



west virginia department of environmental protection

Division of Water and Waste Management
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Charleston, WV 25304
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Harold D. Ward, Cabinet Secretary
dep.wv.gov

**CONSENT ORDER
ISSUED UNDER THE
HAZARDOUS WASTE MANAGEMENT ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 18**

TO: Steel of West Virginia, Inc.
Michael Winarta, General Manager
P.O. Box 2547
Huntington, WV 25726

DATE: May 14, 2026

ORDER NO.: HW-26-003

INTRODUCTION

This Consent Order is issued by the Director of the Division of Water and Waste Management (hereinafter “Director”), under the authority of West Virginia Code 22-18-1 et seq. to Steel of West Virginia, Inc. (hereinafter, “SWVA, Inc.”).

FINDINGS OF FACT

In support of this Order, the Director hereby finds the following:

1. SWVA, Inc. operates a steel mill located in Huntington, Cabell County, West Virginia and has been assigned EPA ID No. WVD072667801.
2. SWVA, Inc. is notified as a Large Quantity Generator (LQG) of hazardous waste. The majority of hazardous waste generated is “baghouse dust”, which is classified as K061 and is emission control dust/sludge from the primary production of steel in electric furnaces.
3. On August 20, 2024, SWVA, Inc. offered for transport a truckload (38,950 lbs.) of K061 hazardous waste to a treatment, storage and disposal facility (TSDF), Befesa Zinc US Inc. (Befesa), EPA ID No. ILD040891368 in Chicago, IL.

Promoting a healthy environment.

4. On August 21, 2024, when the load arrived at Befesa, the load caused their radiation portal to alarm. Elevated readings of Cesium-137 were detected, so the load was rejected and transported back to SWVA, Inc.
5. On August 23, 2024, after receiving notification from SWVA, Inc., West Virginia Department of Environmental Protection (WVDEP) personnel, along with the Nuclear Regulatory Commission (NRC) and other agencies, conducted an inspection of the facility. It was determined that an unknown cesium source was mixed in with SWVA, Inc.'s scrap feedstock that it had received. SWVA, Inc. had contracted Chase Environmental to assist with the mixed waste management and disposal.
6. On November 15, 2024, SWVA, Inc. submitted a hazardous waste storage time limit extension request due to difficulties in finding a TSDF to accept the K061 hazardous waste now containing elevated levels of radiation. This waste stream is now considered "mixed hazardous waste" according to the Resource Conservation and Recovery Act (RCRA).
7. On November 18, 2024, WVDEP personnel conducted an inspection of the facility to determine compliance of the K061 hazardous waste that required the storage time limit extension. SWVA, Inc. personnel stated that Waste Control Specialist (WCS), located in Andrews, TX (EPA ID No. TXD988088464), would be accepting the radioactive hazardous waste containing >2 pCi/g of Cesium-137 by rail. During the inspection, violations of the following sections of Code of Federal Regulations were observed and documented:
 - a. 40 CFR 262.17(a)(5)(i)(A) – SWVA, Inc. failed to label hazardous waste storage containers (truck trailer and railcar) with the words "Hazardous Waste".
 - b. 40 CFR 262.17(a)(5)(i)(B) – SWVA, Inc. failed to label hazardous waste storage containers (truck trailer and railcar) with the indication of the hazard of the contents.
 - c. 40 CFR 262.17(a)(5)(i)(C) – SWVA, Inc. failed to label hazardous waste storage containers (truck trailer and railcar) with the accumulation start date.
8. On November 22, 2024, WVDEP granted a 30-day storage time limit extension request to SWVA, Inc. for the K061 hazardous waste accumulating in a truck trailer.
9. On December 10, 2024, SWVA, Inc. provided documentation that the three (3) violations noted during the November 18, 2024 inspection had been corrected prior to a Notice of Violation (NOV) being issued.
10. On December 19, 2024, SWVA, Inc. submitted a hazardous waste storage time limit extension request for K061 hazardous waste accumulating in a truck trailer and railcar.
11. On December 23, 2024, WVDEP granted a 30-day storage time limit extension request to SWVA, Inc. for the K061 hazardous waste accumulating in the truck trailer and railcar.
12. On January 23, 2025, SWVA, Inc. submitted a hazardous waste storage time limit extension request for K061 hazardous waste accumulating in a truck trailer and railcar.

13. On January 24, 2025, WVDEP granted a 30-day storage time limit extension request to SWVA, Inc. for the K061 hazardous waste accumulating in the truck trailer and railcar.
14. On September 3, 2025, SWVA, Inc. reported a release of K061 hazardous waste to the WVDEP Spill Line.
15. On September 4, 2025, WVDEP personnel conducted an inspection related to the reported spill of K061 hazardous waste. The spill originated from a full super sack that was loaded into a railcar. A similar style railcar was intended to be cut for scrap, but personnel inadvertently moved the railcar loaded with hazardous waste into position. The railcar was knocked over to begin the scrapping process when it was noted the super sack had spilled out. SWVA, Inc. personnel estimated forty (40) pounds of hazardous waste actually contacted the ground. The hazardous waste and surrounding soil were cleaned up. SWVA, Inc.'s onsite contractor, Chase Environmental, screened for radiation to confirm no residual contamination.
16. On November 11, 2025 (received by WVDEP on November 13, 2025), SWVA, Inc. submitted a hazardous waste storage time limit extension request for K061 hazardous waste accumulating sixty-seven (67) super sacks.
17. On December 10, 2025, WVDEP granted a 30-day storage time limit extension request to SWVA, Inc. for the K061 hazardous waste accumulating sixty-seven (67) super sacks.
18. On December 17, 2025, SWVA, Inc. contacted WVDEP to clarify that additional super sacks of K061 hazardous waste required storage time limit extensions as well, as these have been accumulating onsite for the majority of 2025 because of issues with finding mixed waste TSDFs that would be able to accept the K061 baghouse dust with concentrations of Cesium-137.
19. On January 7, 2026, WVDEP and SWVA, Inc. personnel had a conference call to discuss the current status of the K061 hazardous waste and the intent to change the TSDF where it is sent for disposal. SWVA, Inc. represents that Befesa (ILD040891368) will still not accept the waste if it contains any radiological readings. SWVA, Inc. represents that it is in negotiations to send the hazardous waste with <2 pCi/g Cesium-137 to Republic Services in Grand View, Idaho (EPA ID No. IDD073114654). SWVA, Inc. personnel also stated the furnaces in the melt shop, which generate the K061 hazardous waste will be permanently shutting down due to a variety of factors.
20. On January 14, January 23, February 6, February 16, and April 17, 2026, SWVA, Inc. provided WVDEP with correspondence describing the proposed plans for addressing the current backlog and accumulation of K061 hazardous waste, including provisions for properly managing K061 hazardous waste in the future. In the April 17, 2026 correspondence, SWVA, Inc. represented that all K061 baghouse dust will be properly disposed of by October 31, 2026.

21. As of April 9, 2026, SWVA, Inc. represents that 851 tons of hazardous waste baghouse dust (K061) with various amounts of radioactive Cesium-137 remain at SWVA, Inc. awaiting disposal.

ORDER FOR COMPLIANCE

Now, therefore, in accordance with West Virginia State Code 22-18-1 et seq., it is hereby agreed between the parties, and ORDERED by the Director:

1. SWVA, Inc. shall immediately take all measures to initiate compliance with all pertinent laws and rules.
2. SWVA, Inc. agrees to the following terms and conditions:
 - a. Baghouse dust (K061) exhibiting radioactivity will be disposed of at either Republic Services in Grand View, Idaho (EPA ID No. IDD073114654) or Waste Control Specialist (WCS) located in Andrews, TX (EPA ID No. TXD988088464).
 - b. All baghouse dust (K061) exhibiting radioactivity will be disposed of by October 31, 2026.
 - c. Within ten (10) days of the effective date of this Order, SWVA will submit for approval a target date that 50% of all baghouse dust (K061) exhibiting radioactivity will be disposed of. Once approved, that date will become a requirement of this Order.
 - d. On the 10th day of each month, SWVA will provide a progress report documenting disposal activities for the previous month. The report will include but not be limited to:
 - i. the amount of K061 radioactive waste disposed of,
 - ii. the amount of K061 radioactive waste remaining onsite,
 - iii. the amount of radioactive hazardous waste, including but not limited to K061, that was generated in the reporting period,
 - iv. any unforeseen issues related to waste generation, accumulation, transportation or disposal,
 - v. copies of reports documenting inspections of the accumulation areas.
 - e. All applicable labeling and accumulation area inspection will be adhered to.
 - f. Comply with all applicable closure requirements found at 40 CFR 262.17(a)(8) related to the current area used for accumulating K061 baghouse dust.

3. Upon the effective date of this Order, SWVA, Inc. agrees to the following stipulated penalties.

Stipulated penalties, as outlined below, shall end twelve (12) months after the date of the last compliance milestone, as described in the aforementioned Order for Compliance Item No. Two (2).

- a. Compliance Milestones – The following stipulated penalties will accrue per violation per day for failing to achieve any compliance milestone mentioned in the aforementioned Order for Compliance Item No. Two (2).

Period of Noncompliance	Penalty Per Day per Violation
1st through 14th Days	\$500
15th through 30th Days	\$1,000
31st Day and beyond	\$1,500

- b. Reporting Requirements – The following stipulated penalties will accrue per violation per day for each violation of any reporting requirement mentioned in the aforementioned Order for Compliance Item No. Two (2).

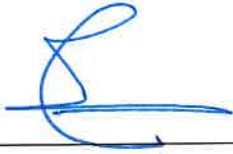
Period of Noncompliance	Penalty Per Day per Violation
1st through 14th Days	\$200
15th through 30th Days	\$400
31st Day and beyond	\$600

SWVA, Inc. shall pay any stipulated penalty within thirty (30) days of receiving WVDEP's written demand. Payments made pursuant to this paragraph are not tax deductible for purposes of State or federal law. Payment shall be paid to the West Virginia Department of Environmental Protection for deposit in the Hazardous Waste Management Fund. **Payment shall include a reference to the Order No. and shall be mailed to:**

**Chief Inspector
Environmental Enforcement – Mail Code #031328
WVDEP
601 57th Street SE
Charleston, WV 25304**

OTHER PROVISIONS

1. SWVA, Inc. hereby waives its right to appeal this Order under the provisions of West Virginia State Code 22-18-20. Under this Order, SWVA, Inc. agrees to take all actions required by the terms and conditions of this Order and consents to and will not contest the Director's jurisdiction regarding this Order. However, SWVA, Inc. does not admit to any factual and legal determinations made by the Director and reserves all rights and defenses available regarding liability or responsibility in any proceedings regarding SWVA, Inc. other than proceedings, administrative or civil, to enforce this Order.
2. The Director reserves the right to take further action if compliance with the terms and conditions of this Order does not adequately address the violations noted herein and reserves all rights and defenses which he may have pursuant to any legal authority, as well as the right to raise, as a basis for supporting such legal authority or defenses, facts other than those contained in the Findings of Fact.
3. If any event occurs which causes delay in the achievement of the requirements of this Order, SWVA, Inc. shall have the burden of proving that the delay was caused by circumstances beyond its reasonable control which could not have been overcome by due diligence (i.e., force majeure). Force majeure shall not include delays caused or contributed to by the lack of sufficient funding. Within three (3) working days after SWVA, Inc. becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and SWVA, Inc. shall, within ten (10) working days of initial notification, submit a detailed written explanation of the anticipated length and cause of the delay, the measures taken and/or to be taken to prevent or minimize the delay, and a timetable by which SWVA, Inc. intends to implement these measures. If the Director agrees that the delay has been or will be caused by circumstances beyond the reasonable control of SWVA, Inc. (i.e., force majeure), the time for performance hereunder shall be extended for a period of time equal to the delay resulting from such circumstances. A force majeure amendment granted by the Director shall be considered a binding extension of this Order and of the requirements herein. The determination of the Director shall be final and not subject to appeal.
4. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving SWVA, Inc. of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject SWVA, Inc. to additional penalties and injunctive relief in accordance with the applicable law.
5. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.
6. This Order is binding on SWVA, Inc., its successors and assigns.
7. This Order shall terminate upon SWVA, Inc.'s notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.



Michael Winarta, General Manager
Steel of West Virginia, Inc.

5/21/26

Date

Public Notice begin:

Date

Public Notice end:

Date

Jeremy W. Bandy, Director
Division of Water and Waste Management

Date



Photo #1 – November 18, 2024: Trailer of K061 hazardous waste that was rejected by Befesa.



Photo #2 – November 18, 2024: Labeling on trailer of K061 hazardous waste indicating radiation hazard.



Photo #3 – November 18, 2024: Super sacks of K061 hazardous waste staged in the west baghouse.



Photo #4 – November 18, 2024: Super sacks of K061 hazardous waste and filling area in east baghouse.



Photo #5 – November 18, 2024: Gondola railcar staged outside of the east baghouse waiting to be loaded.



Photo #6 – November 18, 2024: Gondola railcar loaded with super sacks of K061 hazardous waste.

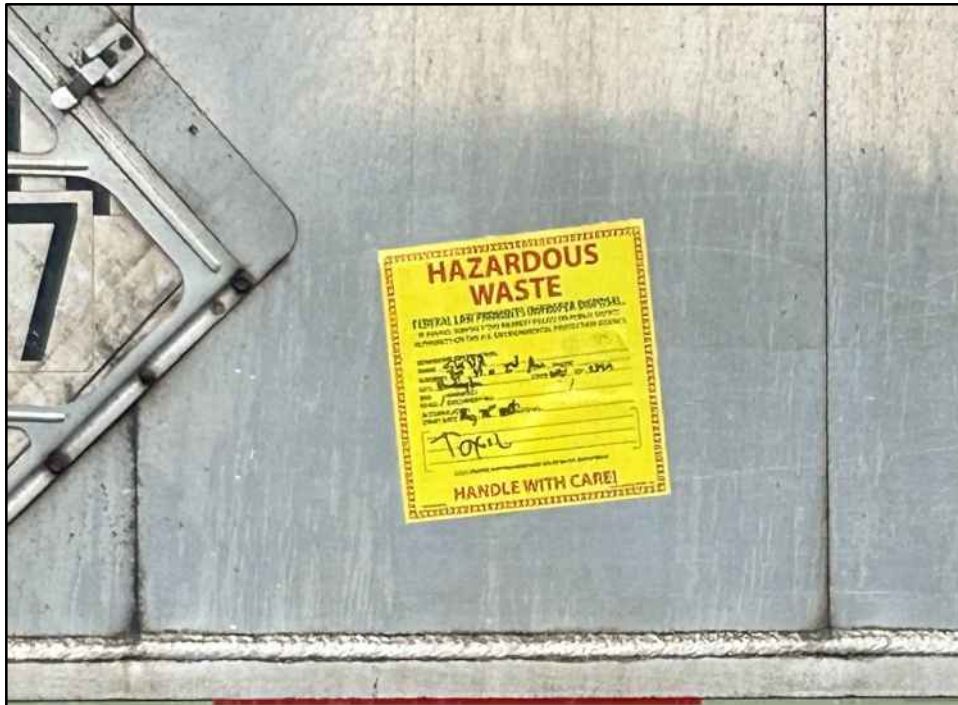


Photo #7 – December 10, 2024: Label added on the truck trailer with “Hazardous Waste”, “Toxic” and accumulation start date. Photo provided by Mr. Isabell, SWVA, Inc.



Photo #8 – December 10, 2024: Label added on loaded railcar with “Hazardous Waste”, “Toxic” and accumulation start date. Photo provided by Mr. Isabell, SWVA, Inc.



Photo #9 – September 4, 2025: Tarps covering the spilled super sack of K061 hazardous waste. Facing east.



Photo #10 – September 4, 2025: Tarps covering the spilled super sack of K061 hazardous waste. Facing south.



Photo #11 – September 4, 2025: Uprighted railcar that previously held the super sack of hazardous waste.