

**Environmental  
Protection Agency**

Paul H. Gearty, Governor  
Richard R. Cordusio, Lt. Governor  
John P. Costello, Director

September 30, 2010

**RE: ARCELORMITTAL CLEVELAND, INC.  
FACILITY ANNUAL OPERATIONAL REPORT  
2006, 2007, 2008 AND 2009  
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) Northeast District Office has completed the review of the 2006, 2007, 2008 and 2009 Facility Annual Operational Reports for the ISG/ArcelorMittal Cleveland, Inc. Landfill. The reports were received by Ohio EPA on March 28, 2007, March 27, 2008, April 1, 2009, and March 10, 2010, respectively. The following deficiencies and violations need to be addressed :

**VIOLATIONS:**

1. **OAC 3745-29-19(M)(4)** requires the annual report to contain "...verification that the leachate management system is operating in accordance with this rule," and

**OAC 3745-29-19(K)(3)** requires "The owner or operator shall inspect the collection pipe network of the leachate management system after placement of the initial lift of industrial solid waste to ensure that crushing has not occurred and shall inspect the collection pipe network annually thereafter to ensure that clogging has not occurred."

Verification through inspection was not included in the 2006, 2007, 2008 or 2009 annual reports. The owner/operator must conduct an inspection of the collection pipe network through video, jet cleaning, or other means, in order to be in compliance with this rule.

2. **OAC 3745-29-19(M)(6)** requires the annual report to contain: "The most recent updated final closure cost estimate and post-closure care cost estimate adjusted for inflation and for any change in the final closure cost estimate or post-closure care cost estimate required by rules 3745-27-15 and 3745-27-16 of the Administrative Code.

The 2007, 2008 and 2009 annual reports contain post-closure care costs for the "Area B Landfill" for less than thirty (30) years of post-closure care. Area B is part of the existing facility and was not a separately permitted or licensed facility. Although Area B has been capped, it is not "closed." Closure will occur when the entire facility

closes and a closure certification report for the facility has been submitted to Ohio EPA. The post-closure cost estimate must be based on the entire thirty 30 year post-closure care period which will not commence until closure of the entire ArcelorMittal Landfill facility has been completed and certified.

**DEFICIENCIES:**

1. **OAC 3745-29-19(M)(1)** The "Annual Operational Report" shall include, at a minimum, the following information summarizing the previous calendar year's operation: (1) *"A topographic map of the industrial solid waste landfill facility, certified by a professional skilled in the appropriate discipline(s), with updated contour lines on the plan drawing containing information specified in rule 3745-29-06 of the Administrative Code. The scale and contour interval shall be consistent with the approved plans."*

The 2008 and 2009 annual report topographic map contour intervals are not in compliance with this rule. The contour intervals are not labeled with the elevation number. In order to be in compliance with this rule, the maps must contain two foot contour lines labeled every ten feet.

2. **OAC 3745-29-19(M)(1)(f)** requires the annual report topographic map to identify *"the projected phase(s) for filling in the coming year."*

The 2006 annual report topographic map does not contain this information. The 2007, 2008, and 2009 topographic maps describe the general construction phases in response to this rule. In order to be in compliance with this rule, the owner/operator must specifically indicate in which phase the facility will be operating in during the upcoming year.

3. **OAC 3745-29-19(M)(1)(e)** requires the annual report topographic map to identify: *"The current working phase."*

The 2006 annual report does not contain this information. *The 2007 annual report states that the current working phase is all of Area C. The 2008 and 2009 annual reports state that the current working phase is all of Area C and phase 1 of Vista Pointe.*

The annual report should specifically state which phase the facility is operating under in reference to the authorizing document. The permit to install (PTI), number 02-20386 issued on June 12, 2006, plan sheets 6A through 6D show the phased construction of the facility. It appears that the landfill is operating in Phase 1.

Stanley Rihtar  
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## COMMENT

1. **OAC 3745-29-19(M)(1)(c)** requires the annual report topographic map to indicate *"The areal extent of closed areas that have a final cap system or have transitional cover."*

The permit to install, PTI number 02-20386 issued on June 12, 2006, plan sheets 6A through 6D show the phased construction of the facility. The eastern end of the facility is required to be capped during phase 1. The annual reports indicate that no areas of the unit have a final cap system. In order to be in compliance with the phase plans, the eastern portion of the facility must be brought up to grade and capped prior to construction of the next phase.

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 has returned to compliance with OAC 3745-29-19(M)(1), OAC 3745-29-19(K)(3) and OAC 3745-29-19(M)(6) and how the facility will address the deficiencies in OAC 3745-29-19(M)(1), OAC 3745-29-19(M)(1)(f), OAC 3745-29-19(M)(1)(e).

If you have any technical questions regarding this review, please contact Judy Bowman of the Division of Solid and Infectious Waste at (330) 963-1238. 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: Judy Bowman, DSIWM-NEDO  
Dane Tussel, Cuyahoga County General Health District  
Gerald Murphy III, City of Cleveland Health Department  
File: [Kurko/LAND/ArcelorMittal LF/Ann/18]  
DSIWM ID #286, 1380, 2456, 3160