



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

March 1, 2010

**RE: ArcelorMittal Cleveland, Inc.
ArcelorMittal Cleveland, Inc. Landfill, Area C
Background Ground Water Sampling
Notice of Violation**

CERTIFIED MAIL

Stanley Rihtar
Environmental Engineer
ArcelorMittal Cleveland, Inc.
3060 Eggers Avenue
Cleveland, OH 44105

Dear Mr. Rihtar:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed the following document for Area B of the ArcelorMittal Cleveland, Inc. Landfill, an industrial solid waste disposal facility:

Background Groundwater Quality Database October 2006 Updates Area C, dated February 6, 2006

The document is dated February 6, 2006. The document was received at the Northeast District Office of Ohio EPA on February 13, 2006 and reviewed for compliance with Ohio Administrative Code (OAC) 3745-30-08. The following violation was noted:

OAC Rule 3745-30-08(C)(6)(g): Background data can be added only in blocks of data resulting from the analysis of four or more statistically independent samples after the data have been statistically compared to the current background data and no statistical differences are detected, unless another method is deemed acceptable to the director.

Benzene was detected in MW-31D at a concentration of 174 ug/L into the background data set. It is unclear why the owner/operator incorporated a value of 174 ug/L benzene into the existing background database which previously had only three total detections of benzene at 1 ug/L each. This high concentration should have statistically triggered when it was statistically compared to the existing background data set. A review of this document revealed that no such statistical comparison was conducted for benzene. This is in direct contradiction to Section 9.4.1 of the Ground Water Quality Assessment Plan (GWQAP) which indicates that a two-sample t-test will be conducted on all new background data.

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To return to compliance with these rules, the owner/operator must provide the two-sample t-test results for the 174 ug/L benzene value. If the results show that the 174 ug/L benzene concentration is statistically significant, this value should be removed from the background dataset and the tolerance limit revised accordingly.

Additional Information Needed to Determine Compliance

Ohio EPA cannot determine compliance with OAC Rules 3745-30-08(E)(6) and 3745-30-08(A)(1) which require the owner/operator to maintain a ground water monitoring program capable of determining the impact of the landfill facility on the quality of ground water and continue to make the determination in accordance with paragraph (E)(2) of this rule on a semiannual basis until released from this obligation by the director.

The owner/operator should determine the reason for the sudden appearance of 174 ug/L benzene in MW-31D which was detected on June 5, 2005. Prior to the June 5, 2005 event, benzene had been detected on a few instances at MW-31D. The sudden emergence of benzene at 174 ug/L, more than 30 times the MCL, should have prompted an investigation to determine the source. The emergence of benzene is also accompanied by trace concentrations of other VOCs, including xylenes, toluene, naphthalene, ethylbenzene, and chlorinated VOCs. The evidence appears to indicate that the landfill could be the source of benzene, but without additional investigation, a definite determination cannot be made.

To demonstrate compliance with these rules the owner/operator needs to revise the assessment plan to contain provisions for investigating the source of benzene at MW-31D, including the installation and sampling of additional assessment wells as necessary to determine the source of the benzene.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release ArcelorMittal from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

Please submit a response within 60 days of receipt of this letter indicating how the facility will return to compliance with OAC 3745-30-08©(6)(g). The response should also include the information needed to determine compliance with OAC 3745-30-08((E)(6) and OAC 3745-30-08(A)(1).

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If you have any technical questions regarding this review, please contact Kathryn Epp of the Division of Drinking and Ground Waters at (330) 963-1233. Please submit all correspondence to Jennifer Carlin, Division of Solid and Infectious Waste Management, NEDO, Ohio EPA, 2110 East Aurora Road, Twinsburg, OH 44087.

Sincerely,



Jennifer Carlin
Environmental Specialist
Division of Solid and Infectious Waste Management

JC:cl

cc: Kathryn Epp, NEDO-DDAGW
Dane Tussel, Cuyahoga County General Health District
Christopher Sparks, City of Cleveland Health Department
File: [Kurko/LAND/ArcelorMittal LF/GW/18]

DSIWM ID #: (None)