

AR-39



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

JUN 23 2011

BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Scott J. Nally, Director
Ohio Environmental Protection Agency
50 West Town Street, Suite 700
Columbus, Ohio 43215

Dear Mr. Nally:

The U.S. Environmental Protection Agency has reviewed ArcelorMittal Cleveland Inc.'s permit modification request for "increased Section 301(g) variance effluent limits for ammonia-N at Outfall 604" in the National Pollutant Discharge Elimination System (NPDES) Permit issued for ArcelorMittal's plant located at 3060 Eggers Avenue, Cleveland, Ohio (NPDES permit OH0000957). As explained below, the request is denied as time-barred because ArcelorMittal did not file it in a timely fashion.

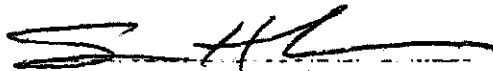
Section 301(b)(2)(A) of the Clean Water Act (CWA), 33 U.S.C. § 1311(b)(2)(A), requires point sources other than publicly-owned treatment works to comply with effluent limitations representing the degree of reduction attainable in discharges of pollutants by application of the best available technology economically achievable (BAT). Authority to grant or deny requests for modifications of BAT effluent limitations for ammonia and certain other nonconventional pollutants has been given to the EPA Administrator by CWA Section 301(g)(1), 33 U.S.C. § 1311(g)(1). The Administrator has delegated this authority to EPA Regional Administrators.

Applications under Section 301(g) for modified effluent limitations must be submitted not later than 270 days after the date of promulgation of an applicable effluent guideline (CWA Section 301(j)(1)(B), 33 U.S.C. § 1311(j)(1)(B)). In this case, the applicable effluent guidelines are the BAT effluent limitations for ammonia-nitrogen for iron blast furnaces in the iron and steel manufacturing point source category, which EPA promulgated on May 27, 1982 (47 Fed. Reg. 23284 (May 27, 1982)), as amended at 47 Fed. Reg. 41738 (September 22, 1982)) and codified at 40 C.F.R. § 420.33.

The Ohio Environmental Protection Agency received the request from ArcelorMittal in a letter dated April 13, 2010, and forwarded it to EPA in a letter dated June 14, 2010. Because ArcelorMittal filed its request more than 270 days after the promulgation of the applicable effluent guidelines on May 27, 1982, the request is not timely under CWA Section 301(j)(1)(B).

If you have further questions, please contact me at (312) 886-3000 or your staff may contact Tinka Hyde, Region 5 Water Division Director, at (312) 353-2147.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Hedman', written over a horizontal dashed line.

Susan Hedman
Regional Administrator

cc: George Elmaraghy, P.E., Chief
Division of Surface Water
Ohio Environmental Protection Agency

Mr. R.M. Zavoda
Environmental Manager
ArcelorMittal Cleveland, Inc.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Rich M. Zavoda
Manager, Environmental
ArcelorMittal Cleveland, Inc.
3060 Eggers Avenue
Cleveland, Ohio 44105

2. Article Number

(Transfer from service label)

7001 0320 0006 0181 9413

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

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Yes



ArcelorMittal Cleveland - 301g Decision Document 
Sreedevi Yedavalli to: Rihtar, Stan
Bcc: Kevin Pierard, Terence Branigan, David Soong, Eric.Nygaard

07/27/2011 07:47 AM

From: Sreedevi Yedavalli/R5/USEPA/US
To: "Rihtar, Stan" <Stan.Rihtar@arcelormittal.com>
Bcc: Kevin Pierard/R5/USEPA/US@EPA, Terence Branigan/R5/USEPA/US@EPA, David Soong/R5/USEPA/US@EPA, Eric.Nygaard@epa.state.oh.us

Dear Mr. Rihtar:

Please find the enclosed decision document, the Regional Administrator signed on June 23, regarding the proposed modification request of the existing 301(g) Variance for ArcelorMittal Cleveland, NPDES Permit number: OH0000957.

The Region 5 Regional Administrator signed the decision document on June 23, 2011. The Regional Administrator's office forwarded the signed document within Region 5 for mailing on June 23 or shortly thereafter, but it was misplaced before it was mailed and was not found until yesterday.

A certified hard copy of the signed letter will be mailed to Mr. Elmaraghy and Mr. Zavoda shortly.

Sincerely,
Sreedevi Yedavalli, WN-16J
US EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604
Phone: 312-353-7314
Fax: 312-408-2282



FinalDenialLetter.06-23-2011.pdf

"Rihtar, Stan" Sreedevi, what is the status of EPA's review of A... 07/26/2011 11:21:53 AM

From: "Rihtar, Stan" <Stan.Rihtar@arcelormittal.com>
To: Sreedevi Yedavalli/R5/USEPA/US@EPA
Date: 07/26/2011 11:21 AM
Subject: RE: ArcelorMittal Cleveland - 301g Request

Sreedevi, what is the status of EPA's review of ArcelorMittal's 301g request? In our meeting on March 16 it was stated that we should expect approval by June, 2011.

Stan Rihtar | Environmental Manager

ArcelorMittal Cleveland

Environmental | 3060 Eggers Avenue, Cleveland, Ohio 44105-1012

T +1 216 429 6396 | F +1 216 429 6631 | www.arcelormittal.com

-----Original Appointment-----

From: Rihtar, Stan

Sent: Wednesday, February 23, 2011 1:56 PM

To: Yedavalli.Sreedevi@epamail.epa.gov; Sajjad.Ash@epamail.epa.gov; Bley, Douglas; Gary Amendola; Zavoda, Rich

Subject: ArcelorMittal Cleveland - USEPA Site Visit - Additional Information Request - 301g Request

When: Wednesday, March 16, 2011 9:00 AM-12:00 PM (GMT-05:00) Eastern Time (US & Canada).

Where: Eggers Road District Office - 2nd Floor Conference Room

USEPA site visit agenda includes an initial meeting and discussion at the Eggers Office 2nd floor conference room followed by a visit to the Blast Furnace facilities.

Yedavalli and Ash, see attached directions to ArcelorMittal Cleveland Inc. Eggers Rd. Office Building. You will be arriving at the Cleveland Hopkins Airport and I suggest seeking hotel accommodations in Independence, Ohio. There are several hotels in this area located on Rockside Road just off of Interstate 77. Take I480 East from the airport to I77 south to Rockside Rd. (1st exit).

We can provide you with hardhat and safety glasses. Please consider proper footwear (safety shoes or boots). Please call me if you have any questions.

<< File: Mittal Clev-Map and Directions 5-11-05.pdf >>

Stan Rihtar | Environmental Engineer

ArcelorMittal Cleveland

Environmental | 3060 Eggers Avenue, Cleveland, Ohio 44105-1012

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