

AR-19

May 21, 2010

Arcelor Mittal Cleveland, Inc.: Water Quality Standards and Anti degradation

What are water quality standards?

Water quality standards are state regulations or rules that protect lakes, rivers, streams and other surface water bodies from pollution. The rules are in Chapter 3745-1 of the Ohio Administrative Code (OAC). These rules contain: beneficial use designations such as warmwater aquatic life habitat, public water supply and primary contact recreation; numeric levels and narrative statements (water quality criteria) protective of the use designations; an antidegradation policy; and procedures for applying the water quality criteria to wastewater dischargers.

What is antidegradation?

Antidegradation refers to provisions that must be followed before authorizing any increased activity on a water body that may result in a lowering of water quality including an increase in the discharge of a regulated pollutant, or activities that may significantly alter the physical habitat. The antidegradation rule is required by the Clean Water Act and federal regulations. Antidegradation must be part of any state's water quality standards program. The antidegradation rule, along with water quality criteria and beneficial use designations, provides the overall structure of this water quality standards program. The antidegradation rule must protect the existing use of the water body, and only allow a lowering of water quality when it is necessary to support important social and

economic development. Simply put, the antidegradation rule establishes a procedure to determine that a discharge is necessary before authorizing it.

The state's antidegradation rule establishes procedures and requirements to ensure that the concepts outlined by the federal regulations are met. These requirements include public participation activities, intergovernmental coordination, a determination of important social and economic development, an alternatives analysis and greater protection for exceptional quality streams.

Ohio has two antidegradation rules within its water quality standards to support this program. Ohio Administrative Code (OAC) 3745-1-05 outlines the overall requirements for all appropriate activities on all waters while OAC 3745-1-54 outlines additional provisions to be implemented when evaluating projects relating to impacts to wetlands.

What is an antidegradation review?

An antidegradation review is a procedure to ensure that Ohio EPA has considered all of the environmental, social and economic factors required by the Antidegradation rule before a decision is made to allow an activity to occur. The review includes public outreach efforts such as: (1) public notice of receipt of an application soliciting comments associated with the project, (2) potential public hearings if interest is present, and

(3) public notification of a draft action. Ohio EPA will respond to or address all comments received before issuance of a final action (or draft action in the case of noticing an application). Ohio EPA will also contact or provide information to local government officials to solicit any comments they may have related to the proposed activity. Ohio EPA places a high priority on public involvement and encourages citizens and the regulated community to become involved in the decision-making processes.

Ohio EPA may also be required to do a detailed analysis of the project related to various environmental and economic issues (e.g. impacts to the local economy, water quality indicators, taxes). Again, the overall intent of the process is to determine if the requested lowering of water quality is necessary to support social and economic development in the area. Though social and economic factors can be widespread, the focus of the Ohio EPA review should be in relation to these factors related to the water quality changes and resource.

What is meant by "the project meets an exclusion"?

The term "the project meets an exclusion" relays information related to the magnitude and/or potential impact associated with a project proposal. If a project meets an exclusion, that project is anticipated to have minimal or a very low risk of any environmental impact associated with a discharge

Arcelor Mittal Cleveland, Inc.: Antidegradation

resulting from the project or approval of the application. The exclusions refer to the level of the requested discharge in relation to what the stream or receiving water can handle safely (e.g. application proposed to discharge at less than ten percent of what the stream can accept) or that an environmental benefit will result from the proposed activity (e.g. cleanup of contaminated ground water, providing sewage services to homes with unsanitary conditions, etc.).

The exclusions are outlined by the rules and Ohio EPA makes the determination if a project and/or application meets the appropriate conditions. If a project is determined to meet one of these exclusions, the application and review process is somewhat streamlined since a detailed analysis for environmental, human health and water resource protection is not warranted.

Will the WQS be lowered? What is the risk to the environment and public health? What is meant by a lowering of water quality?

Any project that is subject to the antidegradation rule will result in a "lowering of water quality" by definition. However, this does not mean that the utilization of that water body for recreational purposes, water consumption or other direct or indirect utilization will be harmed or that the aquatic life and fish communities present in that water body are impacted or harmed in any way. In simple terms, a "lowering of water quality" simply means that the existing instream conditions may be modified by the proposal—it will be a different environment within the water that will still be protective of all uses for that water

body. Though there will be this "lowering of water quality," at no time will any discharge be able to exceed the values derived in Ohio water quality standards that were developed to protect all ultimate uses of a water body.

How can I learn more about the project under consideration?

All discharge or construction permit applications are initially submitted to the district office responsible for that geographic area. The district offices are responsible for coordinating the review and/or evaluation of these applications. Copies of all applications including detailed design drawings and any associated correspondence with the applicant can be viewed at the appropriate district office.

What is the antidegradation review schedule? How can I comment on this proposal?

Initially, once the application is received and notice issued there is a 30 day comment period from the date of this notice/fact sheet—this date is documented on this fact sheet. During this period, interested parties can request to be kept informed of the project by being placed on the mailing list for the project and may also request a hearing on the application or proposal if one has not already been scheduled. Such requests need to be forwarded to the Ohio EPA in writing. Once this initial comment period is over, a draft/proposed permit action may be taken recommending either approval or denial of the application. This then would have an additional comment period of at least 30 days before a final action can be taken on the application.

For More Information

To be placed on the interested parties mailing list, request a public hearing or request additional information relative to this project you should contact Ohio EPA in writing at:

Ohio EPA
Division of Surface Water
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, OH 43216-1049.

Also, additional information can be obtained by contacting the Division of Surface Water staff at the appropriate district office.

Ohio EPA District Offices

Ohio EPA-Southeast District Office
2195 Front Street
Logan, Ohio 43138
(740) 385-8501

Ohio EPA-Southwest District Office
401 East Fifth Street
Dayton, Ohio 45402-2911
(937) 285-6357

Ohio EPA-Northwest District Office
347 N. Dunbridge Road
Bowling Green, Ohio 43402
(419) 352-8461

Ohio EPA-Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087
(330) 963-1200

Ohio EPA-Central District Office
50 West Town Street, Suite 700
Columbus, Ohio 43215
(614) 728-3778

May 21, 2010

Arcelor Mittal Cleveland, Inc.: Antidegradation

Project Specific Facts: Arcelor Mittal Cleveland, Incorporated (Date of Notice: May 26, 2010)

NAME AND ADDRESS OF APPLICANT: Arcelor Mittal Cleveland, Incorporated, 3060 Eggers Avenue, Cleveland, Ohio 44105.

PROJECT LOCATION: 3060 Eggers Avenue, Cleveland, Cuyahoga County, Ohio.

PERMITS UNDER CONSIDERATION: An NPDES permit modification for discharges from the facility operations.

RECEIVING WATER BODY AND CATEGORY: Cuyahoga River which is categorized as a General High Quality Water.

EXCLUSION AND/OR WAIVER: A review of the application indicates that an exclusion applies to the proposed project. OAC 3745-1-05(D)(1)(b)(i) allows for reduced review and application criteria for projects that propose to increase discharge at levels well below those necessary to protect water quality criteria and standards.

DESCRIPTION OF PROJECT: A requested increase in ammonia effluent limitation.

PUBLIC HEARING: No public hearing is currently scheduled for this project.

DISTRICT OFFICE OVERSEEING PROJECT REVIEW: Ohio Environmental Protection Agency- Northeast District Office.

L:\WP\Antideg fact sheets\NEDO\arcelomittal.wpd