



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

June 2, 2021

Mr. Brian Kolesar
Cleveland-Cliffs Cleveland Works LLC
3060 Eggers Avenue
Cleveland, Ohio 44105

Re: **Cleveland-Cliffs Inc.
Non-Permit Related Variance
Approval
Industrial Solid Waste Landfills
Cuyahoga County
ISWL020091**

**Subject: Cleveland Cliffs Vista Pointe Landfill, Cuyahoga County
OAC Rule 3745-30-07(D)(2)(f) Variance Approval**

Dear Mr. Kolesar:

On April 6, 2021, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a document titled "Variance Request - Structural Fill Test Sections - Cleveland-Cliffs Cleveland Works LLC Vista Pointe Landfill ISWL020091– PTI #02-20386." The document was submitted pursuant to Ohio Revised Code (ORC) Section 3734.02(A) seeking a variance from Ohio Administrative Code (OAC) Rule 3745-30-07(D)(2)(f) (retired OAC Rule 3745-29-08(D)(6)) to use alternative testing requirements for part of the structural fill at the Cleveland Cliffs Vista Pointe Landfill (Facility) located at 3060 Eggers Ave, Cleveland, Cuyahoga County, Ohio. The document was submitted by CTI and Associates on behalf of Cleveland-Cliffs Cleveland Works LLC (Cleveland-Cliffs).

OAC Rule 3745-30-07(D)(2)(f) requires the structural fill be constructed in loose lifts of 8 inches or less and tested for compaction of each lift. The Facility has stockpiled structural fill material in an area which includes approximately 1.2 acres of Phase II. Cleveland-Cliffs is requesting to leave that material in place as structural fill and determine compaction through alternative testing methods in accordance with their submittal dated April 6, 2021.

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 are 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 testing procedures for structural fill in place as part of Phase II 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.

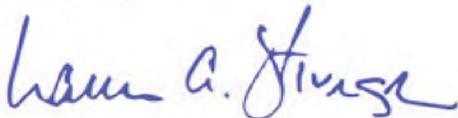
Therefore, Cleveland Cliffs Vista Pointe Landfill is hereby granted a variance, pursuant to ORC Section 3734.02(A) and OAC Rule 3745-27-03(C), from the requirement of OAC Rule 3745-30-07(D)(2)(f) that the structural fill at their industrial solid waste landfill located in Cuyahoga County must be tested and compacted in 8-inch loose lifts. In lieu of this requirement, Cleveland Cliffs Vista Pointe Landfill is authorized to leave 1.2 acres of previously stockpiled structural fill material in place and conduct compaction testing as designed in the plan as submitted to Ohio EPA on April 6, 2021. This variance applies only to the 1.2 acres of previously placed material and shall remain in effect for Phase II of construction 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

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