



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

July 31, 2013

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

RE: ArcelorMittal Cleveland, Inc.
Area C: Semiannual Ground Water Assessment Monitoring Reports, Ground Water Quality Assessment Plan, and Ground Water Quality Database Updates
Vista Pointe: Semiannual Ground Water Detection Monitoring Reports, Ground Water Monitoring Program Plan, Ground Water Monitoring Well Maintenance Report, and Background Statistical Ground Water Quality Database Updates
Area B: Response to comment letters regarding; Semiannual Ground Water Detection and Assessment Monitoring Reports, Ground Water Quality Assessment Plan, Background Ground Water Quality Database Updates, and Ground Water Monitoring Well Maintenance Report
Notice of Violation

Dear Mr. Rihtar:

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

- Area C: Response to comment letters regarding; Semiannual Ground Water Assessment Monitoring Reports, Ground Water Quality Assessment Plan, and Ground Water Quality Database Updates
- Vista Pointe: Response to comment letters regarding; Semiannual Ground Water Detection Monitoring Reports, Ground Water Monitoring Program Plan, Ground Water Monitoring Well Maintenance Report, and Background Statistical Ground Water Quality Database Updates
- Area B: Response to comment letters regarding; Semiannual Ground Water Detection and Assessment Monitoring Reports, Ground Water Quality Assessment Plan, Background Ground Water Quality Database Updates, and Ground Water Monitoring Well Maintenance Report

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The documents are dated February 1, 2013. They were received on February 4, 2013 and reviewed for compliance with Ohio Administrative Code (OAC) 3745-30-08.

Ohio EPA has reviewed the Area B and C reports as noted above and has noted the following violation:

Violation:

1. OAC Rule 3745-30-08(F)(1) states, in pertinent part: *“Unless excused in accordance with paragraph (E)(5) or (E)(7) of this rule, the owner or operator shall submit a corrective measures study to the director not later than one hundred eighty days after making the determination in accordance with paragraph (E)(2) of this rule, or not later than one hundred eighty days after submitting a request in accordance with paragraph (E)(7) of this rule.”*

The owner/operator has previously completed assessment ground water monitoring including the determination of the rate, extent and concentration of waste-derived constituents released to the ground water underlying the facility. The owner/operator has not submitted a corrective measures study, or, in accordance with OAC Rule 3745-30-08(E)(7), a compliance monitoring plan. In order to return to compliance, the owner/operator is required to submit a corrective measures plan which meets the requirements of OAC Rule 3745-30-08(F) or a compliance monitoring plan in accordance with OAC Rule 3745-30-08(E)(7). An owner/operator who has already submitted a corrective measures plan, which has not been approved, may submit an addendum to that plan which describes a compliance monitoring plan to replace the proposed corrective measures plan.

Comments:

1. In response to the Burgess & Niple response to Ohio EPA: FINTDC No. 3 found on the top half of page 3 of the February 1, 2013 letter to Stan Rihtar of Arcelor Mittal. The last sentence of the response states *“Note that completion of the groundwater quality assessment monitoring program is dependent upon the review time needed by Ohio EPA.”*

The OAC Rule 3745-27-10(E) Ground Water Quality Assessment Monitoring Program rules are, self-implementing. The facility owner/operator shall proceed through these rules on their own. There is no approval necessary from the Ohio EPA prior to moving forward through these rules. The facility owner/operator is required to submit documentation of their efforts to implement the Ground Water Quality Assessment Monitoring Program. If the rules are not met, dialogue will occur between the facility and the Ohio EPA to ensure that compliance will be achieved. Successful completion of the Ground Water Quality Assessment Monitoring Program does not hinge upon review time or approval from Ohio EPA at intermediate steps along the way.

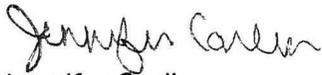
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2. The facility Owner/Operator has adequately responded to all previous comments found in the submitted Response Letters.

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 Scott Sutliff of the Division of Drinking and Ground Waters at (614) 644-2739. Please submit all correspondence to Jennifer Carlin, Division of Materials and Waste Management, NEDO, Ohio EPA, 2110 East Aurora Road, Twinsburg, OH 44087.

Sincerely,



Jennifer Carlin
Environmental Specialist
Division of Materials and Waste Management

JC/cl

cc: Scott Sutliff, CO-DDAGW
Dane Tussel, Cuyahoga County General Health District
Gerald Murphy, Cleveland City Health Department
File: [Sowers/LAND/ArcelorMittal LF/18]
DMWM #s 766, 3097, 4256, 4084, 4255