



**John R. Kasich**, Governor  
**Mary Taylor**, Lt. Governor  
**Craig W. Butler**, Director

NOVEMBER 7, 2017

Stanley Rihtar  
Environmental Manager  
ArcelorMittal Cleveland LLC  
3060 Eggers Ave.  
Cleveland, Ohio 44105

**RE: ArcelorMittal Cleveland LLC  
Director's Authorization  
Approval  
Industrial Solid Waste Landfill  
Cuyahoga County  
ISWL020091**

**Subject: Vista Pointe Landfill, Cuyahoga County  
Alternative Intermediate Cover Material Approval**

Ohio EPA NOV 7 '17  
Entered Directors Journal

Dear Mr. Rihtar:

On July 20, 2017, the Ohio Environmental Protection Agency (Ohio EPA), Northeast District Office (NEDO), Division of Materials and Waste Management (DMWM) received a request for authorization to use slag fines in conjunction with the previously approved Soil-Sement as an alternative intermediate cover (AIC) at the Vista Pointe Landfill (Facility), owned by ArcelorMittal Cleveland LLC (ArcelorMittal), in Cuyahoga County. The request was submitted in accordance with Ohio Administrative Code (OAC) Rule 3745-29-19(G)(2). The request is dated June 28, 2017, and was submitted by AECOM on behalf of ArcelorMittal. The Facility is an active industrial solid waste facility.

OAC Rule 3745-29-19(G)(2) states: "Intermediate cover material shall be nonputrescible and have low permeability to water, good compactability, cohesiveness, and relatively uniform texture, and shall not contain large objects in such quantities as may interfere with its application and intended purpose. A soil layer, a minimum twelve inches thick, consisting of well compacted loam, silt loam, clay loam, silty clay loam, silty clay or some combination thereof, shall be used. The owner or operator may use other materials or thicknesses for intermediate cover if the owner or operator can demonstrate to the satisfaction of the director that the proposed intermediate cover material or thickness provides comparable and adequate protection."

Ohio EPA has reviewed the information contained in the request and has determined that slag fines used in conjunction with Soil-Sement has the potential to provide protection comparable to twelve (12) inches of soil as required by 3745-29-19(G)(2). Therefore, pursuant to OAC Rule 3745-29-19(G)(2), I hereby authorize ArcelorMittal to use slag fines in conjunction with Soil-Sement as AIC material at the Facility.

As part of this approval, ArcelorMittal is subject to the following conditions:

## CONDITIONS

1. This authorization is limited to the use of only slag fines in conjunction with Soil-Sement at the Facility. No other AIC material may be used at the Facility without prior authorization.
2. As AIC, ArcelorMittal shall place slag fines in conjunction with Soil-Sement on filled areas of the landfill where additional waste will not be deposited for at least thirty (30) days. Prior to the placement of the next layer of waste in that area, the slag fines in conjunction with Soil-Sement shall be removed or otherwise prepared as necessary so as not to impede the flow of leachate to the leachate management system within the limits of waste placement.
3. If inclement weather conditions render the placement of slag fines in conjunction with Soil-Sement ineffective or otherwise unsatisfactory, ArcelorMittal shall temporarily revert to using conventional soil cover in accordance with OAC Rule 3745-29-19(G)(2) until such conditions cease to exist. Under such circumstances, ArcelorMittal may apply another AIC material that has been approved for use at the Facility, provided that the AIC material is able to perform effectively under the inclement weather conditions.
4. If ArcelorMittal determines the slag fines in conjunction with Soil-Sement is ineffective or otherwise unsatisfactory under normal operating conditions, ArcelorMittal shall immediately revert to using conventional soil cover in accordance with OAC Rule 3745-29-19(G)(2). Under such circumstances, ArcelorMittal may apply another AIC material that has been approved for use at the Facility. ArcelorMittal shall provide written notification of this action to Ohio EPA, DMWM, NEDO and Cuyahoga County Board of Health (CCBH) within fourteen (14) calendar days. This notification is not necessary if use of slag fines in conjunction with Soil-Sement ceases only on a temporary basis in accordance with Condition 3.
5. If Ohio EPA or CCBH determines that the use of slag fines in conjunction with Soil-Sement is ineffective or otherwise unsatisfactory under normal operating conditions, then permission to use slag fine in conjunction with Soil-Sement as AIC material may be revoked upon written notification from the Director of Ohio EPA (Director). Immediately upon such revocation, ArcelorMittal shall cease using slag fines in conjunction with Soil-Sement as AIC material at the Facility and shall revert to using conventional soil cover in accordance with OAC Rule 3745-29-19(G)(2). Under such circumstances, ArcelorMittal may apply another AIC material that has been approved for use at the Facility.
6. ArcelorMittal shall utilize the slag fines in conjunction with Soil-Sement as AIC material consistent with the July 20, 2017 submittal titled "Alteration Request – ArcelorMittal Cleveland LLC Vista Pointe Landfill."

7. Slag fines in conjunction with Soil-Sement shall not be used as final cover at the Facility.
8. ArcelorMittal shall promptly reapply slag fines in conjunction with Soil-Sement if waste becomes exposed.
9. Nothing in this letter shall be construed to authorize any waiver from the requirements of any other applicable federal or state laws or regulations unless specified herein. This letter shall not be interpreted to release ArcelorMittal Cleveland LLC from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

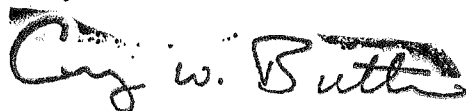
**END OF CONDITIONS**

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code 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 regarding this authorization, please contact Karen Naples of Ohio EPA, NEDO at (330) 963-1244.

Sincerely,



Craig W. Butler  
Director

ec: Scott Hester, Ohio EPA, Central Office, DMWM  
Dane Tussel, Cuyahoga County Board of Health