

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In Re:

ArcelorMittal Cleveland Inc.

Permit No. OH0000957

NPDES Appeal No. 11-01

**ARCELORMITTAL CLEVELAND INC.'S
REPLY IN SUPPORT OF INFORMAL APPEAL**

EXHIBIT INDEX

Email from Rich Zavoda, ArcelorMittal, to Sreedevi Yedavalli,
U.S. EPA Region 5 (Jan. 5, 2011) Exhibit 1

Email from Stan Rihtar, ArcelorMittal, to Sreedevi Yedavalli, U.S. EPA
Region 5 (July 26, 2011) Exhibit 2

Letter from Gary A. Amendola to Irvin J. Dzikowski, U.S. EPA Region 5,
forwarding attached "Review of LTV Steel – Cleveland Works Section 301(g)
Variances for Ammonia-N, Ohio EPA Permit No. 31D00003*LD,
NPDES No. OH 0000957" (Feb. 14, 2001) Exhibit 3

Email from Eric Nygaard, Ohio EPA, to Sreedevi Yedavalli, U.S. EPA
Region 5 (Aug. 2, 2010) (with attachments) Exhibit 4

Email from Sreedevi Yedavalli, U.S. EPA Region 5, to Rich Zavoda,
ArcelorMittal (Feb. 15, 2011) Exhibit 5

Excerpts of Wheeling-Pittsburgh's 1993 and 2006 NPDES Permits Exhibit 6

Letter from Kevin Pierard, Chief NPDES Programs Branch,
U.S. EPA Region 5, to Bruno Pigott, IDEM (Aug. 9, 2011)..... Exhibit 7

Email from Eric Nygaard, Ohio EPA, to Sreedevi Yedavalli, U.S. EPA
Region 5 (May 3, 2010) (without attachment) Exhibit 8

Email from Sreedevi Yedavalli, U.S. EPA Region 5, to Rich Zavoda,
ArcelorMittal (Nov. 10, 2010) Exhibit 9

Letter from Lianne Mantione, Squire, Sanders & Dempsey (US) LLP
to FOIA Coordinator, EPA Region 5 (Oct. 12, 2011)..... Exhibit 10

Declaration of Lianne Mantione (Nov. 4, 2011) Exhibit 11

From: Zavoda, Rich [Rich.Zavoda@arcelormittal.com]
Sent: Wednesday, January 05, 2011 10:58 AM
To: Yedavalli.Sreedevi@epamail.epa.gov
Subject: ArcelorMittal Cleveland 4/13/10 NPDES Permit Modification Application that was discussed during our 11/4/10 conference call

Sreedevi

Can you please provide an update of the expected approval date of the ArcelorMittal Cleveland 4/13/10 NPDES Permit Modification Application that was discussed during our 11/4/10 conference call. Thanks for your assistance.

Rich Zavoda
ArcelorMittal Cleveland
216-429-6542

From: Rihtar, Stan [Stan.Rihtar@arcelormittal.com]
Sent: Tuesday, July 26, 2011 12:22 PM
To: Yedavalli.Sreedevi@epamail.epa.gov
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

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February 14, 2001

Mr. Irvin J. Dzikowski, P.E.
NPDES Support/Technical Assistance Branch, WN-16J
U.S. EPA Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Dear Mr. Dzikowski:

Re: LTV Steel - Cleveland Works
Section 301(g) Variances for Ammonia-N
Ohio EPA Permit No. 3ID00003*LD
NPDES No. OH0000957

Per your request, please find enclosed three copies of a review of Section 301(g) Variances for Ammonia-N for LTV Steel - Cleveland Works.

If you have any questions, please feel free to contact me at your convenience.

Sincerely yours,

Gary A. Amendola, P.E.

Enclosures

Review of

**LTV Steel - Cleveland Works
Section 301(g) Variances for Ammonia-N
Ohio EPA Permit No. 31D00003*LD
NPDES No. OH 0000957**

February 14, 2001

**Gary A. Amendola, P.E.
Amendola Engineering, Inc,
20220 Center Ridge Road, Suite 236
Rocky River, Ohio 44116**

LTV Steel - Cleveland Works
Section 301(g) Variances for Ammonia-N
Ohio EPA Permit No. 3ID00003*LD
NPDES No. OH0000957

Introduction

Following is a review of the Section 301(g) variances for ammonia-N proposed by Ohio EPA for two blast furnace operations located at the LTV Steel - Cleveland Works. The review follows EPA's pollutant-specific Section 301(g) guidance document for ammonia-N.¹

LTV Steel's predecessors Republic Steel and Jones and Laughlin Steel applied for Section 301(g) variances for ammonia-N and phenols (4AAP) from Best Available Technology effluent limitations in 1983 set out in 40 CFR Part 420, the effluent limitations guidelines and standards for the iron and steel industry.^{2 3 4 5 6} Ohio EPA has recommended that the variances be approved, at least on a conditional basis. NPDES permits issued subsequently to LTV Steel have contained the respective BAT effluent limitations for ammonia-N and phenols (4AAP); however, the Director of the Ohio Environmental Protection Agency (Ohio EPA) issued to LTV Steel an administrative

¹ *Pollutant-Specific Section 301(g) Guidance Document, Ammonia*; Office of Water Enforcement and Permits, U.S. Environmental Protection Agency, Washington, D.C.; September 1985.

² Letter dated February 17, 1983, to (Regional Administrator, U.S. Environmental Protection Agency, Region V, Chicago, IL), from (William L. West, Director, Environmental Control, Republic Steel, Cleveland, OH).

³ Letter dated March 31, 1983, to (Irvin J. Dzikowski, Chief Permits Section, U.S. Environmental Protection Agency, Region V, Chicago, IL), from (L.D. Wisniewski, Asst. Director - Water, Republic Steel, Cleveland, OH).

⁴ Letter dated April 19, 1983, to (Irvin J. Dzikowski, Chief Permits Section, U.S. Environmental Protection Agency, Region V, Chicago, IL), from (L.D. Wisniewski, Asst. Director - Water, Republic Steel, Cleveland, OH).

⁵ Letter dated June 9, 1983, to (Regional Administrator, U.S. Environmental Protection Agency, Region V, Chicago, IL), from (William L. West, Director, Environmental Control, Republic Steel, Cleveland, OH).

⁶ Letter dated February 18, 1993, to (Dennis Lee, Division of Industrial Wastewater, Ohio Environmental Protection Agency, Twinsburg, OH), from (David H. Miller, General Manager - Environmental Control, Jones & Laughlin Steel Corporation, Pittsburgh, PA).

order on December 31, 1990, in which Ohio EPA required compliance with the requested Section 301(g) variance proposed modified effluent limitations (PMELs).⁷ A similar approach was taken by Ohio EPA in 1994 when the next NPDES permit was issued. Subsequently, the Ohio EPA determined that LTV Steel has achieved consistently the BAT effluent limitations for phenols (4AAP) and is not recommended approval of any variances for phenols (4AAP).⁸ Consequently, this review focuses on the Section 301(g) variances for ammonia-N recommended for approval by Ohio EPA.

Source Information

LTV Steel operates an integrated steel mill without cokemaking operations at its Cleveland Works with process wastewater, non-contact cooling water and storm water discharges to the Cuyahoga River. Blast furnace operations are conducted separately on the east and west sides of the Cuyahoga River. Currently, two blast furnaces are operable on the east side (C5 & C6 blast furnaces), and one on the west side (C1 furnace), as follows:

	<u>C1 Blast Furnace</u>		<u>C5 & C6 Blast Furnaces</u>	
Internal outfall and flow	621:	0.07 mgd	604:	0.17 mgd
External outfall and flow	027:	13.3 mgd	005:	48.7 mgd

Each set of furnaces is equipped with a dedicated gas wash water (process water) treatment and recycle system. Discharges from Outfalls 027 and 005 comprise principally non-contact cooling water. Discharges from Outfalls 621 and 604 are low volume, process wastewater discharges from the respective blast furnace gas cleaning and cooling water treatment and recycle systems. Outfall 027 discharges to the Cuyahoga River at river mile (RM) 5.05; Outfall 005 at RM 5.39.

Ammonia-N is present in the gas wash water as a result of coke charged to the furnaces, which may contain residual amounts of ammonia, and possibly from complex chemical reactions in the furnaces. 40 CFR Part 420 sets out BPT and BAT effluent limitations guidelines for ammonia-N applicable to blast furnace operations (see

⁷ Director's Final Findings and Orders in the matter of LTV Steel Company, Incorporated, Ohio Environmental Protection Agency, Columbus, OH, December 31, 1990.

⁸ Letter of April 2, 2000, to (Rebecca Harvey, U.S. Environmental Protection Agency, Chicago, IL), from (Paul G. Novak, P.E., Manager, Water Resource Management Section, Ohio Environmental Protection Agency, Columbus, OH).

§420.32(a) and §420.33(a), respectively).

Receiving Water Information

The lower Cuyahoga River at Cleveland has been classified for the following designated water uses in Ohio water quality standards (see OAC 3745-1: pages 26-01 to 26-08):

<u>River Reach</u>	<u>Use Classification</u>
Upstream of RM 5.6	Aquatic life - warmwater habitat Industrial water supply Agricultural water supply Primary contact recreation
<u>River Reach</u>	<u>Use Classification</u>
RM 5.6 to 0.0	Aquatic life - warmwater habitat February to May, or when stream flow is > 703 cfs at USGS gage located in Independence Limited resource water June to January Fish passage January to May, when stream flow is > 703 cfs at USGS gage located in Independence Primary contact recreation Industrial water supply

Ohio EPA has completed a wasteload allocation for the lower Cuyahoga River and has developed water quality-based effluent limitations (WQBELs) for major dischargers including the Northeast Ohio Regional Sewer District Southerly Plant and LTV Steel. The waste load allocation has been codified in the water quality standards for the Cuyahoga River at OAC 3745-1-26, Table 26-1. Table 26-1 includes the Section 301(g) proposed modified effluent limitations (PMELs) for ammonia-N for LTV Steel.

LTV Steel Section 301(g) Variance Requests

Table 1 presents comparisons of applicable BAT effluent limitations for ammonia-N for each blast furnace operation with corresponding BPT effluent limitations; Ohio EPA waste load allocations; the 301(g) variance PMELs recommended for approval by Ohio EPA.

Evaluation of Section 301(g) Criteria

Following is a review of the recommended PMELs in context of decision criteria set out by the EPA Office of Water Permits and Enforcement (OWEP) in 1985. These criteria were developed and based on the first steel industry Section 301(g) variance request approved for Weirton Steel following promulgation of 40 CFR Part 420 in 1982 and 1984. There are no NPDES permit regulations for review and processing Section 301(g) variances. Absent regulations, the criteria set out by OWEP were used as guidance.

Threshold Decisions

1. Was the initial request filed in a timely manner?

40 CFR §122.21 requires that the initial request for a Section 301(g) variance must be made within 270 days of promulgation of the underlying effluent limitations guidelines regulation; or, a notice of intent was to have been filed by September 1978. The applicable effluent limitations guidelines regulation (40 CFR Part 420) was promulgated initially in May 1982 and amended in May 1984. In addition to the 1983 notifications noted in footnotes 2 to 6, a notice of intent was also filed during September 1978.⁹ These documents demonstrate the Section 301(g) notice and filing requirements were met.

2. Is the pollutant for which the variance has been sought a non-conventional pollutant?

Ammonia-N is a non-conventional pollutant eligible for Section 301(g) variances. Ammonia-N is neither a Section 307(a) toxic pollutant or a Section 304(a)(4) conventional pollutant. Ammonia-N is not on the list of 65 toxic pollutants or pollutant classes designated pursuant to Section 307(a)(1) of the Clean Water Act at 40 CFR §401.15, nor is it on the list of conventional pollutants designated at 40 CFR §401.16 pursuant Section 304(a)(4) of the Act.

3. Do the proposed modified effluent limitations (PMELs) meet at a minimum the BPT limits and state water quality standards?

Reference is made to Table 1 which shows the PMELs are more stringent than the BPT limits and WQBELs derived by Ohio EPA for the outfalls in question.

⁹ Letter dated September 21, 1978, to (Regional Administrator, U.S. Environmental Protection Agency, Region V, Chicago, IL), from (D.H. Clark, Vice President Operations, Republic Steel, Cleveland, OH).

Analyses of Potential Impacts of PMELs

Three potential problem areas are identified in the OWEPP guidance: pH and temperature; human health; and, synergism. Ohio EPA dealt expressly with pH and temperature when it developed the WQBELs on a seasonal basis. There is no information to suggest that there would be human health or synergism (increased toxicity) impacts associated with the proposed PMELs. The Cuyahoga River is not designated for public water supply uses and the proposed PMELs are well below the Ohio EPA WQBELs and generally well below the prior PMELs authorized by Ohio EPA.

1. Additional requirements on other point or non-point sources

This issue is addressed by the Ohio EPA wasteload allocation for the lower Cuyahoga River. The proposed variances do not result in additional requirements on other discharges.

2. Impacts to public water supplies

Public water supplies in Ohio are protected by drinking water quality standards applicable at the point of water withdrawal. As is the case in most states, there are no applicable drinking water standards for ammonia-N in Ohio. The nearest public water supply is located in Lake Erie, approximately five miles from the mouth of the Cuyahoga River and more than ten miles from the respective outfalls. A potential impact of the PMELs is formation of Nitrite and Nitrate-N from nitrification of ammonia-N. Finished drinking water quality data published recently by the City of Cleveland Division of Water show Nitrite and Nitrate-N concentrations are well below the primary drinking water standard (Maximum Contaminant Level, MCL) of 10 mg/L.¹⁰ For 1999, the Cleveland Water Department reported Nitrate-N concentrations ranging from 0.12 to 0.77 mg/L. Because these data were collected when discharges from LTV Steel were in the range of the PMELs, adverse impacts on the nearest public water supply cannot reasonably be anticipated.

3. Impact to Recreational Activities

The Ohio water quality standards specify There are no impacts from the proposed PMELs on recreational activities that can reasonably be anticipated.

4. Impacts on Fish, Shellfish and Wildlife

¹⁰ *1999 City of Cleveland Water Quality Report*, City of Cleveland, Division of Water (www.clevelandwater.com/1999reporhome.htm).

These issues were addressed recently by Ohio EPA when it established designated uses and water quality standards for the lower Cuyahoga River and developed the WQBELs shown in Table 1.¹¹ The designated uses provide for seasonal warm water fisheries and fish passage and limited resource water for the balance of the year (see above), as well as primary contact recreation.

5. Impact to the Environment or Human Health Due to Acute and Chronic Toxicity, Persistency, Bioaccumulation or Synergistic Propensities

The 1985 EPA Office of Water Enforcement and Permits guidance states that state water quality standards can be used as a basis for the Section 301(g) variance provided the standards are designed to provide protection for aquatic life and human health concerns. Specifically, the guidance cites protection of human health through designation of recreational and drinking water uses and direct protection of aquatic life. The Ohio water quality standards meet these criteria. Recreational and drinking water use designations are specified; and, chronic and acute toxicity to aquatic life are addressed specifically by the water quality standards for specific pollutants. Accordingly, comparison of the PMELs for ammonia-N with WQBELs derived by the Ohio EPA for LTV Steel Outfalls 005 and 027 is an appropriate means to evaluate the requested variance.

Because the PMELs are well below the WQBELs established by the Ohio EPA wasteload allocation (see Table 1 attached), adverse impacts associated with acute or chronic toxicity in the Cuyahoga River cannot reasonably be anticipated.

Ammonia-n is not persistent in the aquatic environment and does not bioaccumulate in aquatic organisms (see footnote 1, 1985 EPA OWEP guidance, page 12). Consequently, adverse impacts associated with persistency or bioaccumulation cannot reasonably be anticipated.

Data provided by the applicant (footnote 3) and in subsequent NPDES permit applications show a general absence of toxic organic pollutants and relatively low levels (low ug/L range) of selected toxic metals in discharges from Outfalls 005 and 027. There is no information to suggest ammonia-N in combination with any of the pollutants at the levels listed in the NPDES permit application will result in synergistic propensities (greater toxicity of two pollutants in combination than the toxicity of each pollutant added together).

LTV Steel chlorinates intake water withdrawn from the Cuyahoga River for process and non-contact cooling uses for control of zebra mussels and bio-fouling. The NPDES permit requires dechlorination of discharges from Outfalls 005 and 027 and establishes effluent limits for residual chlorine of 0.018 mg/L monthly

¹¹ Ohio Water Quality Standards for the Cuyahoga River, OAC 3745-1-26,

average and 0.022 mg/L daily maximum. The process water discharges containing ammonia-N from Outfalls 604 and 621 come into contact with non-contact cooling water for short periods of time before discharge to the Cuyahoga River. There is a potential to form chloramines from reaction of chlorine that may be remaining in the cooling water and ammonia-N contained in the blast furnace process wastewaters discharged from Outfalls 604 and 621. Chloramines are more persistent and can exhibit greater toxicity to aquatic life than ammonia-N.

Ohio EPA determined that the potential for discharges from Outfalls 005 and 027 to cause or contribute to exceedances of ambient water quality standards did not merit imposition of whole effluent toxicity (WET) effluent limitations. These determinations were based on available WET monitoring data for Outfalls 005 and 027. Ohio EPA has addressed the potential for effluent toxicity from Outfalls 005 and 027 in the NPDES permit by requiring WET monitoring on a quarterly basis. The NPDES permit provides for follow-up toxicity reduction evaluations should effluent toxicity be determined. Ohio EPA has thus addressed the potential for impacts on the environment associated with acute or chronic toxicity, persistency and synergistic propensities.

Conclusion

The variances recommended for approval by Ohio EPA for ammonia-N at LTV Steel Outfalls 604/005 and 621/027 meet Section 301(g) criteria as set out in the 1995 EPA OWEPP guidance.

Table 1

LTV Steel - Cleveland Works
Section 301(g) Variance Effluent Limitation Comparison
Ammonia-N

(Effluent limitations in kg/day)

Effluent Limitations	C1 Blast Furnace Outfalls 621, 027		C5 & C6 Blast Furnaces Outfalls 604, 005	
	30 Day Average	Daily Maximum	30 Day Average	Daily Maximum
BAT	9.61	28.8	24.7	74.0
BPT	177	530	454	1,360
Ohio EPA WQBELs				
Summer	291	1,680	1,086	6,371
Winter	291	1,123	1,086	4,217
PMELs				
Section 301(g) variance				
Summer	17.6	28.8	62.4	85.6
Winter	50.0	68.5	81.6	211

From: Eric Nygaard [Eric.Nygaard@epa.state.oh.us]
Sent: Monday, August 02, 2010 1:21 PM
To: Sreedevi Yedavalli
Cc: Erm Gomes; Zavoda, Rich
Subject: ArcelorMittal limits history and antidegradation info.
Attachments: cuyahoga ammonia wla 2.xls; arcmittal 604 limits history.doc

Sreedevi - The attached files should provide the information that you were looking for. The Word document shows the limits history for Outfall 604 from our data systems. The Excel file contains several wasteload allocation runs that work similar to our CONSWLA model.

We had to redo the WLA for the Fish Passage use because we found some errors in it. The errors allocated more ammonia loading to ArcelorMittal than should have been done. The company used our last (erroneous) wasteload in their analysis. However, the changes do not make any difference to the conclusions they drew.

Our mistake in the FP allocation was to set NEORSD's allocation at their PEQ concentration, rather than at their design limits. The first section of the spreadsheet (rows 1-21) show the updated WLA results. These results are a seasonal analysis using NEORSD at design limits, ArcelorMittal Outfall 014 at levels just above PEQ, and the remaining load allocated to ArcelorMittal Outfalls 005 and 023.

The antidegradation calculations are shown in rows 65-75. These show that ArcelorMittal meets the requirements for a "de minimus" increase under our rules. The 'de minimus" exclusion means that the company does not have to do a socio-economic justification, and that the director's decision criteria do not apply. The company does have to address centralized treatment, such as a discharge to NEORSD. They did include this discussion in the permit modification application.

The remaining rows address some 'what ifs' related to NEORSD. Paul Novak and I have been running scenarios related to the Sewer District's Long-Term CSO Control Plan. It is my understanding that NEORSD wants some relief from nitrification requirements as a condition for running maximum flows through the plant. This may be possible as a river flow-tiered permit condition; however, we believe that it should be taken up in NEORSD's permit because the WLA for this segment is much more sensitive to the Sewer District's load than it is to ArcelorMittal's. We don't believe that the LTCP considerations should affect this review. The load increase from a 301(g) variance change doesn't seem to alter NEORSD's limits much at all under these conditions.

Ohio Environmental Protection Agency Unless otherwise provided by law,
this communication and any response to it constitutes a public record.



Environmental
Protection Agency

Unless otherwise provided by law, this communication
and any response to it constitutes a public record.

ArcelorMittal Cleveland Limits History for Outfall 604

The ammonia limits for this outfall have these effective dates:

6/76 thru 6/84:	244.9 kg/day monthly
	489.9 kg/day daily
7/84 thru 10/01:	81.6 kg/day monthly
	244.9 kg/day daily
11/01 – present:	81.6 kg/day monthly (winter)
	211 kg/day daily (winter)
	62.4 kg/day monthly (summer)
	85.6 kg/day daily (winter)

The original limits for this outfall appear to have been BPJ limits; they seem to have been more restrictive than BPT. The July 1984 limits were based on the original 301(g) variance. These limits were set in Ohio EPA administrative orders, rather than the permit, as a way of approving the variance from our perspective. PCS may have been tracking BAT during this period because the BAT limits were in the NPDES permits.

The November 2001 limits were revised 301(g) limits based on treatment level performance. The limits are seasonal because there was a seasonal difference in treatment effectiveness, at least at that time.

Some of the loading limits and production values may have changed in response to the closure of other blast furnaces at the plant. The furnaces that discharged via Outfalls 605/014 were shut down in the mid-1990s; the furnaces that discharged via Outfalls 621/027 were shut down around 2005-06.

	Ohio EPA WLA				Current 301(g) Limits		OEPA Recommended
	Summer	Winter	BPT Limits	BAT Limits	Summer	Winter	301(g) Limits
Monthly Average	NA	1018	451	24.5	62.4	81.6	183
Daily Maximum	3135	2472	1353	73.6	85.6	211	294

EXHIBIT 4

	Dec-Feb (current)		Dec-Feb (new 301g)		Mar-Apr (current)		Mar-Apr (new 301g)		WLA 1	WLA 2	Load	WLA 3	Load	WLA 4	WLA 5
	Flow (cfs)	conc. (mg/l)	Flow (cfs)	conc. (mg/l)	Flow (cfs)	conc. (mg/l)	Flow (cfs)	conc. (mg/l)							
Cuyahoga ust NEORS	745.6	0.15	745.6	0.15	745.6	0.15	745.6	0.15							
NEORS 001	270.8	8	270.8	8	270.8	5	270.8	5	7.468981	5.269194		5		5	8
Cuyahoga dst NEORS	1016.4	2.241479732	1016.4	2.241479732	1016.4	1.442188115	1016.4	1.442188							
Big Creek	26.7	0.49	26.7	0.49	26.7	0.49	26.7	0.49							
Cuyahoga dst Big Creek	1043.1	2.196647493	1043.1	2.196647493	1043.1	1.417815166	1043.1	1.417815							
ArcMittal Intake 801	67.8	2.196647493	67.8	2.196647493	67.8	1.417815166	67.8	1.417815				1.42		1.42	2.2
ArcMittal 604	0.43	50.13670855	0.43	137.6301803	0.43	50.13670855	0.43	137.6302							
ArcMittal 005	67.8	2.674939134	67.8	3.533916843	67.8	1.901046305	67.8	2.760024		5.269194	873.5189	5.733851	950.549	10.422	75.06151
Cuyahoga dst 005/ ust 014	1043.1	2.37051469	1043.1	2.426347006	1043.1	1.541380442	1043.1	1.597213							
ArcMittal Intake 808	55.7	2.37051469	55.7	2.426347006	55.7	1.541380442	55.7	1.597213							
ArcMittal 014	55.7	2.37051469	55.7	2.426347006	55.7	1.541380442	55.7	1.597213		5.269194		5.733851	950.549	1.6	2.42
Cuyahoga dst 014/ ust 023	1043.1	2.497096675	1043.1	2.555910354	1043.1	1.623687882	1043.1	1.682502							
ArcMittal 023	0.324	20.37	0.324	20.37	0.324	20.37	0.324	20.37		5.269194		5.733851		10.422	75.06151
Cuyahoga dst	1043.424	2.5026465	1043.424	2.561441916	1043.424	1.629508915	1043.424	1.688304							
ArcMittal 301g avg.		81.6		224		81.6		224							
WQS avg.		7.1		7.1		2.1		2.1							
Additional 005 load		0		142.4				142.4							

	Dec-Feb (current)		Dec-Feb (new 301g)		Mar-Apr (current)		Mar-Apr (new 301g)	
	Flow (cfs)	conc. (mg/l)	Flow (cfs)	conc. (mg/l)	Flow (cfs)	conc. (mg/l)	Flow (cfs)	conc. (mg/l)
Cuyahoga ust NEORS	745.6	0.15	745.6	0.15	745.6	0.15	745.6	0.15
NEORS 001	270.8	12	270.8	12	270.8	7	270.8	7
Cuyahoga dst NEORS	1016.4	3.307201889	1016.4	3.307201889	1016.4	1.975049193	1016.4	1.975049
Big Creek	26.7	0.49	26.7	0.49	26.7	0.49	26.7	0.49
Cuyahoga dst Big Creek	1043.1	3.235090595	1043.1	3.235090595	1043.1	1.937036717	1043.1	1.937037
ArcMittal Intake 801	67.8	3.235090595	67.8	3.235090595	67.8	1.937036717	67.8	1.937037
ArcMittal 604	0.43	50.13670855	0.43	137.6301803	0.43	50.13670855	0.43	137.6302
ArcMittal 005	67.8	3.70679624	67.8	4.565773949	67.8	2.416974858	67.8	3.275953
Cuyahoga dst 005/ ust 014	1043.1	3.476027021	1043.1	3.531859336	1043.1	2.094136608	1043.1	2.149969
ArcMittal Intake 808	55.7	3.476027021	55.7	3.531859336	55.7	2.094136608	55.7	2.149969
ArcMittal 014	55.7	3.476027021	55.7	3.531859336	55.7	2.094136608	55.7	2.149969
Cuyahoga dst 014/ ust 023	1043.1	3.661641732	1043.1	3.720455411	1043.1	2.205960411	1043.1	2.264774
ArcMittal 023	0.324	20.37	0.324	20.37	0.324	20.37	0.324	20.37
Cuyahoga dst	1043.424	3.666829947	1043.424	3.725625363	1043.424	2.211600638	1043.424	2.270396
ArcMittal 301g avg.		81.6		224		81.6		224
WQS avg.		7.1		7.1		2.1		2.1
Additional 005 load				142.4				142.4

	Dec-Feb (current)		Dec-Feb (new 301g)		Mar-Apr (current)		Mar-Apr (new 301g)	
	Flow (cfs)	conc. (mg/l)	Flow (cfs)	conc. (mg/l)	Flow (cfs)	conc. (mg/l)	Flow (cfs)	conc. (mg/l)
Cuyahoga ust NEORS	745.6	0.15	745.6	0.15	1390	0.15	1400	0.15
NEORS 001	270.8	12	270.8	12	270.8	12	270.8	12
Cuyahoga dst NEORS	1016.4	3.307201889	1016.4	3.307201889	1660.8	2.082189306	1670.8	2.070625
Big Creek	26.7	0.49	26.7	0.49	26.7	0.49	26.7	0.49
Cuyahoga dst Big Creek	1043.1	3.235090595	1043.1	3.235090595	1687.5	2.056997333	1697.5	2.045763
ArcMittal Intake 801	67.8	3.235090595	67.8	3.235090595	67.8	2.056997333	67.8	2.045763
ArcMittal 604	0.43	50.13670855	0.43	137.6301803	0.43	50.13670855	0.43	137.6302
ArcMittal 005	67.8	3.70679624	67.8	4.565773949	67.8	2.536174661	67.8	3.383989
Cuyahoga dst 005/ ust 014	1043.1	3.476027021	1043.1	3.531859336	1687.5	2.158895195	1697.5	2.180923
ArcMittal Intake 808	55.7	3.476027021	55.7	3.531859336	55.7	2.158895195	55.7	2.180923
ArcMittal 014	55.7	3.476027021	55.7	3.531859336	55.7	2.158895195	55.7	2.180923
Cuyahoga dst 014/ ust 023	1043.1	3.661641732	1043.1	3.720455411	1687.5	2.230154729	1697.5	2.252486
ArcMittal 023	0.324	20.37	0.324	20.37	0.324	20.37	0.324	20.37
Cuyahoga dst	1043.424	3.666829947	1043.424	3.725625363	1687.824	2.23363691	1697.824	2.255943
ArcMittal 301g avg.		81.6		224		81.6		224
WQS avg.		7.1		7.1		2.1		2.1
Additional 005 load				142.4				142.4

WLA 4 above (mg/l)	10.4
ArcMittal 005 (cfs)	67.8
ArcMittal 005 load (kg/d)	1724
increase % of WLA	0.08259401
limit % of WLA	0.129923163
WLA 5 above (mg/l)	17.86
ArcMittal 005 (cfs)	67.8
ArcMittal 005 load (kg/day)	2961
increase % of WLA	0.048095056
limit % of WLA	0.075655145

From: Yedavalli.Sreedevi@epamail.epa.gov
Sent: Tuesday, February 15, 2011 12:24 PM
To: Zavoda, Rich
Cc: Sajjad.Ash@epamail.epa.gov; Soong.David@epamail.epa.gov; Branigan.Terry@epamail.epa.gov
Subject: RE: ArcelorMittal Cleveland - Additional Information Request

Rich,

We would like to visit your facility during second or third week of March 2011. Of course, this depends on your schedule as well as ours. Please provide us with dates of your availability.

As you may know, variance requests are further reviewed and approved at higher Regional and Agency levels, as such, they require a thorough assessment and evaluation before we submit them for Agency approval. In light of the above, and to help us further evaluate the subject request, we need the following information:

- Residual ammonia content of feed coke for the past one year; if this was not collected, we request, henceforth, this information be collected, and recorded.
- Mass balance for Ammonia through the plant, if not available, we request, it should be performed as part of this request.
- Other sources of ammonia or ammonia precursors entering the plant, and/or sources/chemical reactions where there is a potential for formation/generation of ammonia. We request this information be reviewed, collected, and recorded on a regular basis.

If any of the above information is currently available, please provide it to us before our visit.

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

41/SE

SEP 09 1993

RECEIVED
CONFIDENTIAL CONTACT

Application No. OH0011355

Issue Date: September 7, 1993

Effective Date: October 1, 1993

Expiration Date: October 1, 1997

Ohio Environmental Protection Agency
Authorization to Discharge Under the
National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereafter referred to as "the Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

Wheeling-Pittsburgh Steel Corporation ("W-PSC")
Staubenville South Plant

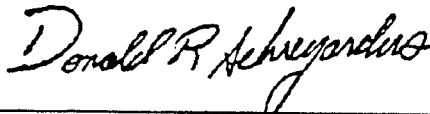
is authorized by the Ohio Environmental Protection Agency, hereafter referred to as "Ohio EPA," to discharge from the wastewater treatment works located on McLister Avenue, Mingo Junction, Ohio, Jefferson County

and discharging to the Ohio River, Cross Creek, and Jumbo Run

in accordance with the conditions specified in Parts I, II, III, IV, V and VI of this permit.

This permit is conditioned upon payment of applicable fees as required by Section 3745.11 of the Ohio Revised Code.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.



Donald R. Schregardus
Director

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from the following outfall: 01D00034620*. See Part II, OTHER REQUIREMENTS, for location of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration Specified		Loading		Meas.** Frequency	Sample Type
			30 Day	Daily	30 Day	Daily		
00530	mg/l	Total Suspended Solids	-	-	113.3	340.9	1/Week	Calculated
00610	mg/l	Nitrogen, Ammonia (NH ₃)	-	-	113.4	226.8	1/Week	Calculated
00720	mg/l	Cyanide, Total	-	-	3.82	7.63	1/Week	Calculated
01051	µg/l	Lead, Total (Pb)	-	-	0.38	1.15	1/Week	Calculated
01092	µg/l	Zinc, Total (Zn)	-	-	0.57	1.72	1/Week	Calculated
32730	µg/l	Phenolic 4AAP, Total	-	-	0.45	0.90	1/Week	Calculated
50050	MGD	Flow Rate	-	-	-	-	Daily	Calculated

* This is a calculated station used to report the summation of pollutants discharged from internal monitoring station 01D00034601 and the emergency overflow 01D00034610.

** Data shall be reported in excess of 1/week when discharges occur at 01D00034610. Also, flow-weighted summation of the concentrations based upon the respective flows and concentrations measured at 01D00034601 and 01D00034610 shall be reported for 01D00034620. Should analytical results indicate "non detect," the permittee shall use zero when developing the calculated concentrations to be reported.

Application No. OH0011355

Issue Date: September 29, 2006

Effective Date: November 1, 2006

Expiration Date: March 31, 2010

Ohio Environmental Protection Agency
Authorization to Discharge Under the
National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq., hereinafter referred to as the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111),

Wheeling Pittsburgh Steel Corporation
(Mingo Junction South Plant)

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the Wheeling Pittsburgh Steel Corp - South Plant facility complex located at McLister Avenue, Mingo Junction, Ohio, Jefferson County and discharging to Jumbo Run, Cross Creek and the Ohio River in accordance with the conditions specified in Parts I, II, III, IV, V and VI of this permit.

This permit is conditioned upon payment of applicable fees as required by Section 3745.11 of the Ohio Revised Code.

This permit and the authorization to discharge shall expire at midnight on the expiration date shown above. In order to receive authorization to discharge beyond the above date of expiration, the permittee shall submit such information and forms as are required by the Ohio EPA no later than 180 days prior to the above date of expiration.

Joseph P. Koncelik
Director

Total Pages: 56

Part I, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

19. During the period beginning on the effective date of the permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 01D00034601. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Internal Monitoring Station - 601 - Final

Effluent Characteristic Parameter	Discharge Limitations				Monitoring Requirements			
	Concentration Specified Units		Loading* kg/day		Measuring Frequency	Sampling Type	Monitoring Months	
	Maximum	Minimum	Weekly	Monthly				
00400 - pH - S.U.	-	-	-	-	1/Week	Grab	All	
00530 - Total Suspended Solids - mg/l	-	-	-	291.5	1/Week	24hr Composite	All	
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	-	226.8	1/Week	24hr Composite	All	
00720 - Cyanide, Total - mg/l	-	-	-	6.52	1/Week	24hr Composite	All	
01051 - Lead, Total (Pb) - ug/l	-	-	-	0.98	1/Week	24hr Composite	All	
01092 - Zinc, Total (Zn) - ug/l	-	-	-	1.47	1/Week	24hr Composite	All	
32730 - Phenolic 4AAP, Total - ug/l	-	-	-	0.22	1/Week	24hr Composite	All	
50050 - Flow Rate - MGD	-	-	-	-	1/Day	24hr Total	All	

Notes for station 01D00034601:

Samples shall be collected for this station on the same day as samples collected for station 01D00034004.

Sampling shall be performed when discharging. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, report "AL" in the first column of the first day of the month on the 4500 Form (Monthly Operating Report). A signature is still required.

See Part II, Item M for additional loading limitation and reporting requirement for ammonia.



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

AUG 9 2011

WN-16J

REPLY TO THE ATTENTION OF

Bruno Pigott, Assistant Commissioner
Office of Water Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204

Re: ArcelorMittal – Indiana Harbor West
East Chicago, Indiana
NPDES Permit No: IN0000205

Dear Mr. Pigott:

The U.S. Environmental Protection Agency has reviewed the draft National Pollutant Discharge Elimination System (NPDES) permit and fact sheet for the ArcelorMittal – Indiana Harbor West facility. The draft permit has been discussed with your staff and we have not identified any issues that would cause the Agency to object to issuance of the permit as drafted. We also concur with your tentative decision to grant the renewal of the Clean Water Act Section 301(g) variance for Ammonia as N and Phenols in the wastewater discharges from the facility. Should meaningful changes occur after the public comment period, the U.S. Environmental Protection Agency reserves the right to object to the proposed permit.

Indiana DEM must resubmit the draft permit to EPA for review if:

- a. Prior to the actual date of issuance, an effluent guideline or standard is promulgated which is applicable to the permit and would require revision or modification of a limitation or condition found in the draft permit.
- b. A variance is granted and permit conditions are modified to incorporate the variance.
- c. There are additional revisions to be incorporated into the final permit which have not been reviewed by this Agency.

When the final permit is issued, please forward one copy and significant comments received during the public comment period to this office at the above address, attention NPDES Programs Branch.

Sincerely,

Kevin M. Pierard, Chief
NPDES Programs Branch

cc: Richard Hamblin, IDEM

From: Nygaard, Eric
Sent: Monday, May 03, 2010 3:21 PM
To: Sreedevi Yedavalli
Subject: Fwd: ArcelorMittal Cleveland NPDES Permit Modification Application

Hi Sreedevi! The permit modification is attached. I was hoping to send a copy with a transmittal letter, but I'm having some temporary issues with getting the letter through sign-off.

>>> "Zavoda, Rich" <Rich.Zavoda@arcelormittal.com> 4/13/2010 7:05 PM >>>
Eric and Erm

Attached is the signed final NPDES permit modification application. A hardcopy and check for \$200 is being mailed to Erm Gomes at OEPA-NEDO.

Your efforts to review the draft application information presented over the last several weeks related to our request to modify the existing 301(g) ammonia limitations at Outfall 604 are appreciated. Please contact me if you have any questions.

Rich Zavoda | Environmental Manager

ArcelorMittal Cleveland

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

T +1 216 429 6542 | F +1 216 429 6631 | www.arcelormittal.com

From: Yedavalli.Sreedevi@epamail.epa.gov
Sent: Wednesday, November 10, 2010 11:05 AM
To: Zavoda, Rich
Cc: Traub.Richard@epamail.epa.gov; Branigan.Terry@epamail.epa.gov;
Soong.David@epamail.epa.gov
Subject: Monthly Production Data

Rich,

Please provide monthly production data for ArcelorMittal - Cleveland (OH0000957) for blast furnaces C5 & C6 since January 2000.

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

Direct: +1.216.479.8471
lianne.mantione@ssd.com

October 12, 2011

Via Facsimile: (312) 886-1515

Regional Freedom of Information Officer
U.S. EPA, Region 5
77 West Jackson Boulevard (MI-9J)
Chicago, IL 60604-3590

**Re: FOIA Request – EPA Correspondence Related to Clean Water Act Section
301(g) Variances**

Dear Freedom of Information Officer:

This request is made pursuant to the Freedom of Information Act, 5 U.S.C. § 552, 40 CFR Part 2 and any other statutes, rules or regulations entitling the undersigned to the information requested. So that agency personnel do not have to spend unnecessary time searching for material, if the description below requires interpretation, please call me immediately and I will be happy to attempt to be more specific or provide any other help that I can. Also, if certain items require a search that can lead to a delay in response, please do not wait to find these, but send that material which has been located and notify me regarding which documents will be delayed. I would appreciate a telephone call if it is anticipated that the costs associated with this request will exceed \$500.

Please provide me with:

1. All internal and external correspondence relating to renewals and/or modifications of Clean Water Act Section 301(g) variances in NPDES permits issued either by EPA or by any delegated state agency within your Region, and all documents relating to EPA's review, approval or disapproval of such variances.

36 OFFICES IN 17 COUNTRIES

SQUIRE, SANDERS & DEMPSEY (US) LLP IS PART OF THE INTERNATIONAL LEGAL PRACTICE SQUIRE, SANDERS & DEMPSEY,
WHICH OPERATES WORLDWIDE THROUGH A NUMBER OF SEPARATE LEGAL ENTITIES.

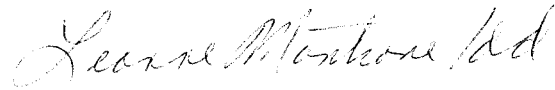
PLEASE VISIT WWW.SSD.COM FOR MORE INFORMATION.

Freedom of Information Officer
October 12, 2011
Page 2

2. All internal and external correspondence relating to variances from "Ammonia-N" and "Phenolic 4AAP, total" effluent limitations at Wheeling-Pittsburgh Steep Corp.'s Steubenville North Plant (OEPA Permit No. OID00033*GD and any previous draft or final versions of the permit for this facility).

Please do not hesitate to call me, if you have any questions. Thank you for your attention in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lianne Mantione".

Lianne Mantione

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

In re:

ArcelorMittal Cleveland Inc.

NPDES Permit No. OH 0000957

NPDES Appeal No. 11-01

DECLARATION OF LIANNE MANTIONE

I, Lianne Mantione, hereby state as follows:

1. The statements provided herein are based on my personal knowledge and are submitted in support of *ArcelorMittal Cleveland Inc.'s Reply in Support of Informal Appeal*.

2. I am an attorney with the Cleveland office of Squire, Sanders and Dempsey (US) LLP, and am one of the attorneys for ArcelorMittal Cleveland Inc. in the above-captioned matter.

3. Freedom of Information Act ("FOIA") request letters were submitted by facsimile to each of the ten (10) U.S. EPA Regions on October 12, 2011. Each letter was signed by my assistant on my behalf.

4. As the point of contact on the FOIA request letters, I have personally received either written or verbal (telephone) acknowledgements of the FOIA requests from each Region.

5. In some cases, the FOIA Coordinator or another Agency contact for a particular Region has called me to talk through the FOIA request in order to aid his or her search for relevant documents or to advise me of the costs for document production.

6. On October 26, 2011, Deloris Bryant, U.S. EPA Region 5, called me in response to FOIA request letter submitted to Region 5.

7. During that call, Ms. Bryant informed me that:

a. "The attorney told" her the FOIA request needed to be modified on the basis that the request is too broad because it is not time limited, too vague, and includes "two different requests";

b. Region 5 requires an extension of at least an additional 30 days to respond to the FOIA request due, at least in part, to the fact that the Region will have to retrieve some documents from their archives; and

c. The request for all internal U.S. EPA correspondence is denied on the basis that all such communications constitute attorney work product or are attorney-client privileged.

8. On that same date, Ms. Bryant sent me an email memorializing the Region 5's request for clarification but not any other portion of our discussion. Attached hereto as Declaration Exhibit A is a true and accurate copy of Ms. Bryant's October 26, 2011 email.

9. Ms. Bryant copied U.S. EPA Region 5 Associate Regional Counsel Terence Branigan on her October 26, 2011 email. Mr. Branigan is the attorney handling this appeal on behalf of Region 5.

10. Attached hereto as Declaration Exhibit B is a true and accurate copy of my email response to Ms. Bryant on October 28, 2011 requesting written confirmation of Region 5's position on production of internal U.S. EPA communications, offering assistance to expedite the review and/or production process, providing the requested

clarification on the FOIA request, and requesting that Region 5 produce a log of any documents withheld.

11. On November 3, 2011, Ms. Bryant confirmed the Region's requested extension and requested additional clarifications. Ms. Bryant has neither responded to my request for written confirmation regarding the partial denial of the FOIA request nor my request for a log of any withheld documents. Attached hereto as Declaration Exhibit C is a true and accurate copy of Ms. Bryant's November 3, 2011 email.

I declare that the foregoing is true and correct based upon my personal knowledge.

Executed on November 4, 2011:


Lianne Mantione

Mantione, Lianne R.

From: Bryant.Deloris@epamail.epa.gov
Sent: Wednesday, October 26, 2011 5:19 PM
To: Mantione, Lianne R.
Cc: Branigan.Terry@epamail.epa.gov
Subject: FOI- 00050-12

This e-mail is to memorialize our conversation today. Your foia request: EPA Correspondence Related to Clean Water Act Section 301(g) variances. We are requesting a clarification of your request for documents: 1) you are requesting all documents relating to renewals and/or modifications of Clean Water Act Section 301(g) variances; 2) and documents relating to EPA's review, approval or disapproval of such variances:

Please clarify your request as to whether you want #1 above or #2. We will temporarily hold your request until we receive your clarification.

Mantione, Lianne R.

From: Mantione, Lianne R.
Sent: Friday, October 28, 2011 12:41 PM
To: 'Bryant.Deloris@epamail.epa.gov'
Subject: RE: FOI- 00050-12

Ms. Bryant,

Thank you for your email below memorializing Region 5's request for clarification of my October 12, 2011 FOIA request.

To clarify, I am requesting all documents related to EPA's review, approval or disapproval of Clean Water Act Section 301(g) variance renewals and/or modifications including, but not limited to, all internal and external EPA correspondence. This request is not limited to a particular time period. I am requesting copies of all responsive documents regardless of age.

Also, while not mentioned in your email below, to further clarify my FOIA letter, the request includes responsive documents relating to variances from "Ammonia-N" and "Phenolic 4AAP, total" effluent limitations at Wheeling-Pittsburgh Steel Corp.'s Steubenville North Plant (OEPA Permit No. OID00033*GD), as well as any draft or final versions of the cited NPDES permit for this particular facility.

To reduce the burden in responding to my FOIA request, I am willing to have someone review potentially responsive documents at Region 5 in addition to or in lieu of your copying and mailing responsive information. I also appreciate your willingness to provide me with responsive documents on a rolling basis. As I mentioned during our call, I am agreeable to receiving information from current, non-archived files first, which will both help speed up the process as well as potentially reduce your burden in the event I determine that sufficient information has been obtained from current EPA files and archived materials are not necessary.

Finally, you stated during our telephone conversation that it is Region 5's position that the FOIA request for all internal communications relating to CWA Section 301(g) renewals or modifications is denied on the basis that all such internal communications would be attorney work product protected and/or attorney-client privileged. Please confirm in writing that this is the Region's official response to that portion of the FOIA request and please provide me with a log of the documents by date that are being withheld on the basis of attorney work product or attorney-client privilege. You also stated that Region 5 would require an additional 30-days in order fully respond to the October 12, 2011 FOIA request due to the need to obtain certain files from storage. Nevertheless, I specifically request that copies of all readily accessible documents be provided without further delay.

Please do not hesitate to call or email me with any further questions or concerns as you proceed to respond to my FOIA request.

Thank you,

Lianne Mantione
lianne.mantione@ssd.com

Direct: +1.216.479.8471
Fax: +1.216.479.8780

Squire, Sanders & Dempsey (US) LLP
4900 Key Tower
127 Public Square
Cleveland, Ohio 44114

-----Original Message-----

From: Bryant.Deloris@epamail.epa.gov [mailto:Bryant.Deloris@epamail.epa.gov]

Sent: Wednesday, October 26, 2011 5:19 PM

To: Mantione, Lianne R.

Cc: Branigan.Terry@epamail.epa.gov

Subject: FOI- 00050-12

This e-mail is to memorialize our conversation today. Your foia

request: EPA Correspondence Related to Clean Water Act Section 301(g) variances.

We are requesting a clarification of your request for documents:1) you are requesting all documents relating to renewals and/or modifications of Clean Water Act Section 301(g) variances;

2) and documents relating to EPA's review, approval or disapproval of such variances:

Please clarify your request as to whether you want #1 above or #2. We will temporarily hold your request until we receive your clarification.

Mantione, Lianne R.

From: Bryant.Deloris@epamail.epa.gov
Sent: Thursday, November 03, 2011 1:26 PM
To: Mantione, Lianne R.
Subject: RE: FOI- 00050-12

Ms. Lianne,

I have read your attached e-mail response and I thank you for some of the clarification you have provided, there are still a couple of issues I must clear up. In your original request you committed to a fee of \$500, by this email I am asking for a higher fee commitment of \$1,000 to cover the search and copy of responsive documents. Secondly, I understand that you want all documents as stated in the first sentence of you email. Are you seeking basic electronic documents and e-mails? Lastly, I thank you for an extension of time, to respond. We will forward an interim response and collected documents on November 10, we hope to totally complete your request no later than Dec. 15.

From: "Mantione, Lianne R." <Lianne.Mantione@ssd.com>
To: Deloris Bryant/R5/USEPA/US@EPA
Date: 10/28/2011 11:39 AM
Subject: RE: FOI- 00050-12

Ms. Bryant,

Thank you for your email below memorializing Region 5's request for clarification of my October 12, 2011 FOIA request.

To clarify, I am requesting all documents related to EPA's review, approval or disapproval of Clean Water Act Section 301(g) variance renewals and/or modifications including, but not limited to, all internal and external EPA correspondence. This request is not limited to a particular time period. I am requesting copies of all responsive documents regardless of age.

Also, while not mentioned in your email below, to further clarify my FOIA letter, the request includes responsive documents relating to variances from "Ammonia-N" and "Phenolic 4AAP, total" effluent limitations at Wheeling-Pittsburgh Steel Corp.'s Steubenville North Plant (OEPA Permit No. OID00033*GD), as well as any draft or final versions of the cited NPDES permit for this particular facility.

To reduce the burden in responding to my FOIA request, I am willing to have someone review potentially responsive documents at Region 5 in addition to or in lieu of your copying and mailing responsive information. I also appreciate your willingness to provide me with responsive documents on a rolling basis. As I mentioned during our call, I am agreeable to receiving information from current, non-archived files first, which will both help speed up the process as well as potentially reduce your burden in the event I determine that sufficient information has been obtained from current EPA files and archived materials are not necessary.

Finally, you stated during our telephone conversation that it is Region 5's position that the FOIA request for all internal communications relating to CWA Section 301(g) renewals or modifications is denied on the basis that all such internal communications would be attorney work product protected and/or attorney-client privileged. Please confirm in writing that this is the Region's official response to that portion of the FOIA request and please provide me with a log of the documents by date that are being withheld on the basis of attorney work product or attorney-client privilege. You also stated that Region 5 would require an additional 30-days in order fully respond to the October 12, 2011 FOIA request due to the need to obtain certain files from storage.

Nevertheless, I specifically request that copies of all readily accessible documents be provided without further delay.

Please do not hesitate to call or email me with any further questions or concerns as you proceed to respond to my FOIA request.

Thank you,

Lianne Mantione
lianne.mantione@ssd.com

Direct: +1.216.479.8471
Fax: +1.216.479.8780

Squire, Sanders & Dempsey (US) LLP
4900 Key Tower
127 Public Square
Cleveland, Ohio 44114

-----Original Message-----

From: Bryant.Deloris@epamail.epa.gov [mailto:Bryant.Deloris@epamail.epa.gov]
Sent: Wednesday, October 26, 2011 5:19 PM
To: Mantione, Lianne R.
Cc: Branigan.Terry@epamail.epa.gov
Subject: FOI- 00050-12

This e-mail is to memorialize our conversation today. Your foia request: EPA Correspondence Related to Clean Water Act Section 301(g) variances. We are requesting a clarification of your request for documents:1) you are requesting all documents relating to renewals and/or modifications of Clean Water Act Section 301(g) variances; 2) and documents relating to EPA's review, approval or disapproval of such variances:

Please clarify your request as to whether you want #1 above or #2. We will temporarily hold your request until we receive your clarification.

This message is confidential and may be legally privileged or otherwise protected from disclosure. If you are not the intended recipient, please telephone or email the sender and delete this message and any attachment from your system; you must not copy or disclose the contents of this message or any attachment to any other person.

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