



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

DEC 02 2010

LR-8J

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL 7009 1680 0000 7665 4234
RETURN RECEIPT REQUESTED

William V. Shaklee
Attorney at Law
Squire, Sanders and Dempsey L.L.P.
4900 Key Tower, 127 Public Square
Cleveland, Ohio 44114-1304

Re: Consent Agreement and Final Order
ArcelorMittal Riverdale, Incorporated
13500 South Perry Avenue
Riverdale, Illinois 60827
EPA I.D. No.: ILD 020 952 362
Docket No.: RCRA-05-2011-0003

Dear Mr. Shaklee:

Enclosed, please find an original signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The original CAFO was filed on DEC 02 2010, with the Regional Hearing Clerk.

Please pay the civil penalty in the amount of \$42,000 in the manner prescribed in paragraph 40 of the CAFO, and reference payment with the number BD 2751142R002 and Docket Number RCRA-05-2011-0003. Also, enclosed is a *Notice of Securities and Exchange Commission registrant's Duty to Disclose Environmental Legal Proceedings*. Your payment is due within 30 calendar days of the effective date of the CAFO. Thank you for your cooperation in resolving this matter.

Sincerely,

Paul J. Little
Acting Chief, RCRA Branch
Land and Chemicals Division

Enclosures (2)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. RCRA-05-2011-0003
)	
ArcelorMittal Riverdale Inc.)	
13500 South Perry Avenue)	Proceeding to Commence and Conclude
Riverdale, Illinois 60827)	an Action to Assess a Civil Penalty
)	Under Section 3008(a) of the Resource
)	Conservation and Recovery Act,
Respondent.)	42 U.S.C. § 6928(a)
<hr/>		

RECEIVED

DEC 02 2010

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

Consent Agreement and Final Order (CAFO)

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.
2. The Complainant is the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5.
3. U.S. EPA provided notice of commencement of this action to the State of Illinois pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
4. Respondent is ArcelorMittal Riverdale Inc., a corporation doing business in the State of Illinois.

5. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order. 40 C.F.R. § 22.13(b).

6. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

7. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction, Waiver of Right to Hearing and Certification

8. Jurisdiction for this action is conferred upon U.S. EPA by Sections 3006 and 3008 of RCRA, 42 U.S.C. §§ 6926 and 6928.

9. For purposes of this proceeding, Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the specific factual allegations in this CAFO.

10. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

Statutory and Regulatory Background

11. Section 3007 of RCRA, 42 U.S.C. § 6927, provides: “For purposes of . . . enforcing the provisions of this chapter, any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes and permit such person at all reasonable times to have access to and to copy all records relating to such wastes....”

12. U.S. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing the identification and listing of hazardous wastes, and generators and transporters of

hazardous waste and facilities that treat, store, and dispose of hazardous waste, pursuant to Sections 3001 – 3007, among others, of RCRA, 42 U.S.C. §§ 6921-6927.

13. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of U.S. EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when the Administrator finds that the state program meets certain conditions. Any violation of regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e) or any state provision authorized pursuant to Section 3006 of RCRA constitutes a violation of RCRA, subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

14. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Illinois final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective January 31, 1986. 51 Fed. Reg. 3778 (January 31, 1986).

15. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period of time, or both. The Administrator of U.S. EPA may assess a civil penalty of up to \$25,000 per day for each violation of Subtitle C of RCRA according to Section 3008 of RCRA, 42 U.S.C. § 6928. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note (1996), required U.S. EPA to adjust its penalties for inflation on a periodic basis. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, published at 40 C.F.R. Part 19, U.S. EPA may assess a civil penalty of up to \$32,500 per day for each violation of Subtitle C of RCRA that occurred after March 15, 2004 through January 12, 2009,

and may assess a civil penalty of up to \$37,500 per day for each violation of Subtitle C of RCRA after January 12, 2009.

Factual Allegations and Alleged Violations

16. At all times relevant to this CAFO, Respondent is and was a "person" as defined by 35 IAC § 720.110, 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

17. At all times relevant to this CAFO, Respondent owned and operated a steel-making facility located at 13500 South Perry Avenue, Riverdale, Illinois (Facility).

18. At all times relevant to this CAFO, Respondent is and was an "owner" and "operator," as those terms are defined by 35 IAC § 720.110 and 40 C.F.R. § 260.10, of the Facility.

19. At all times relevant to this CAFO, the Facility consisted of land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.

20. At all times relevant to this CAFO, the Facility is and was a "facility," as that term is defined by 35 IAC § 720.110 and 40 C.F.R. § 260.10.

21. At all times relevant to this CAFO, Respondent's processes at the Facility produced wastes which were solid wastes, as defined in 35 IAC § 721.102 and 40 C.F.R. § 261.2.

22. At all times relevant to this CAFO, Respondent's processes at the Facility produced hazardous wastes identified by hazardous characteristic or listed in 35 IAC §§ 721.120-721.131 and 40 C.F.R. Parts 260-270.

23. Respondent is a "generator," as that term is defined in 35 IAC § 720.110 and 40 C.F.R. § 260.10.

24. Respondent is subject to the regulations applicable to generators of hazardous waste

codified at 35 IAC Part 722 [40 C.F.R. Part 262].

25. The Facility is assigned EPA Identification Number ILD020952362.

26. Between approximately February 6 and 9, 2007, U.S. EPA conducted a multimedia inspection of the Facility located at 13500 South Perry Avenue, Riverdale, Illinois, 60827 in order to evaluate, among other things, the Facility's compliance with RCRA and related regulations.

Count 1 – Failure to Respond to A Request For Information

27. Complainant incorporates paragraphs 1 through 26 of this CAFO as though set forth in this paragraph.

28. As follow-up to the February 2007 inspection, U.S. EPA issued a Request for Information (3007 Information Request) on August 17, 2007, under RCRA § 3007, 42 U.S.C. § 6927, to Respondent to determine its compliance status at the Facility under RCRA and related regulations.

29. On or about October 1, 2007, U.S. EPA received the Respondent's timely written response to the Request for Information (Respondent's 3007 response).

30. On May 9, 2008, U.S. EPA issued a written Notice of Violation (the NOV) that was dated April 14, 2008, to Respondent. The NOV indicated among other things that Respondent's response to the information request did not contain an adequate response to the 3007 Information Request in certain respects.

31. On or about June 19, 2008, U.S. EPA received the Respondent's timely written response to the NOV.

32. By letter dated November 5, 2008 (Letter of Deficiency or LOD), U.S. EPA informed Respondent that its written response to the August 17, 2007, Request for Information

was deficient, and directed that the deficient information be provided in writing immediately.

33. On or about November 6, 2008, Respondent received U.S. EPA's LOD.

34. On or about August 18, 2009, U.S. EPA issued a Pre-Filing Notice (PFN) to Respondent, indicating it was prepared to file an administrative complaint for civil penalties against Respondent for, in pertinent part, failing to provide a complete response in a timely manner to the 3007 Information Request. At the time of the PFN, U.S. EPA had not received a response from Respondent to the November 5, 2008 LOD.

35. At Respondent's request, U.S. EPA and Respondent met to discuss the PFN on September 18, 2009.

36. On or about October 2, 2009, U.S. EPA received the remainder of the written response to the 3007 Information Request (Respondent's 3007 response) and thereby Respondent satisfied its obligation to provide a response to the 3007 Information Request.

37. Respondent's failure to provide a complete response in a timely manner to U.S. EPA's August 17, 2007 Request for Information is a violation of Section 3007 of RCRA, 42 U.S.C. § 6927.

38. Respondent's violation of Section 3007 of RCRA, 42 U.S.C. § 6927, subjects Respondent to an order for civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

Civil Penalty

39. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant determined that an appropriate civil penalty to settle this action is \$42,000. In determining the penalty amount, Complainant took into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements. Complainant also considered U.S. EPA's RCRA Civil Penalty Policy, dated June 23, 2003.

40. Within 30 days after the effective date of this CAFO, Respondent must pay a \$42,000 civil penalty for the RCRA violations by sending a cashier's or certified check, payable to "Treasurer, United States of America," by U.S. Mail to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

The check must include the case name, docket number of this CAFO, and billing document number.

41. A transmittal letter, stating Respondent's name, the case name, Respondent's complete address, the case docket number and the billing document number must accompany any payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Diane Sharrow (LR-8J)
RCRA Branch
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

Terence Branigan (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

42. This civil penalty is not deductible for federal tax purposes.

43. If Respondent does not timely pay the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the enforcement expenses of the United States for the collection action. The validity,

amount, and appropriateness of the civil penalty are not reviewable in a collection action.

44. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

45. This CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts alleged in the CAFO.

46. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

47. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, local laws or permits.

48. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31, U.S. EPA's RCRA Civil Penalty Policy, and U.S. EPA's Hazardous Waste Civil Enforcement Response Policy (December 2003).

49. The terms of this CAFO bind Respondent, its successors, and assigns.

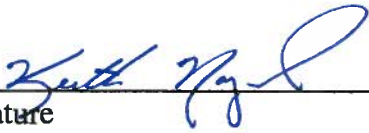
50. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

51. Each party agrees to bear its own costs and attorney's fees in this action.

52. This CAFO constitutes the entire agreement between the parties.

ArcelorMittal Riverdale Inc., Respondent

November 8, 2010
Date

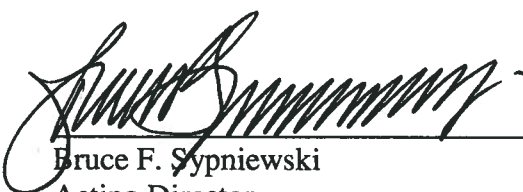

Signature

Keith Nagel
Name (Print or Type)

Director, Environmental Affairs
Title (Print or Type) & Real Estate

United States Environmental Protection Agency, Complainant

11/30/10
Date


Bruce F. Sypniewski
Acting Director
Land and Chemicals Division

In the Matter of: ArcelorMittal Riverdale Inc.
Docket No. RCRA-05-2011-0003

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

12-1-10
Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5

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U.S. ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF REGIONAL
COUNSEL

CASE NAME: ArcelorMittal Riverdale, Incorporated, ILD 020 952 362
DOCKET NO: RCRA-05-2011-0003

CERTIFICATE OF SERVICE

I hereby certify that today I filed the original of this **Consent Agreement and Final Order** and this **Certificate of Service** in the office of the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604-3590. I further certify that I then caused true and correct copies of the filed document to be mailed to the following:

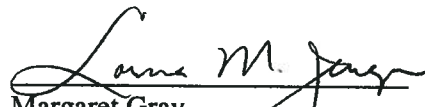
Mr. William V. Shaklee
Attorney at Law
Squire, Sanders and Dempsey L.L.P.
4900 Key Tower, 127 Public Square
Cleveland, Ohio 44114-1304

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Certified Mail # 7009 1680 0000 7665 ⁴²³⁴
Return Receipt Requested

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

Dated: 12/2, 2010

for 
Margaret Gray
Administrative Assistant
RCRA Branch, Land and Chemicals Division
United States Environmental Protection Agency
77 W. Jackson Boulevard
Chicago, IL 60604-3590
(312) 353-5028