



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 18 2011

REPLY TO THE ATTENTION OF:

WN-16J

Mr. Stan Rihtar
Environmental Manager
ArcelorMittal Cleveland Inc.
3060 Eggers Avenue
Cleveland, Ohio 44105

Re: ArcelorMittal Cleveland Inc. NPDES Permit No. OH0000957
Application for Modified Section 301(g) Variance (Ammonia-N, Outfall 604)

Dear Mr. Rihtar:

Thank you for your August 4, 2011 letter addressed to Regional Administrator Susan Hedman, regarding ArcelorMittal Cleveland Inc.'s application to modify its Section 301(g) variance at ArcelorMittal's plant in Cleveland, Ohio ("Cleveland plant"). ArcelorMittal submitted the application to the Ohio Environmental Protection Agency (OEPA) by correspondence dated April 13, 2010 ("2010 application"). Your August 4, 2011 letter has been referred to me for response.

ArcelorMittal's 2010 application is titled "NPDES Permit Modification Request, Section 301(g) Variance for Ammonia-N, Outfall 604," and states that ArcelorMittal "requests modifications of the Outfall 604 effluent limits for ammonia-N" The 2010 application requests increases in the authorized discharges of ammonia-N from outfall 604 of from 39% to 258%. The current effluent limits for ammonia-N at outfall 604 are themselves alternate limits previously approved by the U.S. Environmental Protection Agency under a Clean Water Act (CWA) Section 301(g) variance application submitted by ArcelorMittal's predecessor for the Cleveland plant in 1983.

The Regional Administrator denied ArcelorMittal's 2010 application by letter dated June 23, 2011 ("denial decision"), which your letter indicates was received by ArcelorMittal on July 27, 2011. The Regional Administrator's denial decision notes that Section 301(j)(1)(B) of the CWA, 33 U.S.C. § 1311(j)(1)(B), requires any application for a Section 301(g) variance to be submitted within 270 days after the date of promulgation of the applicable effluent guidelines, which in this case are codified at 40 C.F.R. § 420.33. As noted in the denial decision, EPA promulgated these guidelines on May 27, 1982, and thus ArcelorMittal's 2010 application was not submitted within the 270-day period for filing such applications.

Your August 4, 2011 letter disputes the Regional Administrator's denial decision by pointing out that ArcelorMittal's predecessors at the Cleveland plant filed a notice of intent to apply for a Section 301(g) variance on September 21, 1978, and subsequently timely filed a formal application on February 17, 1983 ("1983 application"), which was within 270 days of the promulgation of the applicable effluent guidelines in this case on May 27, 1982.

EPA acknowledges that a timely Section 301(g) variance application was filed in 1983 within the deadlines in CWA Section 301(j)(1)(B), 33 U.S.C. § 1311(j)(1)(B). EPA previously approved that application. The CWA, however, does not include special provisions for applications to modify alternate limits previously approved by EPA under CWA Section 301(g). EPA has determined that ArcelorMittal's 2010 application is an application for a Section 301(g) variance that must independently meet the deadlines in CWA Section 301(j)(1)(B), 33 U.S.C. § 1311(j)(1)(B). In this case, the window for submitting such applications expired 270 days after May 27, 1982.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tinka G. Hyde".

Tinka G. Hyde
Director, Water Division

cc: Scott J. Nally, OEPA
George Elmaraghy, OEPA

EXHIBIT 7

Republicsteel

Republic Steel Corporation
General Offices: Republic Building
PO Box 6778
Cleveland OH 44101

September 21, 1978

Regional Administrator
U.S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

Gentlemen:

SUBJECT: NPDES PERMIT NO. D303*CD
REPUBLIC STEEL CORPORATION
CLEVELAND DISTRICT
OUTFALL NOS. 001, 002, 004, 005, 009, 010, 011, 014, 015,
017, 018

Please be advised that Republic Steel Corporation intends to apply for variances under section 301(c) and/or section 301(g) from best available technology requirements for the iron and steel industry as set forth in 40 C.F.R. Part 420, as such requirements apply to any pollutant discharged under NPDES Permit No. D303*CD, and for which such a variance is available as provided by law.

Information or other evidence in support of such variance application(s) will be submitted as appropriate in accordance with regulations to be promulgated by the U.S. EPA.

This letter is being submitted in accordance with instructions set forth in a pre-promulgation notice pertaining to section 301(c) and section 301(g) variances issued on August 15, 1978 by Mr. Jeffery G. Miller, Deputy Assistant Administrator for Water Enforcement, Office of Enforcement, U.S. EPA, Washington, D.C. and in accordance with 40 C.F.R. Part 125 as amended on September 13, 1978 at 43 Fed. Reg. 40859 et. seq.

Very truly yours,



D. H. Clark
Vice President
Operations

/cb

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Republicsteel

Republic Steel Corporation
General Offices: Republic Building
Environmental Control
PO Box 6778
Cleveland OH 44101

February 17, 1983

WL West
Director

U.S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, IL 60604

Attention: Regional Administrator

APPLICATION PURSUANT TO SECTION 301(g)
FOR MODIFICATION OF THE REQUIREMENTS OF
SECTION 301(b)(2)(A) APPLICABLE TO PHENOL
(4AAP) AND AMMONIA AS SET FORTH IN 40 CFR PART 420

Re: NPDES Permit No. OH 0000957 (D303*)
Republic Steel Corporation
Cleveland District

Gentlemen:

In reference to our letter of September 21, 1978 (copy enclosed), and pursuant to Section 301(g) of the Federal Clean Water Act (the Act), Republic Steel Corporation (Republic) hereby applies for a modification of the requirements of Section 301(b)(2)(A) of the Act as such requirements apply to ammonia and phenol (4AAP) discharged from outfall Nos. 005, 009 and 014 pursuant to the NPDES Permit identified above.

Section 301(j)(1)(B) of the Act requires that this application be "filed not later than 270 days after the date of promulgation of an applicable [BAT] effluent guideline under Section 304 [of the Act]." The applicable BAT effluent guideline for ammonia and phenol was initially published by the EPA on May 27, 1982. See 47 Fed. Reg. 23258 et. seq. On June 7, 1982 the EPA published a further notice, supplementing the initial notice of May 27, 1982, which established the effective date for such effluent guideline as July 10, 1982. See 47 Fed. Reg. 24554. Under these circumstances Republic

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believes that the "date of promulgation" of the applicable BAT effluent guideline is July 10, 1982. Accordingly, this application must be submitted by April 6, 1983.

However, Republic was recently informed by representatives of the U.S. EPA that the "date of promulgation" in EPA's view is May 27, 1982 and that this Application is, therefore, due by February 21, 1983. While Republic believes that this interpretation is not correct, we are nevertheless, as a precautionary measure, submitting this application by February 21, 1983. Republic reserves the right to amend or supplement this Application with such analysis, information and data as may be appropriate.

The relevant BAT effluent guideline for ammonia and phenol is set forth in 40 CFR Part 420. An application to renew the above-referenced NPDES permit and establish BAT effluent requirements for this facility was submitted to Ohio EPA on December 22, 1980. No action has been taken by the Ohio EPA on such application to date and hence no BAT effluent limitations, or compliance schedules, have been established.

Republic is in the process of determining precise numeric values for modified effluent limitations for phenol (4AAP) and ammonia which it will propose and submit to you by April 6, 1983. Each proposed modified effluent limitation (PMEL) will be at least as stringent as BPT effluent guideline limitations required by Section 301(b)(1)(A) of the Act. Each PMEL will not result in any additional requirements on any other point or non-point source and will not interfere with the attainment or maintenance of that water quality which shall assure protection of public water supplies, and the protection of propagation of a balanced population of shellfish, fish and wildlife and allow recreational activities in and on the water. Further, each PMEL will not result in the discharge of pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity (including carcinogenicity), mutagenicity or teratogenicity), or synergistic propensities.

In support of this Application reference is made at this time to the following information:

1. Application for renewal of NPDES Permit No. OH 0000957 submitted to the Ohio EPA on December 22, 1980.

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U.S. Environmental Protection Agency
February 17, 1983
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2. Ohio water quality standards, if any, applicable to ammonia and phenol in the Cuyahoga River.

Please advise if additional information is required.

Respectfully submitted,



William L. West
Director
Environmental Control

WLW/pmp (0227P)

enclosures

cc: Director
Ohio EPA
Columbus, OH

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