



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

February 26, 2010

**RE: ArcelorMittal Cleveland, Inc.
ArcelorMittal Cleveland, Inc. Landfill, Area B
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:

Area B Background Groundwater Quality Database Update – dated February 6, 2006

The document is dated February 6, 2006. It was received on February 13, 2006. The subject document was reviewed for compliance with, Ohio Administrative Code (OAC) Rule 3745-30-08. The following violation was noted:

Violation: 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-68S for the first time ever at concentrations of 2.2 ug/L and 4.2 ug/L and yet no statistical comparison was performed before incorporating these results into the background data set. This is in direct contradiction with Section 9.4.1 of the Groundwater Quality Plan (GWQAP) which indicates that a two-sample t-test will be conducted on all new background data. While Ohio EPA recognizes that in this case there would not be a change in the non-parametric tolerance limit for benzene, it is still necessary to conduct the statistical comparison as required both by the rule and the GWQAP.

To come into compliance with this rule, the owner/operator must provide the two-sample t-test results for these two benzene values. If the results show that the 2.2 and 4.2 ug/L benzene concentrations are statistically significant, these values should be removed from the background dataset.

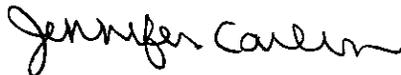
Stanley Rihtar
ArcelorMittal Cleveland, Inc.
February 26, 2010
Page 2

Please submit a response within 60 days of receipt of this letter indicating how the facility will return to compliance.

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.

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 Vista Pointe LF/GW/18]

DSIWM ID #: (none)