



State of Ohio Environmental Protection Agency

Northeast District Office

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

January 27, 2010

**RE: ArcelorMittal Cleveland, Inc.
ArcelorMittal Cleveland, Inc. Landfill, Area B
Ground Water Quality Assessment Plan
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 C of the ArcelorMittal Cleveland, Inc. Landfill, an industrial solid waste disposal facility:

Area B Ground Water Quality Assessment Plan, October 2006 revision and response to Ohio EPA letter dated October 27, 2005, dated October 16, 2006

The documents are dated October 16, 2006. They were received on October 19, 2007. The subject documents were reviewed for compliance with OAC Rules 3745-30-08.

Ohio EPA has reviewed the above referenced documents and determined that the following violations previously cited in our October 27, 2005 letter remain unaddressed:

Violation 1, OAC Rule 3745-30-08(B)(1)(a): The ground water monitoring system shall represent the quality of the ground water that has not been affected by past or present operations at the landfill facility.

ArcelorMittal was in violation of this rule because lead was present in the background ground water monitoring data. It is not a representative background sample result for lead and should not be used for calculating statistical limits.

Ohio EPA stated that to return to compliance, outlier tests should be run for lead and if the unusual extreme high detection of this parameter is an outlier, it should no longer be used in the background database for calculating statistical limits.

The owner/operator has not adequately responded to the notice of violation regarding lead. The owner/operator stated that the sample results for lead are due to effects of percolation of water through non-regulated waste material. Ohio EPA's Division of Drinking and Ground Waters (DDAGW) does not agree, for the following reasons:

Out of 97 background samples for lead from five separate background wells installed in four different locations upgradient of Area B, the lead detection of 0.013 mg/L for MW-24 is the only time lead was ever detected in background. No lead was detected during the six years of background sampling prior to the July 19, 2001 event, and no lead has been detected in the four years of sampling since. It cannot be argued that this lone detection of lead is an artifact of the non-regulated waste, since background results are compiled from four separate locations upgradient of Area B, and with this one exception, all these background results are non-detect. This value is simply an outlier, a false positive, or both. Regardless, it is not a representative background sample result for lead and should not be used for calculating statistical limits.

To return to compliance with this rule, the owner/operator should flag the lead detection of 0.013 mg/L in the background set and recalculate the statistical limit for lead without it. A revised Ground Water Monitoring Program Plan (GWMPP) containing the new statistical limit for lead should be submitted to Ohio EPA for review.

Violation 5, OAC 3745-30-08(B)(1)(a): The ground water monitoring system shall represent the quality of the ground water that has not been affected by past or present operations at the landfill facility.

This violation was originally cited for vanadium analysis. Upon further review, DDAGW determined that more appropriate citations include:

OAC 3745-30-08(A)(1): The owner/operator shall implement and maintain a ground water monitoring program capable of determining the impact of the landfill facility on the quality of ground water occurring within the uppermost aquifer system and all significant zones of saturation above the uppermost aquifer system underlying the landfill facility.

OAC 3745-30-08(C)(1): The ground water monitoring program shall include consistent sampling and analysis procedures that are protective of human health and safety and the environment and that are designed to ensure monitoring results that provide an accurate representation of ground water quality.

OAC 3745-30-08(C)(6)(e): Any practical quantitation limit (PQL) used in the statistical method shall be the lowest concentration level that can be reliably achieved within the specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.

In the original notice of violation, Ohio EPA stated that out of the total of 58 background samples, vanadium has never been detected above the laboratory quantitation limit. Moreover, the laboratory achieved a quantitation limit of <0.05 mg/L four times and was overwhelmingly able to achieve a quantitation limit of <0.005 mg/L. Only one time, in September 1996, at one background well (MW-65S) was the quantitation limit <1 mg/L.

Ohio EPA stated that to return to compliance the owner/operator should revise the Area B Landfill Groundwater Quality Assessment Plan dated October 2003 to reflect the use of the current laboratory quantitation limit as the non-parametric tolerance limit for vanadium.

The owner/operator responded that a PQL of 1 mg/L would be used as the non-parametric tolerance limit for vanadium and therefore **remains out of compliance** with these rules. Since the September 1996 quantitation limit of <1.0 mg/L, the laboratory has been able to achieve quantitation limits of <0.05 mg/L 4 times, <0.02 mg/L 2 times, <0.010 mg/L 2 times and <0.005 mg/L 43 times. On every occasion vanadium has been non-detect. Dating back to 1999, the laboratory quantitation limit has been between 0.005 mg/L and 0.020 mg/L. These quantitation limits are up to 2 orders of magnitude less than 1.0 mg/L. And, again, no background detection of vanadium has ever occurred at or above any of these laboratory quantitation limits. Across all five background wells since 1999 were a total of 42 non-detect vanadium background samples at laboratory quantitation limits between 0.005 mg/L and 0.020 mg/L. To set the statistical limit for vanadium at <1.0 mg/L is not protective of human health and the environment, fails to ensure the ground water monitoring program is capable of determining an impact on the quality of ground water, and disregards the fact that improvements in analytical laboratory technology since 1996 have resulted in significantly lower quantitation limits that are routinely achievable.

To return to compliance with the above referenced rules, the background statistical limit for vanadium should be lowered to the PQL of 0.02 mg/L and the Ground Water Quality Assessment Plan should be revised accordingly.

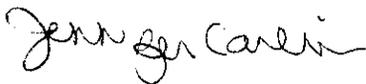
Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release ArcelorMittal from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio

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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



Jennifer Kurko
Environmental Supervisor
Division of Solid and Infectious
Waste Management

JC:cl

cc: Kathryn Epp, NEDO-DDAGW
Dane Tussel, Cuyahoga County General Health District
Chris Sparks, Cleveland City Health Department
File: [Kurko/LAND/ArcelorMittal, Cleveland Inc. Landfill/18]

DSIWM ID #: (None)