicant perform tasks in addition to those contained in Attachment A - Technical Requirements or in Appendices B, C, or D of this PCO.
4. Notwithstanding any other provision of this PCO, the Applicant shall remain responsible for obtaining any federal, state, or local permit for any activity at the Facility including that necessary for the performance of the work and for the operation or closure of the Facility.
5. Any noncompliance with Executive Director approved plans, reports, specifications, schedules, attachments, and response documents shall be construed as a violation of the terms of this PCO.

XI. MODIFICATION OR AMENDMENT OF THE POST-CLOSURE ORDER

1. The Applicant may request of the Executive Director an extension of any deadline specified within any provision of Attachments A. Upon satisfactory demonstration of force majeure or good cause, the Executive Director may grant an extension not to exceed 90 days for deadlines specified within Attachment A. So long as any granted extension is for less than 90 days, this PCO shall be deemed modified and shall be duly enforceable with the new schedule without TCEQ approval of the extension.

2. Amendments to the PCO shall follow the PCO application requirements found in 30 TAC §305.50(b) and the public notification requirements found in 30 TAC §§39.809 and 55.156. All modifications or amendments require the approval of the Executive Director before implementation. The Executive Director may also initiate any modification or amendment if determined necessary for protection of human health and the environment. Any modification to the Attachment A- Technical Requirements or to Appendix B, C, or D shall be in writing and shall be effective on the date signed by the Executive Director.
3. Any reports, plans, specifications, schedules, and attachments required by this PCO shall be incorporated into this PCO upon written approval by the Executive Director.

XII. REMEDIES FOR NONCOMPLIANCE

1. The Applicant shall report to the Executive Director information regarding any noncompliance which may endanger human health or the environment.
 - a. Report of noncompliance information shall be provided orally within 24 hours from the time the Applicant becomes aware of the noncompliance.
 - b. A written submission of noncompliance information shall also be provided within fifteen (15) calendar days of the time the Applicant becomes aware of the noncompliance. The written submission shall contain the following:
 - (1) a description of the noncompliance and its cause;
 - (2) the potential danger to human health or safety, or the environment;
 - (3) the period of noncompliance, including exact dates and times;
 - (4) if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - (5) steps taken or planned to reduce, eliminate, and prevent the recurrence of the noncompliance, and steps taken or planned to mitigate its adverse effects with schedule of implementation.
2. Noncompliance with any provision of this PCO may subject the Applicant to enforcement action.

XIII. TERMINATION

The provisions of this PCO shall be deemed satisfied upon the Applicant's receipt of written notice from TCEQ that the Applicant has demonstrated that the terms of this PCO, including any additional tasks determined by TCEQ to be required under this PCO, have been completed to the satisfaction of the TCEQ. This notice shall also affirm the Applicant's continuing obligation to recognize TCEQ's Reservation of Rights as required in Section X after all other requirements of the PCO are satisfied. The Applicant must provide public notice in accordance with 30 TAC §39.808 before the TCEQ issues a Notice of Termination.

XIV. INDEMNIFICATION OF THE STATE OF TEXAS

The Applicant agrees to indemnify, save, and hold harmless the State of Texas, its agencies, departments, agents, and employees, from any and all claims or causes of action arising from or on account of acts or omissions of the Applicant or its agents, independent contractors, receivers, trustees, and assignees in carrying out activities required by this PCO. This indemnification shall not be construed in any way as affecting or limiting the rights or obligations of the Applicant under its various contracts.

XV. FORCE MAJEURE

1. The Applicant shall perform all the requirements of this PCO according to the time limits set unless this performance is prevented or delayed by events that constitute a force majeure.
2. For the purposes of this PCO, a force majeure is defined as any event that is caused by an act of God, labor strike, work stoppage, or other circumstance beyond the Applicant's control that could not have been prevented by due diligence, and that makes substantial compliance with the applicable provision or provisions of this PCO impossible. Such events do not include increased costs of performance, economic hardship, changed economic circumstances, normal precipitation events, or failure to submit timely and complete applications for federal, state, or local permits. Title 30 TAC §70.7(a) states: "If a person can establish that an event that would otherwise be a violation of a statute, rule, order, or permit was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of that statute, rule, order, or permit."
3. The Applicant has the burden of proving by clear and convincing evidence that any delay is or will be caused by events reasonably beyond its control.
4. In the event of a force majeure, the time for performance of the activity delayed by the force majeure shall be extended for the period of the delay attributable to the force majeure plus reasonable additional time for resumption of activities. The time for performance of any activity dependent on the delayed activity shall be similarly extended, except to the extent that the dependent activity can be implemented in a shorter time. The Executive Director shall determine whether subsequent requirements are to be delayed and the time period granted for any delay. The Applicant shall adopt all reasonable measures to avoid or minimize any delay caused by a force majeure.

5. In the event of a force majeure, the Applicant shall immediately notify the Executive Director by telephone within twenty-four (24) hours after the Applicant becomes aware of the event and shall within fifteen (15) calendar days of becoming aware of the event, notify the Executive Director in writing of the cause and anticipated length of the delay. The notification shall also state the measures taken and/or to be taken to prevent or minimize the delay and the time table that the Applicant intends to follow to implement the delayed activity. Failure of the Applicant to comply with the force majeure notice requirements will be deemed a forfeiture of its right under this section.

XVI. STATEMENT OF SEVERABILITY

The provisions of this PCO are severable. If a court of competent jurisdiction or other appropriate authority deems any provision of this PCO to be unenforceable, the remaining provisions shall be valid and enforceable.

XVII. SURVIVABILITY/PERMIT INTEGRATION

The requirements of this PCO shall not terminate upon the issuance of a RCRA permit or permit modification, air quality permit, or other form of permit or order, unless all of the requirements of this PCO are expressly integrated into or superceded by such permit or order, or if all provisions not expressly integrated into or superceded by such permit or order have been fully completed to TCEQ's satisfaction.

XVIII. EFFECTIVE DATE

The effective date of this PCO is the date of hand-delivery of the PCO to the Applicant, or three days after the date on which the TCEQ mails notice of this PCO to the Applicant, whichever is earlier, under the Texas Government Code §2001.142.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

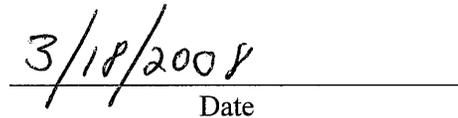
For the Commission

Date

I, the undersigned, have read and understand the attached Post-Closure Care Order in the matter of The Applicant I am authorized to agree to the attached Post-Closure Care Order on behalf of The Applicant, and do agree to the specified terms and conditions.

I understand that by entering into this Post-Closure Care Order, The Applicant waives certain procedural rights, including, but not limited to, the right to formal notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal the terms and conditions of the Post-Closure Care Order. I agree to the terms of the Post-Closure Care Order.


Signature

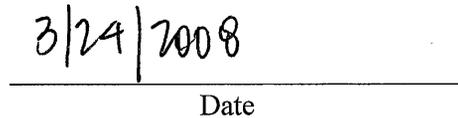

Date

Jeremy C. DuMond
Name (Printed or typed)
Authorized Representative of the Applicant
U. S. Steel Tubular Products, Inc.

Environmental Manager
Title

I, the undersigned, on behalf of the Executive Director of the Texas Commission on Environmental Quality, hereby agree to the terms of this PostClosure Care Order.




Date

Stephanie Bergeron Perdue
Deputy Director
Office of Legal Services
Texas Commission on Environmental Quality

Attachment A

ATTACHMENT A - TECHNICAL REQUIREMENTS

A. SECURITY

The Applicant shall provide and maintain security measures, as applicable and appropriate, surrounding the closed landfills and solid waste management units. The security measures should include an artificial or natural barrier, a means to control entry through gates or other entrances to these same facility areas, and/or warning signs posted as necessary stating "Danger - Unauthorized Personnel Keep Out" in English. The Applicant shall be required to improve and maintain security measures if the security measures initially provided become ineffective and inappropriate.

B. GENERAL INSPECTION REQUIREMENTS

The Applicant shall follow the inspection schedule contained in the post-closure order application submittals identified in Provision IV of the PCO (Application Materials). The Applicant shall remedy any deterioration or malfunction discovered by an inspection, as required by 40 CFR §264.15(c). Records of inspection shall be kept, as required by 40 CFR §264.15(d). Any remedial actions taken in response to facility inspections and the date of the remediation shall be included in the inspection records.

C. AUTHORIZED WASTES

1. Wastes which have historically been managed in two post-closure care landfill units (Landfills 01/02 & 07A) authorized in Table I - Authorized Units are identified in Section IV.G. - Wastes Managed in Permitted Units of the PCO application submittals identified in Provision IV of the PCO (Application Materials). The wastes managed in Landfill 01/02 include hazardous and non-hazardous wastes consisting of friable asbestos, dredgings, sludges, flue dust, baghouse dust, general miscellaneous plant refuse, spent refractory brick, mill scale, slag, spent barium heat treating salts, threadlube compound, and varnish residue. Wastes managed in Landfill 07A include hazardous and nonhazardous wastes consisting of open-hearth flue dust, air pollution sludge from open-hearth and electric arc furnaces, and hazardous dredgings.

D. AUTHORIZED UNITS

1. The Applicant is authorized to conduct post-closure care activities on the closed landfill units listed in Table I subject to the limitations herein. Landfills and their approved waste types are shown in Table I and in Section IV.B. of the PCO application submittals identified in Provision IV of the PCO (Application Materials).

[D.]

2. The Applicant shall prevent inundation of any facility unit and prevent any discharges of any waste or runoff of waste contaminated stormwater from facility units.
3. The Applicant shall maintain the facility to prevent washout of any hazardous waste by a 100-year flood, as required by 40 CFR §264.18(b)(1).

E. GROUNDWATER MONITORING PROGRAM

The Applicant shall follow the groundwater monitoring program established in Section VI of the PCO application submittals identified in Provision IV of the PCO (Application Materials), developed in accordance with 30 TAC §§335.156 through 335.167. Groundwater Monitoring Well location maps are included in Appendix A. Appendix B contains Table VI.B.3.b, from the PCO application which lists each of the groundwater monitor wells. Appendix C contains Table VI.B.3.c, from the PCO application which lists the groundwater sampling parameters, frequency, and concentration limits. Groundwater monitor well design and construction specifications are included in Appendix D. The annual groundwater monitoring report identified in Section VI of the PCO application submittals identified in Provision IV of the PCO (Application Materials) shall be submitted by March 1st of each year. The report shall contain all records of monitoring including the date, time, and place of sample or measurement; the identity of the individual who collected the sample or measurement; the dates analyses were performed; the identity of the individual and laboratory who performed the analyses; the analytical techniques or methods used; and the results of such analyses or measurements.

F. FACILITY POST-CLOSURE CARE REQUIREMENTS

The Applicant shall conduct post-closure care of the unit for a period of at least 30 years after certification of closure of each closed landfill unit. The post-closure period for each closed unit is specified in Table II - Post-Closure Period. Post-closure care shall be performed in accordance with the Post-Closure Plans referenced in Section VII.C, of the PCO application submittals identified in Provision IV of the PCO (Application Materials), 40 CFR §264.117, and the following requirements:

1. Maintain all storm water conveyance structures in good functional condition.
2. Maintain the integrity of the final cover on the authorized units listed in Table I, as applicable, such that the cover promotes drainage, prevents ponding, minimizes surface water infiltration, and minimizes erosion of the cover. Any desiccation cracks, erosion, gullyng, or other damage shall be repaired upon observance.

[F.]

3. Maintain a self-sustaining vegetative cover on those portions of the capped areas with self-sustaining vegetative cover by periodic seeding, fertilizing, irrigation, and/or mowing.
4. Maintain all benchmarks at the facility and/or authorized units.
5. Maintain security measures (perimeter fence, natural barrier, manned or gates, and/or warning signs) at the facility and/or authorized units in good functional condition.
6. Ensure that the TCEQ has access to the facility.
7. Prepare and submit to the Executive Director a Biennial Report containing all information and records required by 40 CFR §264.75. By March 1st of each even-numbered year for the proceeding odd-numbered year=s activities the Applicant shall submit either a Biennial Report or letter certifying submission of the above.
8. Perform all groundwater monitoring and related activities specified in Section VI of the PCO application submittals identified in Provision IV of the PCO (Application Materials) and in Provision E. of this attachment.
9. Submit the Post-Response Action Care Report required by 30 TAC §350.33(k). This report shall be submitted to the Executive Director in accordance with the schedule in the approved Response Action Plan (RAP).
10. Post-Closure Notice and Certification Requirements

No later than 60 days after completion of the established post-closure period for each unit, the Applicant shall submit to the Executive Director, by registered mail with a copy to the TCEQ Regional Office, a certification that the post-closure period for the unit was performed in accordance with the specifications of the approved Post-Closure Plan and this PCO. The certification shall be signed by the Applicant and a Licensed Professional Engineer. Documentation supporting the independent Licensed Professional Engineer=s certification must be furnished to the Executive Director upon request. Financial Assurance shall be maintained until the Executive Director releases the Applicant from the financial assurance requirements for post-closure under 40 CFR §264.145 (i).

G. LIABILITY REQUIREMENTS: INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

The Applicant shall comply with 30 TAC §37.71, regarding bankruptcy, whenever necessary.

H. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

1. Notification of Release from Solid Waste Management Unit

If a solid waste management unit (SWMU) or area of concern (AOC) not previously addressed in a RCRA Facility Assessment (RFA), dated March 1989, or an approved workplan, or any release of hazardous waste or hazardous constituents that may occur from any SWMU and/or AOC, is discovered subsequent to issuance of this PCO, the Applicant shall notify the Executive Director in writing within fifteen (15) calendar days of the discovery. Within forty-five (45) calendar days of the discovery, the Applicant shall submit a RFA for that unit or release which shall comply with U.S. EPA RCRA Facility Assessment Guidance, October, 1986, NTIS PB 87-107769. If the RFA indicates a release or suspected release warrants further investigation, the Applicant shall comply with the requirements of Provision H.2. of this attachment.

2. Corrective Action Obligations

The Applicant shall conduct corrective action as necessary to protect human health and the environment for all releases of hazardous waste, hazardous constituents, and other constituents of concern from any SWMU and/or AOC according to 30 TAC §335.167. The Applicant shall fulfill this obligation by conducting an Affected Property Assessment (APA), determination of protective concentration levels, selection of a remedy standard (if necessary), development and implementation of a response action (if necessary) according to 30 TAC Chapter 350, and submittal of required reports. In the case of SWMUs or AOCs that have been grandfathered under 30 TAC Chapter 335, Subchapters A and S, the Applicant shall fulfill this obligation by conducting corrective action which consists of the RCRA Facility Investigation (RFI), and if necessary, Interim Stabilization Measures (ISM), Baseline Risk Assessment (BLRA) / Corrective Measures Study (CMS), and Corrective Measures Implementation (CMI). The APA (or RFI in the case of grandfathered SWMUs or AOCs) should determine whether hazardous waste or hazardous constituents listed in 40 CFR Part 261, Appendix VIII and/or 40 CFR Part 264, Appendix IX and/or other constituents of concern have been released into the environment. If it is determined that hazardous waste, hazardous constituents, or other constituents of concern have been or are being released into the environment, then the Applicant may be required to conduct ISM and additional corrective actions listed above.

[H.]

Upon Executive Director=s review of Corrective Action obligations, the Applicant may be required to perform any or all of the following:

- a. Conduct investigation(s);
- b. Provide additional information;
- c. Investigate additional SWMU(s) and/or AOC(s); and/or
- d. Submit an application for an amendment to the post-closure care order to implement corrective measures and to address financial assurance for corrective action.

Any additional requirements must be completed within the time frame(s) specified by the Executive Director.

3. Units Requiring Investigation

The Applicant shall conduct a RFI for the following SWMUs in accordance with Provision H.5.:

<u>SWMU #</u>	<u>NAME OF UNIT</u>
5	SWR Unit 5B

4. Variance From Investigation

The Applicant may elect to certify that no hazardous waste, hazardous constituents listed in 40 CFR Part 261, Appendix VIII and/or 40 CFR Part 264, Appendix IX, or other constituents of concern are, or ever have been present/managed in a SWMU referenced in Provision H.3. in lieu of performing the investigation required in Provisions H.2. & H.5. provided that confirming data is submitted for the current and past waste(s) managed in the respective unit. The Applicant shall submit such information and certification(s) on a unit-by-unit basis in the time frame required in Provision H.5. of this attachment for review and approval by the Executive Director of the TCEQ. If the Applicant cannot demonstrate and certify that hazardous waste, hazardous constituents, or other constituents of concern are not or were not present in a particular unit, the investigation required in Provisions H.2. & H.5. of this attachment shall be performed for the unit.

[H.]

5. RCRA Facility Investigation (RFI)/Affected Property Assessment (APA)

Within sixty (60) days from the date of issuance of this PCO the Applicant shall submit a status report for completion of the RFI(s) for the SWMU(s) or AOC(s) listed in Provision H.3. of this attachment to the Executive Director. Also, within sixty (60) days of approval of a RFA Report which recommends further investigation of a SWMU(s) or AOC(s) in accordance with Provision H.1. of this attachment, the Applicant shall submit a schedule for completion of the RFI(s) or an Affected Property Assessment (APA) to the Executive Director for approval. The Applicant shall initiate the investigations in accordance with the approved schedule and shall address all of the items for RFI Workplans and RFI Reports contained in U.S. EPA publication EPA/520-R-94-004, OSWER Directive 9902.3-2A, RCRA Corrective Action Plan (Final), May, 1994 or with 30 TAC Chapter 350 requirements and guidance acceptable to the Executive Director. If the Applicant elects to use an alternate investigation approach, Executive Director approval of the workplan will be required prior to initiation of the investigation(s). The results of the RFI/APA must be submitted to the Executive Director for approval within the time frame established in the approved schedule. The RFI/APA Report must appropriately document results of the investigation(s). The report shall be considered complete when the full nature and extent of the contamination, the Quality Assurance/Quality Control procedures, and the Data Quality Objectives are documented to the satisfaction of the Executive Director. The Applicant shall propose or conduct Stabilization/Interim Corrective Measures, as necessary to protect human health and the environment.

6. Baseline Risk Assessment (BLRA)/Corrective Measures Study (CMS)

Upon approval of RFI Report/APAR, if it is determined that there has been a release of hazardous waste, hazardous constituents (listed in 40 CFR Part 261, Appendix VIII and/or 40 CFR Part 264 Appendix IX), or other constituents of concern into the environment, which poses a potential risk to human health and the environment, then the Applicant shall propose a remedy in accordance with the TCEQ Risk Reduction Standard (RRS) rules, the Texas Risk Reduction Program (TRRP) rules, or as otherwise authorized by the Executive Director. This may require a BLRA and/or CMS Report (for corrective action projects grand-fathered under the Risk Reduction Rules) to be submitted for review and approval within the time frame(s) specified by the Executive Director. The report will identify potential receptors and evaluate risk, and if necessary identify and evaluate corrective measure alternatives and recommend appropriate corrective measure(s) to protect human health and the environment. The BLRA and/or CMS Report (for corrective action projects grand-fathered under the RRR) shall address all of the applicable items in the RRS, other rules acceptable to

the Executive Director and the U.S. EPA publications EPA/520-R-94-004, OSWER Directive 9902.3-2A, RCRA Corrective Action Plan (Final), May 1994, or other guidance acceptable to the Executive Director. For projects conducted under TRRP, the risk assessment process shall be addressed in the APAR and the evaluation of corrective measures shall be conducted as part of the remedy standard selection process.

7. Corrective Measures Implementation (CMI)

If on the basis of the RFI and/or BLRA/CMS (for grand-fathered RRR projects), the Executive Director determines that there is a risk to the human health and environment, then the Applicant shall submit for approval a CMI Workplan(s) within one-hundred-eighty (180) days of receipt of approval of the RFI and/or BLRA/CMS Report or APAR unless otherwise extended by the Executive Director. The CMI Workplan shall address all of the applicable items in the U.S. EPA publications EPA/520-R-94-004, OSWER Directive 9902.3-2A, RCRA Corrective Action Plan (Final), May 1994 or other guidance acceptable to the Executive Director. For TRRP Remedy Standard B projects, the Applicant shall submit a RAP in accordance with schedules established in Title 30 TAC Chapter 350. The CMI Workplan (RRR projects) or RAP (TRRP Remedy Standard B projects) shall contain detailed final proposed engineering design, monitoring plans and time frames necessary to implement the selected remedy and assurances of financial responsibility for completing the corrective action. Following review and approval of the CMI Workplan (RRR projects) or the RAP (TRRP Remedy Standard B projects), and upon installation of the approved corrective action system, the Applicant shall submit a CMI Report (RRR projects) or a Response Action Effectiveness Report (RAER)/Response Action Completion Report (RACR)(TRRP Remedy Standard B projects) which includes as-built drawings of the corrective action system. The CMI Report shall address all the applicable items in the U.S. EPA publications EPA/520-R-94-004, OSWER Directive 9902.3-2A, RCRA Corrective Action Plan (Final), May 1994 or other guidance acceptable to the Executive Director. The RAER/RACR shall address all the applicable items in Title 30 TAC Chapter 350.

If the CMI Workplan (RRR projects) or RAP (TRRP Remedy Standard B projects) does not propose a permanent remedy, then the Applicant shall include the CMI Workplan or RAP in an application to amend this PCO within the time frames specified by the Executive Director. All the requirements of the previous paragraph apply to the corrective measures implemented through this PCO. Implementation of the corrective measure(s) shall be addressed through issuance of this PCO for the approved RAP and through the issuance of an amended PCO.

[H.7.]

To report the progress of the corrective measures, the Applicant shall submit periodic CMI Progress Reports (RRR projects) or Response Action Effectiveness Report and a Response Action Completion Report (TRRP projects) to the TCEQ in accordance with the schedule specified, or as otherwise directed.

8. The Applicant shall conduct corrective action measures for the following SWMU(s):

<u>SWMU #</u>	<u>NAME OF UNIT</u>
D*	Former Tarry Waste Impoundment Site

The Applicant shall follow the provisions included in the Response Action Plan (RAP) approved on August 16, 2006; and an Addendum to the RAP and proof of filing of institutional controls approved on February 13, 2007. A Response Action Effective Report and subsequent Response Action Completion Report shall be submitted in accordance with Provision H.7. of this attachment, as applicable.

9. Interim Stabilization Measures Program

- a. Applicability

The Interim Stabilization Measures (ISM) Program is applicable to waste management units, SWMUs, or AOCs that are discovered after issuance of this order. The ISM could also apply to units, SWMUs, or AOCs under investigation for which a final Corrective Action Program has not been authorized by this PCO.

- b. ISM Program Objectives

The objectives of the ISM Program are to remove, decontaminate, and/or stabilize the source (i.e., waste and waste residues) and contaminated media to protect human health and the environment. The Applicant shall amend the ISM Program, as necessary, to achieve these objectives.

- c. ISM Program Authorized

The Applicant is authorized to design, construct, operate and maintain a ISM Program for waste management units, SWMUs, or AOCs for which interim measures are necessary to protect human health and the environment. The ISM shall be operated until final corrective measures are established in accordance with Provision H.7. of this attachment. At a minimum, the ISM

[H.9.c]

Program shall consist of the following:

- (1) Specific performance goals to protect human health and the environment;
- (2) A monitoring system to evaluate the ISM and determine if the objectives outlined in Provision H.9.b. of this attachment are being met.
- (3) An implementation schedule to initiate the ISM Program;
- (4) Submittal of a report specifying the design of the ISM upon installation. During implementation of the ISM, periodic ISM Status Reports shall be submitted which will document that the objectives of Provision H.9.b. of this attachment are being achieved. Two copies of the periodic ISM Status Report shall be submitted to the Executive Director for review; and
- (5) A procedure to modify the design, as necessary, to achieve the objectives outlined in Provision H.9.b. of this attachment.

I. AIR EMISSION STANDARDS

Emissions from this facility must not cause or contribute to a condition of “air pollution” as defined in Section 382.003 of the Texas Health and Safety Code Ann. or violate Section 382.085 of the Texas Health and Safety Code Ann. If the Executive Director of the TCEQ determines that such a condition or violation occurs, the Applicant shall implement additional abatement measures as necessary to control or prevent the condition or violation.

TABLE I. - AUTHORIZED FACILITY UNITS

TCEQ PCO Unit No.	Unit Name	Unit Description	Capacity
1	Hazardous Waste landfill identified as Unit 01/02 in the Main Plant Area	Closed Landfill	820,000 cubic yards
2	Hazardous Waste Landfill identified as Unit 07A in the Northern Waste Management Area	Closed Landfill	155,000 cubic yards

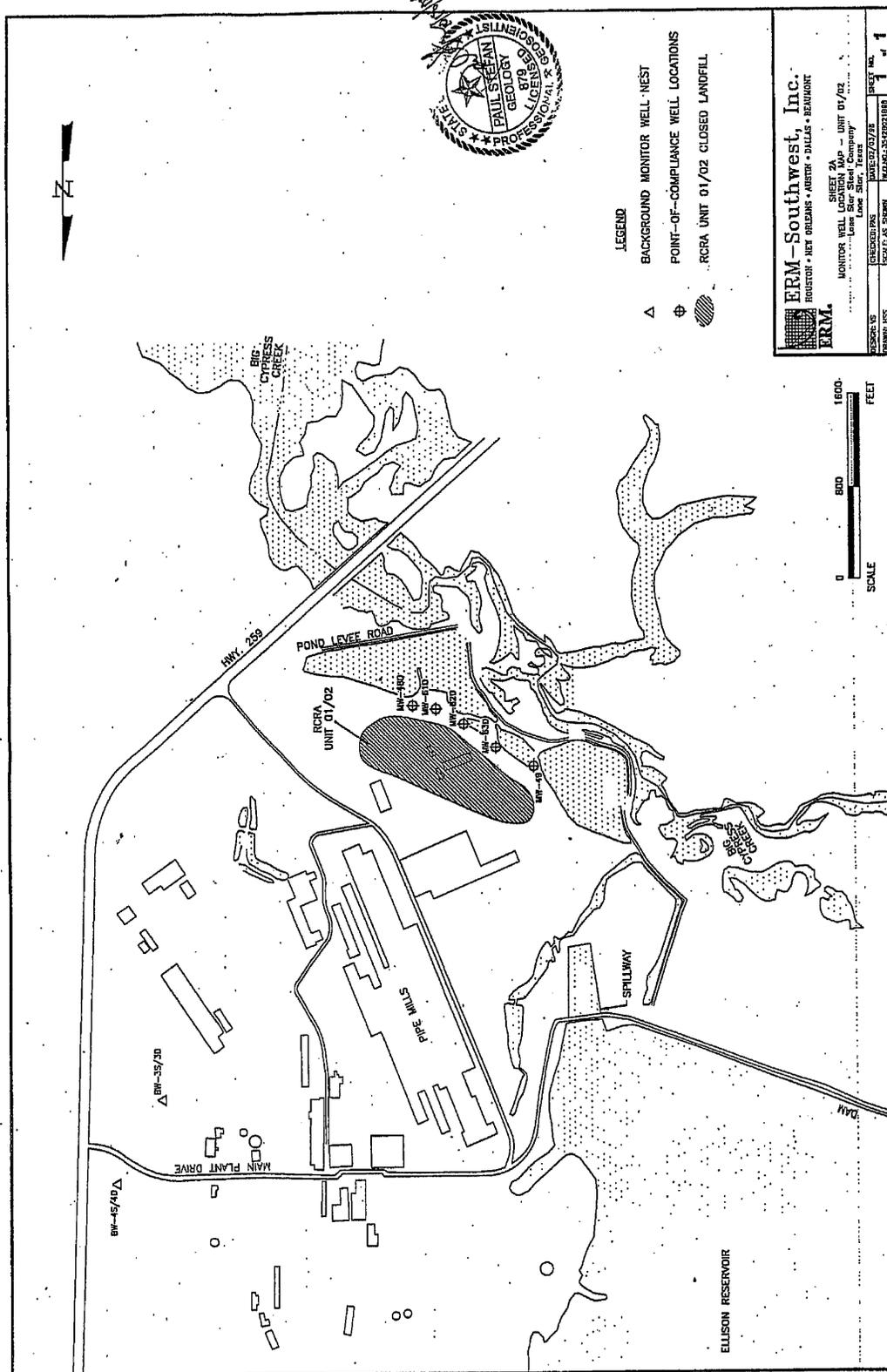
TABLE II. - UNIT POST-CLOSURE PERIOD

Unit Name	Date Certified Closed	Permitted Post-Closure Period (years)	Date Post-Closure Ends
PCO Unit No. 1, Landfill 01/02	April 15, 1991	30	April 15, 2021
PCO Unit No. 2, Landfill 07A	August 30, 1991	30	August 30, 2021

United States Steel Tubular Products, Inc.
Post-Closure Care Order No. 30093
PCO Docket No. 2006-0349-IHW

Sheet 1 of 3

APPENDIX A
GROUNDWATER MONITORING WELLS LOCATION MAP



ERM - Southwest, Inc.
 HOUSTON • NEW ORLEANS • AUSTIN • DALLAS • BEAUMONT

ERM.

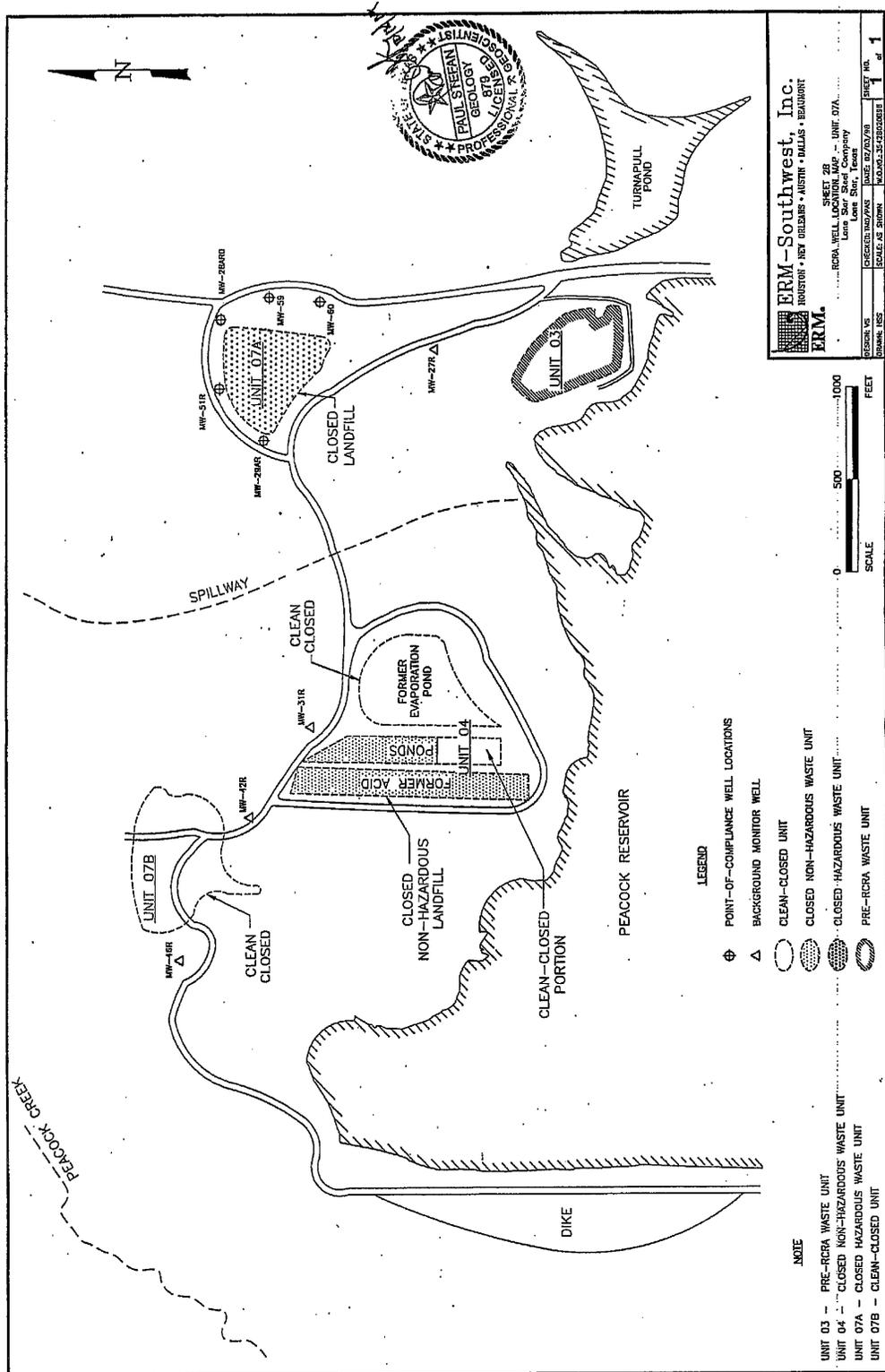
SHEET 01
 MONITOR WELL LOCATION MAP - UNIT 01/02
 Lanes: ERM Steel Company
 Lanes: ERM Steel Company

DATE: 01/15/08
 DRAWN BY: J. STEPHAN
 CHECKED BY: J. STEPHAN

SCALE: 1" = 400'

PROJECT NO. 2006-0349-IHW

SHEET NO. 1



United States Steel Tubular Products, Inc.
Post-Closure Care Order No. 30093
PCO Docket No. 2006-0349-IHW

Sheet 1 of 3

APPENDIX B

GROUNDWATER MONITOR WELLS

TABLE VI.B.3.b. - UNIT GROUNDWATER DETECTION MONITORING SYSTEM

Waste Management Unit/Area Name ¹ : Unit 01/02						
Well Number(s)	MW-48D	MW-49	MW-61D	MW-62D	MW-63D	
Hydrogeologic Unit Monitored	Q-IV	Q-IV	Q-IV	Q-IV	Q-IV	Q-IV
Type (e.g., point of compliance, background, observation, etc.)	POC	POC	POC	POC	POC	POC
Up or Down Gradient	Down	Down	Down	Down	Down	Down
Casing Diameter and Material	2-inch PVC					
Screen Diameter and Material	2-inch PVC					
Screen Slot Size (in.)	0.010 inches					
Top of Casing Elevation (ft, MSL)	244.61	242.24	246.34	247.28	245.40	245.40
Grade or Surface Elevation (ft, MSL)	242.50	238.90	243.1	243.9	242.3	242.3
Well Depth (ft)	53.5	49.5	54	46.5	43	43
Screen Interval, From(ft) To(ft)	26 to 51 feet below grade	22 to 42 feet below grade	28 to 48 feet below grade	27.5 to 42.5 feet below grade	25.5 to 40.5 feet below grade	25.5 to 40.5 feet below grade
Facility Coordinates (e.g., lat/long or company coordinates)	Northing 170.95' Easting 2217.29'	Northing 682.30' Easting 1116.70'	Northing 168.94' Easting 1990.69'	Northing 316.53' Easting 1717.30'	Northing 501.61' Easting 1466.95'	Northing 501.61' Easting 1466.95'

¹From Tables in Section V.

TABLE VI.B.3.b. - UNIT GROUNDWATER DETECTION MONITORING SYSTEM

Waste Management Unit/Area Name ¹ : Unit 01/02				
Well Number(s)	BW-3S	BW-3D	BW-4S	BW-4D
Hydrogeologic Unit Monitored	E _{qc} -II	E _{qc} -IV	E _{qc} -II	E _{qc} -IV
Type (e.g., point of compliance, background, observation, etc.)	Background	Background	Background	Background
Up or Down Gradient	Up	Up	Up	Up
Casing Diameter and Material	2-inch PVC	2-inch PVC	2-inch PVC	2-inch PVC
Screen Diameter and Material	2-inch PVC	2-inch PVC	2-inch PVC	2-inch PVC
Screen Slot Size (in.)	0.010 inches	0.010 inches	0.010 inches	0.010 inches
Top of Casing Elevation (ft, MSL)	307.71	307.18	335.29	335.66
Grade or Surface Elevation (ft, MSL)	304.30	304.9	330.30	333.50
Well Depth (ft)	58	108	81	129
Screen Interval, From(ft) To(ft)	41 to 56 feet below grade	86 to 106 feet below grade	64 to 79 feet below grade	107 to 127 feet below grade
Facility Coordinates (e.g., lat/long or company coordinates)	Northing 3525.62' Easting 4402.17'	Northing 3537.80' Easting 4399.40'	Northing 4366.00' Easting 4679.02'	Northing 4353.84' Easting 4670.57'

¹From Tables in Section V.

TABLE VI.B.3.b. - UNIT GROUNDWATER DETECTION MONITORING SYSTEM

Waste Management Unit/Area Name ¹ : Unit 07A		MW-28ARD	MW-29AR	MW-51R	MW-59	MW-60
Well Number(s)		Ic	Ic	Ic	Ic	Ic
Hydrogeologic Unit Monitored		POC	POC	POC	POC	POC
Type (e.g., point of compliance, background, observation, etc.)		Down	Down	Down	Down	Down
Up or Down Gradient		2-inch PVC	2-inch PVC	2-inch PVC	2-inch PVC	2-inch PVC
Casing Diameter and Material		2-inch PVC	2-inch PVC	2-inch PVC	2-inch PVC	2-inch PVC
Screen Diameter and Material		0.010 inches	0.010 inches	0.010 inches	0.010 inches	0.010 inches
Screen Slot Size (in.)		438.92	434.45	437.25	438.38	434.11
Top of Casing Elevation (ft, MSL)		436.0	430.9	434.3	435.7	431.7
Grade or Surface Elevation (ft, MSL)		74	74	80	70	75
Well Depth (ft)		57 to 72 feet depth	57 to 72 feet depth	58 to 78 feet depth	58 to 68 feet depth	53 to 73 feet depth
Screen Interval, From(ft) To(ft)		Northing 112343.97' Easting 100005.76'	Northing 112106.92' Easting 99354.39'	Northing 112355.89' Easting 99637.71'	Northing 112079.01' Easting 100127.20'	Northing 111793.41' Easting 100104.62'
Facility Coordinates (e.g., lat/long or company coordinates)						

¹From Tables in Section V.

TABLE VI.B.3.b. - UNIT GROUNDWATER DETECTION MONITORING SYSTEM

Waste Management Unit/Area Name ¹ : Unit 07A				
Well Number(s)	MW-27R	MW-31R	MW-42R	MW-46R
Hydrogeologic Unit Monitored	Ib/Ic	Ib	Ib	Ib
Type (e.g., point of compliance, background, observation, etc.)	Background	Background	Background	Background
Up or Down Gradient	Up	Up	Up	Up
Casing Diameter and Material	2-inch PVC	2-inch PVC	2-inch PVC	2-inch PVC
Screen Diameter and Material	2-inch PVC	2-inch PVC	2-inch PVC	2-inch PVC
Screen Slot Size (in.)	0.010 inches	0.010 inches	0.010 inches	0.010 inches
Top of Casing Elevation (ft, MSL)	428.76	441.47	436.13	447.19
Grade or Surface Elevation (ft, MSL)	425.4	439.1	433.70	445.1
Well Depth (ft)	61	49	52	52
Screen Interval, From(ft) To(ft)	39 to 59 feet depth	37 to 47 feet depth	50 to 50 feet depth	40 to 50 feet depth
Facility Coordinates (e.g., lat/long or company coordinates)	Northing 111141.67' Easting 99840.81'	Northing 111839.34' Easting 97807.42'	Northing 112185.43' Easting 97316.62'	Northing 112578.82' Easting 96550.71'

¹From Tables in Section V.

APPENDIX C

GROUNDWATER MONITOR WELLS SAMPLING AND ANALYSIS

TABLE VI.B.3.c. - GROUNDWATER DETECTION MONITORING PARAMETERS

Well No(s). MW-48D, MW-49, MW-61D, MW-63D, BW-3S, BW-3D, BW-4S, BW-4D
 Sample preparation and analysis guidelines are contained in the
 RCRA Post-Closure Care Ground Water Monitoring Program, Sampling and Analysis Plan.

<i>Parameter</i>	<i>Sampling Frequency</i>	<i>Detection Limits¹</i>	<i>Concentration Limit²</i>
Benzene	Semiannual	0.005 mg/L	0.005 mg/L
Toluene	Semiannual	0.005 mg/L	1.0 mg/L
Ethylbenzene	Semiannual	0.005 mg/L	0.7 mg/L
Xylene (total)	Semiannual	0.005 mg/L	10 mg/L
Chromium (total, unfiltered)	Semiannual	0.01 mg/L	0.050 mg/L
Lead (total, unfiltered)	Semiannual	0.01 mg/L	0.050 mg/L
pH	Semiannual	N/A	N/A
Specific Conductance	Semiannual	N/A	N/A

¹ The detection limits above are the Practical Quantitation Limits (PQL) listed in 40 CFR 264, Appendix IX and can vary depending on the laboratory analytical method.

Chromium (total, unfiltered) - 0.010 mg/L using EPA SW-846, Method 7191
 Lead (total, unfiltered) - 0.010 mg/L using EPA SW-846, Method 7421

² The concentration limit is the basis for determining whether a release has occurred from the waste management unit/area.

TABLE VI.B.3.c. - GROUNDWATER DETECTION MONITORING PARAMETERS

Well No(s). MW-27R, MW-31R, MW-42R, MW-46R, MW-28ARD, W-29AR, MW-51R, MW-59, MW-60
 Sample preparation and analysis guidelines are contained in the
 RCRA Post-Closure Care Ground Water Monitoring Program, Sampling and Analysis Plan.

<i>Parameter</i>	<i>Sampling Frequency</i>	<i>Detection Limits¹</i>	<i>Concentration Limit²</i>
Cadmium (total, unfiltered)	Semiannual	0.001 mg/L	0.010 mg/L
Chromium (total, unfiltered)	Semiannual	0.010 mg/L	0.05 mg/L
Lead (total, unfiltered)	Semiannual	0.010 mg/L	0.05 mg/L
Zinc (total, unfiltered)	Semiannual	0.020 mg/L	0.455 mg/L
Sulfate	Semiannual	2 mg/L	N/A
pH	Semiannual	N/A	N/A
Specific Conductance	Semiannual	N/A	N/A

¹ The detection limits above are the Practical Quantitation Limits (PQL) listed in 40 CFR 264, Appendix IX and can vary depending on the laboratory analytical method.

Chromium (total, unfiltered) - 0.010 mg/L using EPA SW-846, Method 7191
 Lead (total, unfiltered) - 0.010 mg/L using EPA SW-846, Method 7421

² The concentration limit is the basis for determining whether a release has occurred from the waste management unit/area.

APPENDIX D

WELL DESIGN AND CONSTRUCTION SPECIFICATIONS

1. The Permittee shall use well drilling methods that minimize potential adverse effects on the quality of water samples withdrawn from the well, and that minimize or eliminate the introduction of foreign fluids into the borehole.
2. All wells constructed to meet the terms of this Permit shall be constructed such that the wells can be routinely sampled with a pump, bailer, or alternate sampling device. Piping associated with recovery wells should be fitted with sample ports or an acceptable alternative sampling method to facilitate sampling of the recovered ground water on a well by well basis.
3. Above the saturated zone the well casing may be two (2)-inch diameter or larger schedule 40 or 80 polyvinyl chloride (PVC) rigid pipe or stainless steel or polytetrafluoroethylene (PTFE or "teflon") or an approved alternate material. The PVC casing must bear the National Sanitation Foundation logo for potable water applications (NSF-pw). Solvent cementing compounds shall not be used to bond joints and all connections shall be flush-threaded. In and below the saturated zone, the well casing shall be stainless steel or PTFE.

The Permittee may use PVC or fiberglass reinforced resin as an alternate well casing material below the saturated zone provided that it yields samples for ground-water quality analysis that are unaffected by the well casing material.

4. The Permittee shall replace any well that has deteriorated due to incompatibility of the casing material with the ground-water contaminants or due to any other factors. Replacement of the damaged well shall be completed within ninety (90) days of the date of the inspection that identified the deterioration.
5. Well casings and screens shall be steam cleaned prior to installation to remove all oils, greases, and waxes. Well casings and screens made of fluorocarbon resins shall be cleaned by detergent washing.
6. For wells constructed after the date of issuance of this Permit, the screen length shall not exceed ten (10) feet within a given transmissive zone unless otherwise approved by the Executive Director. Screen lengths exceeding ten (10) feet may be installed in ground-water recovery or injection wells to optimize the ground-water remediation process in accordance with standard engineering practice.

7. The Permittee shall design and construct the intake portion of a well so as to allow sufficient water flow into the well for sampling purposes and to minimize the passage of formation materials into the well during pumping. The intake portion of a well shall consist of commercially manufactured stainless steel or PTFE screen or approved alternate material. The annular space between the screen and the borehole shall be filled with clean siliceous granular material (i.e., filter pack) that has a proper size gradation to provide mechanical retention of the formation sand and silt. The well screen slot size shall be compatible with the filter pack size as determined by sieve analysis data. The filter pack should extend no more than three (3) feet above the well screen. A silt trap, no greater than one (1) foot in length, may be added to the bottom of the well screen to collect any silt that may enter the well. The bottom of the well casing shall be capped with PTFE or stainless steel or approved alternate material.

Ground-water recovery and injection wells shall be designed in accordance with standard engineering practice to ensure adequate well production and to accommodate ancillary equipment. Silt traps exceeding one (1) foot may be utilized to accommodate ancillary equipment. Well heads shall be fitted with mechanical wellseals, or equivalent, to prevent entry of surface water or debris.

8. A minimum of two (2) feet of pellet or granular bentonite shall immediately overlie the filter pack in the annular space between the well casing and borehole. Where the saturated zone extends above the filter pack, pellet or granular bentonite shall be used to seal the annulus. The bentonite shall be allowed to settle and hydrate for a sufficient amount of time prior to placement of grout in the annular space. Above the minimum two (2)-foot thick bentonite seal, the annular space shall be sealed with a cement/bentonite grout mixture. The grout shall be placed in the annular space by means of a tremie pipe or pressure grouting methods equivalent to tremie grouting standards.

The cement/bentonite grout mixture or TCEQ approved alternative grout mixture shall fill the annular space to within two (2) feet of the surface. A suitable amount of time shall be allowed for settling to occur. The annular space shall be sealed with concrete, blending into a cement apron at the surface that extends at least two (2) feet from the outer edge of the monitor well borehole for above-ground completions. Alternative annular-space seal material may be proposed with justification and must be approved by the Executive Director prior to installation.

In cases where flush-to-ground completions are unavoidable, a protective structure such as a utility vault or meter box should be installed around the well casing and the concrete pad design should prevent infiltration of water into the vault. In addition, the Permittee must ensure that 1) the well/cap juncture is watertight; 2) the bond between the cement surface seal and the protective structure is watertight; and 3) the protective structure with a steel lid

or manhole cover has a rubber seal or gasket.

9. Water added as a drilling fluid to a well shall contain no bacteriological or chemical constituents that could interfere with the formation or with the chemical constituents being monitored. For ground-water recovery and injection wells, drilling fluids containing freshwater and treatment agents may be utilized in accordance with standard engineering practice to facilitate proper well installation. In these cases, the water and agents added should be chemically analyzed to evaluate their potential impact on in-situ water quality and to assess the potential for formation damage. All such additives shall be removed to the extent practicable during well development.
10. Upon completion of installation of a well, the well must be developed to remove any fluids used during well drilling and to remove fines from the formation to provide a particulate-free discharge to the extent achievable by accepted completion methods and by commercially available well screens. Development shall be accomplished by reversing flow direction, surging the well or by air lift procedures. No fluids other than formation water shall be added during development of a well unless the aquifer to be screened is a low-yielding water-bearing aquifer. In these cases, the water to be added should be chemically analyzed to evaluate its potential impact on in-situ water quality, and to assess the potential for formation damage.

For recovery and injection wells, well development methods may be utilized in accordance with standard engineering practice to remove fines and maximize well efficiency and specific capacity. Addition of freshwater and treatment agents may be utilized during well development or re-development to remove drilling fluids, inorganic scale or bacterial slime. In these cases, the water and agents added should be chemically analyzed to evaluate their potential impact on in-situ water quality and to assess the potential for formation damage. All such additives shall be removed to the extent practicable during well development.

11. Each well shall be secured and/or designed to maintain the integrity of the well borehole and ground water.
12. The Permittee shall protect the above-ground portion of the well by bumper guards and/or metal outer casing protection.
13. Copies of drilling and construction details demonstrating compliance with the items of this provision shall be kept on site. This record shall include the following information:
 - . name/number of well (well designation);
 - . intended use of the well(sampling, recovery, etc.);
 - . date/time of construction;

- . drilling method and drilling fluid used;
 - . well location (± 0.5 ft.);
 - . bore hole diameter and well casing diameter;
 - . well depth (± 0.1 ft.);
 - . drilling and lithologic logs;
 - . depth to first saturated zone;
 - . casing materials;
 - . screen materials and design;
 - . casing and screen joint type;
 - . screen slot size/length;
 - . filter pack material/size;
 - . filter pack volume (how many bags, buckets, etc.);
 - . filter pack placement method;
 - . sealant materials;
 - . sealant volume (how many bags, buckets, etc.);
 - . sealant placement method;
 - . surface seal design/construction;
 - . well development procedure;
 - . type of protective well cap;
 - . ground surface elevation (± 0.01 ft. MSL);
 - . top of casing elevation (± 0.01 ft. MSL); and,
 - . detailed drawing of well (include dimensions).
14. The Permittee shall complete construction or abandonment and plugging of each well in accordance with the requirements of this Permit and 16 TAC 76.1000 through 76.1009 and shall certify such proper construction or abandonment within sixty (60) days of installation or abandonment. If the Permittee installs any additional or replacement wells, well completion logs for each well shall be submitted within sixty (60) days of well completion and development in accordance with 16 TAC Chapter 76. Certification of each well shall be submitted within sixty (60) days of installation for an individual well project or within sixty (60) days from the date of completion of a multiple well installation project. The certification shall be prepared by a qualified geologist or geotechnical engineer. Each well certification shall be accompanied by a certification report, including an accurate log of the soil boring, which thoroughly describes and depicts the location, elevations, material specifications, construction details, and soil conditions encountered in the boring for the well. A copy of the certification and certification report shall be kept on-site, and a second copy shall be submitted to the Executive Director. Required certification shall be in the following form:

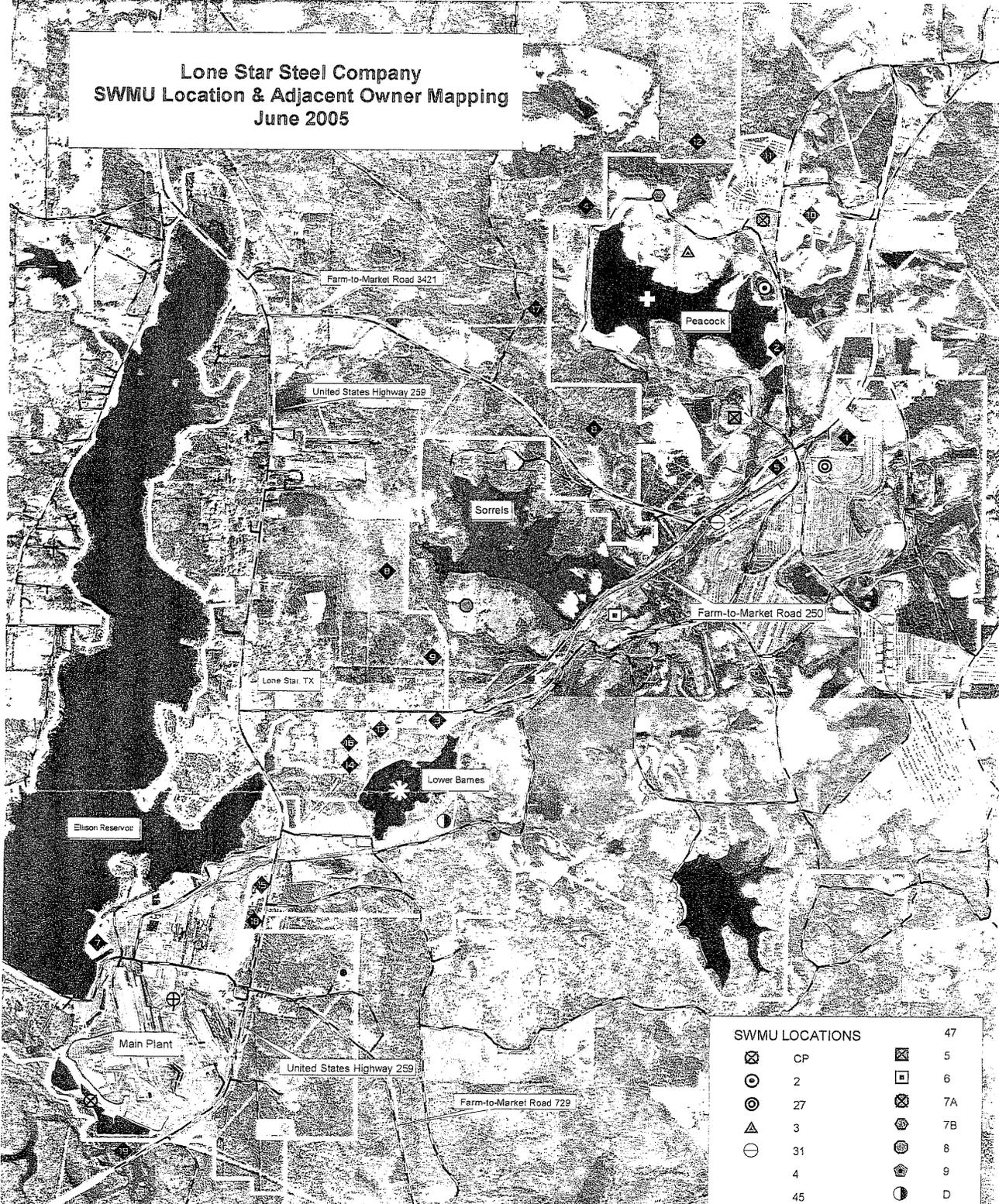
This is to certify that installation (or abandonment and plugging) of the following facility components authorized or required by TCEQ Post-Closure Care Order No. 30093 has been

completed, and that construction (or plugging) of said components has been performed in accordance with and in compliance with the design and construction specifications of Post-Closure Care Order No. 30093.”

15. The Permittee shall clearly mark and maintain the well number on each well at the site.
16. The Permittee shall measure and keep a record of the elevation of the top of each well casing in feet above mean sea level to the nearest 0.01 foot and permanently mark the measuring point on the well. The Permittee shall compare old and new elevations from previously surveyed wells and determine a frequency of surveying not to exceed five (5) year intervals.
17. Wells may be replaced at any time the Permittee or Executive Director determines that the well integrity or materials of construction or well placement no longer enable the well to yield samples representative of ground-water quality.
18. The Permittee shall plug soil test borings and wells removed from service after issuance of the Compliance Plan with a cement/bentonite grout mixture so as to prevent the preferential migration of fluids in the area of the borehole. Certification of each plugging shall be reported in accordance with Provision 14 of this attachment to this permit. The plugging of wells shall be in accordance with 16 TAC §76.1000 through §76.1009 dealing with Well Drilling, Completion, Capping and Plugging.
19. A well's screened interval shall be appropriately designed and installed to meet the well's specific objective (i.e., either DNAPL, LNAPL, both, or other objective of the well). All wells designed to detect, monitor, or recover DNAPL must be drilled to intercept the bottom confining layer of the aquifer. The screened interval to detect DNAPL should extend from the top of the lower confining layer to above the portion of the aquifer saturated with DNAPL. The screened interval for all wells designed to detect, monitor, or recover LNAPL must extend high enough into the vadose zone to provide for fluctuations in the seasonal water table. In addition, the sandpacks for the recovery or monitoring well's screened interval shall be coarser than surrounding media to ensure the movement of NAPL to the well.

Attachment B

Lone Star Steel Company
 SWMU Location & Adjacent Owner Mapping
 June 2005



SWMU LOCATIONS

☒	CP	☒	47
⊙	2	□	5
⊙	27	⊗	6
△	3	⊗	7A
⊖	31	⊗	7B
○	4	⊗	8
○	45	⊗	9
☆	46	⊗	D
		⊕	MP

CP - COOLING PONDS MP - MAIN PLANT

ID	ADJACENT OWNER NAME	SWMU SITE
1	EXTREME PIPE STORAGE	27
2	BOWIE-CASS ELECTRIC COOP	47
3	FULKS DIESEL SERVICE	45
4	ELLA JAMES EST.	47
5	FARM ROAD 250 LLC	27
6	PRUTIMBER FUND TWO LLP	46
7	AMERICAN ELECTRIC POWER	MP
8	CHARLENE BRADFIELD	46
9	ROBERT & EDNA BULLARD	8
10	A&A COATING	7A
11	FRIEDMAN INDUSTRIES	4, 7A
12	MICHAEL HOWARD	4
13	A&E MACHINE SHOP, INC.	45
14	ANNIE B. ALLEN EST	45
15	REILLY INDUSTRIES, INC.	MP
16	VIRGIL LIVINGSTON EST.	45
17	ROGER QUARLES	47
18	JAMES CONNER	MP
19	USA CORPS OF ENGINEERS	CP

Lone Star Steel Property Boundary

Roads

1 inch = 2,500 feet

Source Data: Morris County Appraisal District, USGS 1985 DOQQ, Lone Star Steel Records
 All Mapping Data is Approximate - Not a Survey Plat
 For Illustrative Purposes Only
 by MWB 5-3-05

Advanced Ecology, Inc.

Attachment C

TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

February 26, 2008

Description of Application

- Applicant:** United States Steel Tubular Products, Inc. (formerly Lone Star Steel Company, L.P.)
Industrial Solid Waste Registration No. 30093
Proposed Hazardous Waste Post-Closure Care Order No. 30093
TCEQ Docket No. 2006-0349-IHW
EPA I.D. No. TXD 007323397
- Location:** United States Steel Tubular Products, Inc. is located at 6866 U.S. Highway 259 South in Morris County, Texas, as follows: the Main Plant Hazardous Waste Management Area is on approximately 16.62 acres and is located on U.S. Highway 259 South at the intersection of U.S. Highway 259 & State Highway 729 approximately 2.3 miles south of Lone Star, Texas, within the drainage area of Segment 0404 of the Cypress Creek Basin (North Latitude 32° 54' 43", West Longitude 94° 43' 17"); and the North Hazardous Waste Management Area is on approximately 13.43 acres and is located on State Highway 250 approximately 2.9 miles south of Hughes Springs, Texas, within the drainage area of Segment 0404 of the Cypress Creek Basin (North Latitude 32° 58' 31", West Longitude 94° 40' 07").
- This facility is not located in an area affected by the Texas Coastal Management Program.
- General:** United States Steel Tubular Products, Inc. is a steel mill which manufactures steel products including piping and tubing. The facility conducted on-site waste disposal as part of the manufacturing operations. Wastes were disposed of at two landfills, Landfills 01/02 and 07A, which are now closed. Wastes managed in Landfill 01/02 include hazardous and non-hazardous wastes consisting of friable asbestos, dredgings, sludges, flue dust, baghouse dust, general miscellaneous plant refuse, spent refractory brick, mill scale, slag, spent barium heat treating salts, threadlube compound, and varnish residue. Wastes managed in Landfill 07A include hazardous and non-hazardous waste consisting of open hearth flue dust, air pollution sludge from open-hearth and electric arc furnaces, and hazardous dredgings.
- Request:** United States Steel Tubular Products, Inc. has applied to the TCEQ for authorization by Order to establish post-closure care of the two landfill units and to continue a RCRA Facility Investigation (RFI) and/or corrective action, as applicable, for remaining Solid Waste Management Units (SWMUs) identified in the application. The application for a post-closure care order was made pursuant to 30 Texas Administrative Code (TAC) Section (§) 335.2(m). The application request dated November 16, 2004, was received on November 23, 2004.
- Authority:** A proposed draft post-closure care order has been prepared in accordance with applicable requirements of 30 TAC Chapters 335 and 305, which have been adopted under the authority of the TEXAS HEALTH AND SAFETY CODE ANN., Chapter 361 (Vernon Supp.), and Section 5.103, Texas Water Code Ann. (Vernon Supp.). The TCEQ and the EPA have entered into a Joint Permitting Agreement (JPA) whereby EPA accepts the applicant's information submitted through the State as a Federal application for purposes of implementing HSWA.

Technical Information

The proposed post-closure care order includes the following:

- A. Establishes general provisions for post-closure care of the subject facility units (30 TAC 335 Subchapter F);
- B. Requires the applicant to establish and maintain financial assurance to provide for proper facility post-closure care in the total amount of \$299,775 (2006 dollars) (30 TAC Sections 335.179);
- C. Specifies minimum physical conditions and routine inspections for the facility units (30 TAC Section 335.177, 40 CFR Part 264, Subparts B and C);
- D. Standard provisions and other requirements pertaining to the management of industrial solid waste, including hazardous industrial solid wastes (40 CFR Part 264, Subpart B);
- E. Requirements for performing a RCRA Facility Investigation and where necessary, associated corrective action (30 TAC Section 335.167, RCRA Sections 3004(u) and 3005, 40 CFR Section 264.101);
- F. The following is a list of standard post-closure care requirements for the land based units (TAC Section 335.174):
 - 1. Maintain all storm water conveyance structures in good functional condition;
 - 2. Maintain proper cover on closed units to prevent erosion, ponding, and water infiltration, and maintain all benchmarks;
 - 3. Maintain facility and authorized units security measures and ensure TCEQ access to the facility; and
 - 4. Perform ground-water monitoring and, if applicable, any necessary corrective action.
- G. The following is a brief description of waste management units and corresponding regulatory requirements encompassed by this post-closure care order:

Landfill - monitoring and inspection requirements for the landfill; detection monitoring program requirements for monitoring the groundwater underlying the landfill; and post-closure requirements.. (40 CFR Part 264, Subpart N)

Public Notice and Opportunity for Hearing

The applicant has provided public notice of the requested order in accordance with 30 TAC §§ 305.69(d) and 39.509. No party requested a hearing.

Decisions regarding the order provisions issued under State authority may be reconsidered in response to a request only from the applicant, the Executive Director, or the Public Interest counsel, in accordance with the provisions of 30 TAC §55.156.

Preliminary Decision

- General: The executive director has made a preliminary decision that this proposed Post-Closure Care Order meets all the statutory and regulatory requirements.
- Special: The proposed Post-Closure Care Order does not authorize variances or alternatives to required standards.

Additional Information

A. Technical information:

Angie Eastman, Project Manager
Industrial and Hazardous Waste Permits Section
Waste Permits Division
Texas Commission on Environmental Quality
Mail Code MC-130
P. O. Box 13087
Austin, Texas 78711-3087
(512) 239-5945

B. Procedural and public hearing information:

Office of Public Interest Counsel
Texas Commission on Environmental Quality
Mail Code MC-103
P. O. Box 13087
Austin, Texas 78711-3087
(512) 239-6363

Prepared by:

Originally prepared by Michael D. Graeber, P.E.
Reviewed and approved by Angelyn Eastman, P.E.
Project Manager
Industrial and Hazardous Waste Permits Section
Waste Permits Division

Attachment D

Compliance History

Customer/Respondent/Owner-Operator:	CN600125199 Lone Star Steel Company	Classification: AVERAGE	Rating: 0.33																																																																											
Regulated Entity:	RN102955135 TEXAS OPERATIONS DIVISION	Classification: AVERAGE	Site Rating: 0.12																																																																											
ID Number(s):	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 60%;">AIR OPERATING PERMITS</td><td style="width: 20%;">ACCOUNT NUMBER</td><td style="width: 20%;">MS00081</td></tr> <tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>1444</td></tr> <tr><td>WASTEWATER</td><td>PERMIT</td><td>WQ0000348000</td></tr> <tr><td>WASTEWATER</td><td>PERMIT</td><td>TPDES0000027</td></tr> <tr><td>WASTEWATER</td><td>PERMIT</td><td>TX0000027</td></tr> <tr><td>WASTEWATER</td><td>PERMIT</td><td>TX0088528000</td></tr> <tr><td>PUBLIC WATER SYSTEM/SUPPLY</td><td>REGISTRATION</td><td>1720002</td></tr> <tr><td>PETROLEUM STORAGE TANK</td><td>REGISTRATION</td><td>42143</td></tr> <tr><td>REGISTRATION</td><td></td><td></td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>EPA ID</td><td>TXD007323397</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>SOLID WASTE REGISTRATION # (SWR)</td><td>30093</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE STORAGE</td><td>PERMIT</td><td>50155</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>ACCOUNT NUMBER</td><td>MS00081</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>3342</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>8837</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>AFS NUM</td><td>4834300001</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>49456</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>70820</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>75128</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>54247</td></tr> <tr><td>WASTEWATER LICENSING</td><td>LICENSE</td><td>WQ0000348000</td></tr> <tr><td>WATER LICENSING</td><td>LICENSE</td><td>1720002</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE</td><td>ID NUMBER</td><td>PCO30093</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE</td><td>PERMIT</td><td>30093</td></tr> <tr><td>IHW CORRECTIVE ACTION</td><td>SOLID WASTE REGISTRATION # (SWR)</td><td>30093</td></tr> </table>			AIR OPERATING PERMITS	ACCOUNT NUMBER	MS00081	AIR OPERATING PERMITS	PERMIT	1444	WASTEWATER	PERMIT	WQ0000348000	WASTEWATER	PERMIT	TPDES0000027	WASTEWATER	PERMIT	TX0000027	WASTEWATER	PERMIT	TX0088528000	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1720002	PETROLEUM STORAGE TANK	REGISTRATION	42143	REGISTRATION			INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD007323397	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30093	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50155	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	MS00081	AIR NEW SOURCE PERMITS	PERMIT	3342	AIR NEW SOURCE PERMITS	PERMIT	8837	AIR NEW SOURCE PERMITS	AFS NUM	4834300001	AIR NEW SOURCE PERMITS	PERMIT	49456	AIR NEW SOURCE PERMITS	PERMIT	70820	AIR NEW SOURCE PERMITS	REGISTRATION	75128	AIR NEW SOURCE PERMITS	REGISTRATION	54247	WASTEWATER LICENSING	LICENSE	WQ0000348000	WATER LICENSING	LICENSE	1720002	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	ID NUMBER	PCO30093	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	30093	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30093
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IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30093																																																																												
Location:	6866 US HIGHWAY 259 S, LONE STAR, TX, 75668		Rating Date: 9/1/2007 Repeat Violator: NO																																																																											
TCEQ Region:	REGION 05 - TYLER																																																																													
Date Compliance History Prepared:	February 20, 2008																																																																													
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.																																																																													
Compliance Period:	February 20, 2003 to February 20, 2008																																																																													

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: SAIDAT ILO Phone: 512-239-6605

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	02/20/2003	(153119)
2	02/20/2003	(210873)
3	03/19/2003	(153123)
4	03/19/2003	(210876)
5	04/10/2003	(28586)
6	04/18/2003	(210880)
7	04/22/2003	(153128)
8	05/22/2003	(153132)
9	05/22/2003	(317662)
10	06/16/2003	(153136)
11	06/16/2003	(317663)
12	07/18/2003	(361506)
13	07/21/2003	(153140)
14	08/22/2003	(317664)
15	08/22/2003	(293409)
16	08/29/2003	(153019)
17	09/22/2003	(293411)
18	09/25/2003	(317665)
19	10/20/2003	(317666)
20	10/20/2003	(293413)
21	11/07/2003	(28581)
22	11/21/2003	(317667)
23	11/21/2003	(293414)
24	12/05/2003	(256629)
25	12/22/2003	(317668)
26	12/22/2003	(293415)
27	01/22/2004	(317669)
28	01/22/2004	(293416)
29	02/23/2004	(293397)
30	02/23/2004	(317659)
31	03/22/2004	(293400)
32	03/22/2004	(317660)
33	04/22/2004	(361503)
34	04/22/2004	(293401)
35	05/24/2004	(361504)
36	05/24/2004	(293403)
37	06/21/2004	(361505)
38	06/21/2004	(293405)
39	07/16/2004	(281952)
40	07/22/2004	(361507)
41	07/22/2004	(293407)
42	08/16/2004	(288663)
43	08/23/2004	(351206)
44	08/23/2004	(361508)
45	09/13/2004	(361509)
46	09/20/2004	(351207)
47	10/20/2004	(361510)
48	10/27/2004	(351208)
49	11/22/2004	(387199)
50	11/23/2004	(351209)
51	12/20/2004	(387200)
52	12/21/2004	(351210)
53	01/18/2005	(387201)
54	01/18/2005	(381431)
55	02/21/2005	(430419)
56	02/22/2005	(381429)
57	03/17/2005	(350021)
58	03/21/2005	(387198)
59	03/21/2005	(381430)
60	04/21/2005	(430420)
61	04/22/2005	(419205)
62	05/23/2005	(430421)
63	05/23/2005	(419206)

64	06/06/2005	(393924)
65	06/20/2005	(419207)
66	06/21/2005	(430422)
67	07/15/2005	(378577)
68	07/22/2005	(430423)
69	07/22/2005	(440429)
70	08/22/2005	(445601)
71	08/22/2005	(440430)
72	08/26/2005	(407381)
73	09/19/2005	(440431)
74	09/22/2005	(445602)
75	10/12/2005	(433807)
76	10/12/2005	(433896)
77	10/21/2005	(440432)
78	11/21/2005	(467692)
79	12/19/2005	(467693)
80	01/24/2006	(452082)
81	01/25/2006	(467694)
82	02/22/2006	(467691)
83	03/21/2006	(497729)
84	03/23/2006	(459158)
85	04/21/2006	(497730)
86	05/22/2006	(497731)
87	06/22/2006	(497732)
88	06/26/2006	(484061)
89	07/11/2006	(466421)
90	07/21/2006	(519786)
91	08/01/2006	(489096)
92	08/22/2006	(519787)
93	09/25/2006	(519788)
94	10/23/2006	(544002)
95	11/20/2006	(544003)
96	12/18/2006	(544004)
97	01/24/2007	(544005)
98	02/23/2007	(574487)
99	03/15/2007	(543168)
100	03/22/2007	(574488)
101	04/13/2007	(556816)
102	04/24/2007	(574489)
103	05/02/2007	(541966)
104	05/08/2007	(558615)
105	05/24/2007	(574490)
106	06/22/2007	(574491)
107	07/23/2007	(574492)
108	07/23/2007	(607466)
109	08/22/2007	(607465)
110	08/30/2007	(573101)
111	09/24/2007	(593847)
112	09/24/2007	(607467)
113	10/23/2007	(619226)
114	10/25/2007	(598870)
115	11/19/2007	(619227)
116	12/18/2007	(619228)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	04/30/2004	(293403)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	11/30/2005	(467693)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	03/17/2006	(459158)		
Self Report?	NO		Classification:	Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to notify the Texas Commission on Environmental Quality (TCEQ) Tyler Regional Office of a reportable excess opacity event within 24 hours after discovery of the event.

On August 22, 2005 at 1115 hrs, an excess opacity event was discovered at Lone Star Steel. A report for

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent unauthorized emissions during an excess opacity event. Since Lone Star Steel failed to properly report the excess opacity event, the affirmative defense could not be met pursuant to 30 TAC §101.222(d)(1).

Date: 11/30/2006 (544004)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2007 (574487)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 03/13/2007 (543168)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP O-01444 STC (2)F

Description: Lone Star Steel did not meet the requirements of '101.201 the event notification was over 72 hours late. The event occurred at 1600 hrs on November 16, 2006 and was not reported to the Agency until 1224 hrs on November 20, 2006.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PA 49456 SC 3
OP O-01444 STC 1A
OP O-01444 STC 8A

Description: Failure to prevent unauthorized emissions during an excess opacity event.

Date: 05/31/2007 (574491)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 10/25/2007 (598870)

Self Report? YES Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP FOP O-01444 ST&C, NSR NO. 8
PA NSR Permit No.3342 S.C. 6

Description: Failure to control opacity emissions below 6% from the melt shop building.

F. Environmental audits.

Notice of Intent Date: 12/01/2003 (263208)
Disclosure Date: 06/04/2004

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.190
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.191
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.192
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(f)

Description: Underground piping used to transport pickle liquor fails to meet criteria exception for ancillary equipment because it cannot be inspected daily. Currently the pickle liquor is not classified as hazardous waste because it is being used for wastewater treatment chemicals.

Notice of Intent Date: 12/03/2004 (348026)

Disclosure Date: 06/17/2005

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 9D

Description: recordkeeping for the daily inspections of the water spray curtain and the paint particulate filters had not commenced

Viol. Classification: Minor

Citation: 40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)(1)

30 TAC Chapter 324, SubChapter A 324.1

Description: five portable used oil tanks did not have clearly visible markings or labels identifying their contents

Notice of Intent Date: 11/23/2005 (440148)

No DOV Associated

Notice of Intent Date: 03/06/2006 (464685)

No DOV Associated

Notice of Intent Date: 11/09/2006 (535571)

Disclosure Date: 05/21/2007

Viol. Classification: Major

Citation: 30 TAC Chapter 334, SubChapter F 334.124(a)(1)

30 TAC Chapter 334, SubChapter A 334.3(a)(9)

30 TAC Chapter 334, SubChapter C 334.47

30 TAC Chapter 334, SubChapter A 334.7

Description: Failure to register a 200g varnish dip tank constructed of steel and housed within a subgrade concrete vault which meets the definition of underground PST.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

ATTACHMENT E

GLOSSARY OF KEY TERMS

Area of Concern (AOC) - An area of a facility potentially impacted by a release of hazardous waste or hazardous constituents but not a known solid waste management unit (SWMU).

Chemicals of Concern (COCs) - Any chemical that has the potential to adversely affect ecological or human receptors due to its concentration, distribution, and mode of toxicity.

Control - To apply physical or institutional controls to prevent exposure to chemicals of concern. Control measures must be combined with appropriate maintenance, monitoring, and any necessary further response action to be protective of human health and the environment.

Corrective Action/Response Action - Any activity taken to comply with the TRRP Rule to remove, decontaminate and/or control COCs in excess of critical protective concentration levels (PCLs) in environmental media.

Hazardous Waste - Any solid waste identified or listed as a hazardous waste by the administrator of the EPA pursuant to the federal Solid Waste Disposal Act, as amended by RCRA.

Institutional Control (IC) - Action taken to help prevent contact with hazardous constituents, such as security fencing, restrictive covenants, zoning requirements, access restrictions, deed notice, groundwater monitoring.

Interim Measure (IM) - Action taken prior to a final remedy decision to help control the spread of a release of hazardous waste or hazardous constituents.

Light Non-Aqueous Phase Liquid (LNAPL) - A layer of hydrocarbons which floats on groundwater.

Plume Management Zone - Response action option under Remedy Standard B of the TRRP Rule, where the responsible party proposes to remove, decontaminate and/or control contaminated groundwater so that the COC concentrations are protective of human and ecological receptors, as applicable, at a downgradient point (known as an alternate point of exposure).

Protective Concentration Level (PCL) - The concentration of a COC which ~~can~~ may remain within the air, water, or soil and still be protective of human and ecological receptors.

RCRA - Resource Conservation and Recovery Act, which was enacted by the United States Congress in 1976 and amended in 1984, directed EPA to develop and implement a program to protect human health and the environment from improper hazardous waste management practices. The statute is designed to control the management of hazardous waste from its generation to its disposal. The Texas equivalent is the Texas Solid Waste Disposal Act, Texas Health and Safety Code, Chapter 361.

RCRA Facility Investigation (RFI) - An investigation required under RCRA to sample and analyze potentially impacted media (e.g., air, water, soil, sediment) to determine the nature and extent of any potential releases of hazardous waste or hazardous constituents at or from a facility into the environment.

Remediation - The act of eliminating or reducing the concentration of COC in the environment.

Response Action Plan (RAP) - A plan required under the TRRP Rule proposing to remove, decontaminate and/or control COCs determined to pose an unacceptable risk to human health and the environment.

Solid Waste Management Unit (SWMU) - Includes any unit used for the collection, storage, transportation, transfer, processing, treatment or disposal of solid waste, including hazardous wastes, whether such unit is associated with facilities generating such wastes or otherwise.

Texas Risk Reduction Program (TRRP) Rule - Regulates the assessment and cleanup of hazardous wastes and substances, referred to as COCs, which are released into the environment from regulated commercial and industrial facilities, and on the closure of waste management facility components (e.g., tanks, container storage areas, surface impoundments).

ATTACHMENT F

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

EXECUTIVE SUMMARY

To: Commissioners **Date:** March 10, 2008

Thru: LaDonna Castañuela, Chief Clerk
Glenn Shankle, Executive Director

From: Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services

Docket No: 2006-0349-IHW

Subject: Issuance of Post-closure Order (PCO) to
United States Steel Tubular Products, Inc. (formerly Lone Star Steel)

What is the Commission Being Asked to Consider?

The Commission is being asked to issue a corrective action authorization called a "post-closure order" (PCOs). After a Responsible Party assesses the scope of hazardous waste contamination and has installed corrective measures, the facility must perform post-closure care for 15 to 30 years.

The PCO for United States Tubular Steel, Inc. (USSTP) requires sampling of contaminated groundwater, analysis of leachate collected from any landfill, repairing of security fences around solid waste management units, and maintenance of the cap on any landfill to prevent infiltration of rainfall into the landfill.

What is a Post-closure Order?

A Post-closure Order is defined as "an order issued by the commission for post-closure care of interim status units, a corrective action management unit unless authorized by permit, or alternative corrective action requirements for contamination commingled from RCRA and solid waste management units." See 30 TAC §305.2. A PCO is not an enforcement order which seeks compliance and assessing penalty, but instead is an order which directs the applicant to perform specific corrective action or post-closure care activities.

What is TCEQ's Authority to Issue a PCO?

The statutory authorities for issuing a PCO are:

- **Texas Water Code §7.031(f)**, which authorizes the issuance of orders for Corrective Action Relating to Hazardous Waste;
- **Texas Health and Safety Code (THSC) §361.017**, which states the Commission is responsible for the management of industrial solid waste; and
- **THSC, § 361.024**, which provides the commission the authority to adopt rules consistent with the Texas Solid Waste Disposal Act and establishes minimum standards of operation for the management and control of solid wastes.

Issuance of Post-closure Orders is allowed under federal law and regulations at 40 CFR Parts 264, 265, 270, and 271. See 63 Fed. Reg. 56711 (October 22, 1998). However, issuance of the

Proposed Order is not required by federal rule or state statute. Nor are there any legal deadlines by which any Post-closure Order (PCO) must be proposed, adopted, or effective.

Public Comment:

There was one adverse comment from Donnie Turner received after the notice comment period for the PCO. The Ark-Tex Council of Governments sent a resolution in support of issuance.

Controversial Issues Related to this PCO:

None

Staff Recommendation:

Issue PCO to Lone Star Steel

Agency Contacts:

Susan Jere White, Staff Attorney, extension 0454
Dawn Burton, Staff Attorney, extension 0946
Angelyn Eastman, Project Manager, IHW Permits, extension 5945
Gary Beyer, Corrective Action, extension 2361