



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

September 27, 2013

**RE: ARCELORMITTAL
CLEVELAND LANDFILL
NOTICE OF VIOLATION/NOV
NOTICE OF DEFICIENCY/NOD
ISWL018762
INDUSTRIAL WASTE LANDFILL
CUYAHOGA COUNTY**

Stanley Rihtar
Environmental Manager
ArcelorMittal
3060 Eggers Avenue
Cleveland, Ohio 44105

Dear Mr. Rihtar:

The Ohio Environmental Protection Agency (Ohio EPA) has completed a review of the 2010, 2011, and 2012 Facility Annual Operational Reports for the ArcelorMittal Cleveland Industrial Solid Waste Disposal Facility (Facility). The annual reports were received on March 17, 2011, March 16, 2012 and March 13, 2013, respectively. The annual reports were reviewed to determine compliance with Ohio Administrative Code (OAC) 3745-27-14 and OAC 3745-27-16.

On November 4, 2010, Ohio EPA received a response, dated November 3, 2010, to the September 30, 2010 NOV for the 2006, 2007, 2008, and 2009 Annual Reports. The response was prepared by Burgess & Niple on behalf of ArcelorMittal Cleveland, Inc. (ArcelorMittal).

Ohio EPA has reviewed the above referenced documents and has the following comments:

Violations:

1. **OAC Rule 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 that the leachate collection system was inspected in accordance with OAC Rule 3745-29-19(K)(3) was not submitted. This was also identified as a violation in the review of the 2006, 2007, 2008 and 2009 Annual Reports. On November 4, 2010, Ohio EPA received a response, dated November 3, 2010 to Ohio EPA's NOV. The response stated that the annual reports include a statement indicating "Based on leachate measurements, leachate sample analysis and inspections of the system, ArcelorMittal Cleveland, Inc. verifies that the leachate management system is operating in accordance with the PTI." The response further states that the leachate lines were tested during

construction; however, it is not clear how the lines have been inspected since then. As stated in Ohio EPA's September 30, 2010 NOV, "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." Verification that this inspection, as required by OAC Rule 3745-29-19(K)(3) has been conducted has not yet been provided to Ohio EPA, and ArcelorMittal remains in violation of this rule. Examples of verification submitted in other annual reports include: dates and description of leachate pipe jet cleaning, invoices for jet cleaning, letter from third party describing the results of the inspection. Two examples of acceptable documentation are attached for your information.

ArcelorMittal remains in violation of OAC Rule 3745-29-19(K)(3) (Violation Number 1 of the September 30, 2010 NOV).

2. **OAC Rule 3745-29-19(M)(1)(d)** requires the annual report topographic map to identify: *"Areas that have intermediate cover."*
3. **OAC Rule 3745-29-19 (G) Intermediate cover (1)** *To minimize infiltration, intermediate cover shall be applied to all filled areas of an industrial solid waste landfill facility where additional industrial solid waste is not to be deposited for at least thirty days. The director may approve the use of some alternate time period, if the owner or operator can demonstrate to the satisfaction of the director that, by use of the alternate time period, infiltration will not be increased.*

The annual reports [2010, 2011, 2012] state that no areas contain intermediate cover. Intermediate cover is required to be applied to all filled areas in accordance with this rule.

4. **OAC Rule 3745-29-19(B)(2)** states: *"The owner or operator shall conduct all construction and operation at an industrial solid waste landfill facility in strict compliance with the applicable authorizing document(s), including permit(s) to install, a plan approval, an operational report, an approved final closure plan, or an alteration(s) concurred with in writing by Ohio EPA..."*
5. **OAC Rule 3745-29-19(E)(7)(b)** states: *"The owner or operator shall not begin filling in a new phase, without completing the previous phase, except to the extent necessary for the proper operation of the industrial solid waste landfill facility."*

ArcelorMittal is not in compliance with the above rules. ArcelorMittal must comply with the current authorizing document for phasing landfill construction and operation, which currently is the June 10, 2013 phasing plan which altered the phasing plan in the June 12, 2006 PTI. The operations are not in compliance with the current phase plan approved through the alteration issued on June 10, 2013 . During Phase 1 (Sheet 6A), the east side of the landfill is to be filled to final grades and capped, while the liner and leachate collection system is being constructed on the west side. Prior to filling in the newly

constructed area, which is to occur in Phase 1B, the east side of the landfill was to be at final grade and capped. At this time, it appears that the west side of the landfill is being filled within the phase limits of waste placement in Phase 1B; however, filling to final grades of waste placement and capping of the eastern portion of the landfill has not yet occurred. In order to correct this violation ArcelorMittal must fill the eastern portion of the facility to final grades of waste placement and cap the area shown in Phase 1.

Deficiencies:

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

The September 30, 2010 NOV stated, in part:

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.

ArcelorMittal's November 3, 2010 response does not adequately address the deficiency and the annual reports do not contain information consistent with the rule and the authorizing documents. The 2010, 2011 and 2012 annual reports state "Current working area of the facility under PTI 02-20386 for [2010, 2011, 2012] is Area C, Vista Point Phase 1A, and 1B. Vista Point Phases 2 and 3 are not constructed."

These "phases" refer to construction phases, not operational phases. The operational phases are shown on Plan Sheets 6A through 6E, and an alteration to the phasing depicted on these plan sheets was approved on June 10, 2013.

ArcelorMittal's annual reports must be revised to indicate the current working phase the facility is operating under as depicted in the phase plans in PTI 02-20386, as altered on June 10, 2013.

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." Ohio EPA identified the following deficiency in the review of the 2006-2008 Annual reports:

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.

Annual reports from 2006 through 2012 state that the landfill will be filling in Area C, Vista Point Phase 1A and Vista Point Phase 1B. These "phases" refer to construction phases,

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not operational phases. Phase plans included in the Permit-to-Install (PTI) approved on June 12, 2006, and altered on June 10, 2013, do not include a phase called "Area C". The owner/operator must identify the phase (Phase 1, 1B, 2, 3, and 4) in which the owner/operator will be filling under for the upcoming year.

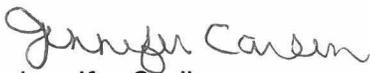
3. In comparing the 2011 and 2012 annual report isopach maps, although the elevations of solid waste placement have not changed in some areas, the thickness below the PTI surface is different, up to several feet at some points. The isopach maps should be checked for accuracy; and, if possible, a table submitted showing, for each survey point, the current elevation and the permitted elevation of waste placement for Ohio EPA's review.

Please submit a response within sixty days of receipt of this letter, indicating how the facility has returned to compliance with OAC Rule 3745-29-19(K)(3), OAC Rule 3745-29-19(M)(1)(d), OAC Rule 3745-29-19 (G), OAC Rule 3745-29-19(B)(2), and OAC Rule 3745-29-19(E)(7)(b). The response should also include the information needed to determine compliance with OAC Rule 3745-29-19(M)(1)(e), and OAC 3745-29-19(M)(1)(f).

If you have any questions, please contact me by telephone at (330) 963-1133, or by e-mail at jennifer.carlin@epa.oh.gov.

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 the Entity 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.

Sincerely,



Jennifer Carlin
Division of Materials and Waste Management

JC:cl

cc: Dane Tussel, Cuyahoga County General Health District
Gerald Murphy, City of Cleveland Health Department
File: [Sowers/LAND/ ArcelorMittal Landfill/ANN/18]
DMWM #s 286, 1380, 4958, 2456, 3160, 4369, 3817