



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

June 9, 2020

Mr. Brian Kolesar
ArcelorMittal
3060 Eggers Ave.
Cleveland, Ohio 44105

**Re: ArcelorMittal Vista Pointe
Director's Authorization
Approval
Industrial Solid Waste Landfills
Cuyahoga County
ISWL020091**

**Subject: ArcelorMittal Vista Pointe Landfill, Cuyahoga County
OAC Rule 3745-29-08(D)(26)(b) Variance Approval**

Dear Mr. Kolesar:

On February 27, 2020, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a document titled, "Variance Request for Reducing the Protective Cover Thickness at the ArcelorMittal Vista Pointe Industrial Solid Waste Landfill." The document was submitted pursuant to Ohio Revised Code (ORC) Section 3734.02(A) seeking a variance from Ohio Administrative Code (OAC) Rule 3745-29-08(D)(26)(b) to reduce the protective cover thickness at the ArcelorMittal Vista Pointe facility located at 3060 Eggers Ave., Cleveland, Cuyahoga County, Ohio. The document was submitted by CTI and Associates on behalf of ArcelorMittal (Owner) for the ArcelorMittal Vista Pointe Landfill (Facility).

OAC Rule 3745-29-08(D)(26)(b) requires that the protective cover of an industrial solid waste landfill be a minimum of thirty-six (36) inches thick. The Owner is requesting a variance from this rule and has designed a twenty-four (24) inch protective cover layer.

Pursuant to ORC Section 3734.02(A) and OAC Rule 3745-27-03(C), the director may grant a variance if she determines that construction, operation, closure activities and/or post-closure activities of the solid waste facility conducted in the manner approved by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or hazard to public health or safety or the environment and are unlikely to result in violation of any other requirements of ORC Chapters 3704, 3714, 3734, and 6111 and any rules adopted thereunder.

Upon review of the variance request, I have determined that granting the variance and approving the revision to the protective cover design will not create a nuisance or hazard to public health or safety or the environment and is unlikely to result in violation of any other requirements of ORC Chapters 3704, 3714, 3734, and 6111 and any rules adopted thereunder.

Therefore, the Owner is hereby granted a variance, pursuant to ORC Section 3734.02(A) and OAC Rule 3745-27-03(C), from the OAC Rule 3745-29-08(D)(26)(b) requirement that the protective cover at an industrial solid waste landfill must be thirty-six (36) inches thick. In lieu of this requirement, the Owner is authorized to construct the protective cover layer that incorporates a geomembrane and twenty-four (24) inches of soil at the Facility as designed in the plan dated February 25, 2020. This variance shall remain valid throughout the effective period of the Owner's Permit to Install unless otherwise revoked.

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, 4th Floor
Columbus, Ohio 43215

If you have any questions regarding this authorization, please contact Karen Naples of Ohio EPA, NEDO at (330) 963-1244.

Sincerely,



Laurie A. Stevenson
Director

LAS/sc

ec: Jarnal Singh, Ohio EPA, DMWM, NEDO
Jeremy Carroll, Ohio EPA, DMWM, CO
Annie Snyder, City of Cleveland Health Department