

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

STATE OF OHIO, ex rel. :
WILLIAM J. BROWN, :
Attorney General of Ohio, :
 :
Plaintiff, :
 :
v. : Case No. 78CV-03-969
 :
NATIONAL STEEL CORPORATION, :
 :
Defendant :

AMENDED CONSENT DECREE

A Complaint having been filed herein on March 7, 1978, under §§ 6111.03(1), 6111.07, and 6111.09 of the Ohio Revised Code, and the Plaintiff and the Defendant by their respective attorneys having consented without trial or adjudication of any issue of fact or law therein, to the entry of a Consent Decree on or about July 14, 1978 (hereinafter referred to as the "Decree"), have further consented to the entry of this Amended Consent Decree (hereinafter referred to as the "Amended Decree") for the reasons herein set forth.

Defendant's Weirton Steel Division facility in Steubenville, Ohio, consists of certain steel finishing operations for the production of chrome plated steel. At the time the Decree was entered, Defendant projected a continuing market for such chrome plated steel; however, said market, as well as Defendant's projection of same, have changed significantly since that time. As a result of this market change, Defendant now plans to shut down its Steubenville facility on or before December 31, 1979.

Under the provisions of Paragraph III of the Decree, Defendant agreed and was enjoined to segregate by appropriate construction the cooling water and storm sewer system from the waste water treatment system at its Steubenville facility by April 1, 1979. Since the entry of the Decree, Defendant has averaged less than one (1) instance per month in excess of the limitations set forth in its NPDES Permit No. 032 * AD and has proceeded in good faith with its program to achieve compliance with the requirements of said Paragraph III by April 1, 1979. To date, Defendant has expended approximately \$250,000 on such compliance program, however, it is estimated by Defendant that it will cost in excess of \$100,000 to complete same.

NOW, THEREFORE, as a result of the change in conditions set forth above and upon the consent of the parties hereto, it is Ordered, Adjudged, and Decreed that the Decree shall be amended as follows:

1. Paragraph III of the Decree is restated to read as follows:

The Defendant agrees and is hereby enjoined to cease operating its steel finishing operations at its Weirton Steel Division facility in Steubenville, Ohio, by December 31, 1979, unless Defendant has segregated by appropriate construction the cooling water and storm sewer system from the waste water treatment system at said facility (hereinafter referred to as "segregated system"). Should Defendant elect to cease such operations by December 31, 1979, it is hereby agreed that it shall not recommence such operations at any time thereafter without first constructing said segregated system at the facility. Any segregated system constructed by Defendant shall substantially reduce or eliminate

the entry of cooling water and storm runoff waters into the waste water treatment system. In addition, in the event Defendant constructs such a segregated system, it shall comply with all requirements of Chapter 6111 of the Revised Code and the regulations thereunder relating to the construction or modification of any treatment works. Finally, this order shall in no way relieve the Defendant of its obligations under federal and state law with regard to any new out-fall created as a result of the segregation of the sewer system from the waste water system.

2. Paragraph IV of the Consent Decree is restated to read as follows:

Defendant shall, not later than ten (10) days from the entry of this Decree, forward its check drawn to the order of the "Treasurer, State of Ohio" in the amount of \$44,300.00, said amount being a civil penalty under § 6111.09 of the Ohio Revised Code in satisfaction of any and all violations of conditions and limitations contained in NPDES Permit No. D 032 * AD up until July 14, 1978, and any and all violations of final effluent limitations of NPDES Permit No. D 032 * AD which are caused by excessive flow into the existing treatment system from July 15, 1978 to December 31, 1979.

3. Paragraph V of the Consent Decree is restated to read as follows:

If the Defendant continues to operate its steel finishing operations at its Weirton Steel Division facility in Steubenville, Ohio, after December 31, 1979 or recommences operation of same at any time thereafter without first completing the segregation of the sewer system from the waste water treatment system as provided in Paragraph III hereto, the Defendant agrees that it shall pay a civil

penalty, pursuant to O.R.C. § 6111.09, in the amount of Ten Thousand Dollars (\$10,000.00) for each month after December 31, 1979, in which Defendant operates its steel finishing operations at said facility without completing the segregation of the systems. The Defendant shall pay such penalty within ten (10) days of notification by the Ohio EPA. In payment of such penalty, the Defendant shall deliver to Plaintiff's counsel for payment into the state treasury a certified check for the appropriate amount payable to "Treasurer, State of Ohio". The payment of any penalty pursuant to this order shall in no way affect the Defendant's liability for contempt of court for failure to comply with any order of the court.

4. All other terms and conditions of the Decree shall remain in full force and effect.

FRED J. SHOENAKER
Judge, Court of Common Pleas

Approved:

WILLIAM J. BROWN
ATTORNEY GENERAL OF OHIO

By: ROBERT E. OLWELL OLW-01

By: E. DENNIS MUCHNICKI MUC-02
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NATIONAL STEEL CORPORATION

By: [Signature]
Authorized Representative

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By: Chester R. Babst III
CHESTER R. BABST, III