



RE: In re ArcelorMittal Cleveland Inc., NPDES Appeal 11-01 -- CDX System Filing Error  
Mantione, Lianne R.

to:

Eurika Durr

03/26/2012 03:15 PM

Cc:

"Sherman, Kendra S.", Terence Branigan

Hide Details

From: "Mantione, Lianne R." <Lianne.Mantione@squiresanders.com>

To: Eurika Durr/DC/USEPA/US@EPA

Cc: "Sherman, Kendra S." <Kendra.Sherman@squiresanders.com>, Terence  
Branigan/R5/USEPA/US@EPA

Thank you for confirming by phone that ArcelorMittal Cleveland's supplemental brief and exhibits referenced below will be considered timely filed.

**Lianne Mantione**

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**From:** Mantione, Lianne R.

**Sent:** Monday, March 26, 2012 12:51 PM

**To:** durr.eurika@epa.gov

**Cc:** Sherman, Kendra S.

**Subject:** In re ArcelorMittal Cleveland Inc., NPDES Appeal 11-01 -- CDX System Filing Error

Environmental Appeals Board

Eurika Durr, Clerk of the Board

Dear Ms. Durr:

On Friday, March 23, 2012, I used EPA's CDX filing system to upload ArcelorMittal Cleveland Inc.'s Supplemental Brief as Ordered by the Board, along with seven separate exhibits, in accordance with the Board's Order Directing Supplemental Briefing (March 1, 2012) in the above-captioned matter. I began uploading the

documents at approximately 9 pm EST. Although I was able to successfully upload the brief itself as well as the one-page exhibit list, I received the following error message each time I tried to upload the exhibits themselves: "An unexpected failure has occurred while accessing the Ears data flow. A notification has been sent to our system administrators. Please try your request again and if you continue to have difficulties, please contact the CDX Help Desk at 888-890-1995." Sometimes the error message would also have the following parenthetical at the end: "(Session Reuse Failure)." I attempted to call the CDX Help Desk but the office was already closed. I also attempted to break the exhibits down into increasingly smaller PDF file sizes (the last attempt was to upload in 25 page increments) to see if the file size was causing the problem. No matter how I tried to submit the PDF files, I received the same error message each time. I also tried again at approximately 11 pm that same day to no avail. Attached are copies of the error messages I received. I did successfully serve opposing counsel electronic copies of the brief and all exhibits on Friday, March 23, 2012.

The following day, Saturday, March 24, 2012, I again attempted to upload the exhibit files. I successfully uploaded all exhibits on Saturday with no difficulty and received confirmatory emails for all uploads. Exhibits 1-6 were each split due to their large sizes and uploaded as two files, and Exhibit 7 was uploaded as a single file. I also mailed a hard copy of the brief and exhibits to the Board per the Board's requirement for filings that exceed 50 pages in length. I received confirmation of that delivery this morning.

In light of the CDX filing system error on Friday, I am asking that the Board treat ArcelorMittal Cleveland's supplemental brief and supporting exhibits to have been timely filed under the Board's March 1<sup>st</sup> Order.

Thank you for your consideration in this matter. Please let me know if you require any additional information in order for the Board to make its determination.

Respectfully submitted,

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Senior Associate

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