



Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director

**MAY 17, 2019**

Mr. Brian Kolesar  
Environmental Engineer  
ArcelorMittal Cleveland LLC  
3060 Eggers Avenue  
Cleveland, OH 44105

RE: ArcelorMittal Cleveland LLC  
Non-Permit-Related Variance  
Approval  
Industrial Solid Waste Landfills  
Cuyahoga County  
ISWL018762

**Subject: ArcelorMittal Cleveland Area B Landfill, Cuyahoga County  
Ohio Administrative Code (OAC) Rule 3745-30-15 Variance Approval**

Dear Mr. Kolesar:

Ohio EPA MAY 17 '19  
Entered Directors Journal

On March 18, 2019, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO), received a document titled "ArcelorMittal Cleveland LLC Request for Variance - OAC 3745-30-08" dated March 18, 2019, for the ArcelorMittal Cleveland Area B Landfill (Facility) located in Cuyahoga County. The document was submitted by Burgess & Niple, on behalf of ArcelorMittal Cleveland LLC (AMC), pursuant to OAC Rule 3745-30-15 and requested a variance from OAC Rule 3745-30-08(E)(7)(e).

OAC Rule 3745-30-08(E)(7)(e) requires that all compliance wells be sampled at least semi-annually and analysis of those samples for those constituents specified under paragraph (E)(7)(b).

AMC requests that sampling for identified constituents found to be at or below background concentrations for two consecutive sampling events in all downgradient compliance monitoring wells be only annual after receiving concurrence from Ohio EPA. AMC asserts that if a constituent is later found at concentrations above background levels during annual sampling in any downgradient compliance well that it will be added to the semiannual constituent list.

Pursuant to OAC Rule 3745-30-15(C), the director shall grant a variance only if the applicant demonstrates to the director's satisfaction that construction and/or operation and/or closure activities and/or post-closure activities of the residual waste facility in the manner approved by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or health hazard and is unlikely to result in violation of and regulation adopted by the director pursuant to Ohio Revised Code (ORC) Chapters 3704 and 6111.

Ohio EPA has reviewed the March 18, 2019 document and concurs with the request to allow the sampling frequency for identified constituents to be changed from semiannual

to annual based on constituent concentrations remaining below background levels for two consecutive sampling events. Ohio EPA has determined that AMC has provided sufficient evidence to demonstrate that a change in sampling frequency for identified constituents will not create a nuisance or a health hazard and is unlikely to result in a violation of any regulation adopted by the director pursuant to ORC Chapters 3704 and 6111. Therefore, AMC is hereby granted a variance, pursuant to OAC 3745-30-15(C), from the requirement of OAC Rule 3745-30-08(E)(7)(e) to allow for a change to the semiannual sampling frequency to annual as stipulated in this request for the compliance monitoring program at the Facility.

You are hereby notified that this action of the director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
30 East Broad Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215

If you have any questions concerning this action, please contact Paul Parrish, DMWM, NEDO at (330) 963-1125.

Sincerely,



Laurie A. Stevenson  
Director

ec: Lynn Sowers, Ohio EPA, DMWM, NEDO  
Eric Adams, Ohio EPA, DMWM, NEDO  
Josh Adams, Ohio EPA, DMWM, NEDO  
Mark Kroenke, Ohio EPA, DMWM, NEDO  
Paul Parrish, Ohio EPA, DMWM, NEDO  
Jeremy Carroll, Ohio EPA, DMWM, Central Office  
Gerald Murphy, City of Cleveland Health Department  
Dane Tussel, Cuyahoga County Board of Health