

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

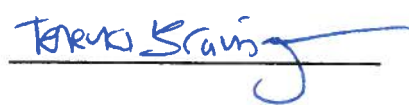
In re:)
)
ArcelorMittal Cleveland, Inc.)
) **NPDES Appeal No. 11-01**
)
Permit No. OH0000957)
)
_____)

**EPA REGION 5's
SUBMISSION OF CERTIFIED INDEX TO
THE ADMINISTRATIVE RECORD**

Pursuant to the September 8, 2011, and September 26, 2011 Orders of the Environmental Appeals Board ("Board"), Region 5 of the United States Environmental Protection Agency hereby submits by electronic filing to the Board the Certified Index to the Administrative Record for EPA Region 5's decision to deny ArcelorMittal's request for modifications to a previously granted variance under Section 301(g) of the Clean Water Act, 33 U.S.C. § 1311(g).

Dated: October 21, 2011

Respectfully submitted,



Terence Branigan
Associate Regional Counsel
U.S. Environmental Protection Agency/Region 5
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**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

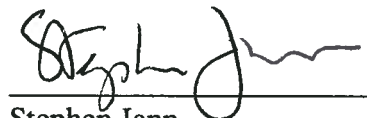
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**CERTIFIED INDEX TO
THE ADMINISTRATIVE RECORD**

I, Stephen Jann, Acting Branch Chief of the Underground Injection Control Branch, was the Section Chief of Section 2 in the NPDES Programs Branch, Water Division, EPA Region 5, during and before the Spring and Summer 2011. Because of my duties as Section Chief, I am familiar with the evaluation performed by EPA Region 5 in conjunction with Region 5's decision to deny a request by ArcelorMittal Cleveland Inc. for a modification of a variance under Section 301(g) of the Clean Water Act, 33 U.S.C. § 1311(g). I hereby certify that the attached index constitutes the Certified Index to the Administrative Record for EPA Region 5's decision to deny ArcelorMittal Cleveland Inc.'s request.

Dated: October 20, 2011

Respectfully submitted,



Stephen Jann
Acting Branch Chief
Underground Injection Control Branch
EPA, Region 5

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
U.S. ENVIRONMENTAL PROTECTION AGENCY
NPDES Appeal No. 11-01**

**ADMINISTRATIVE RECORD INDEX
FOR
REQUEST FOR MODIFICATION UNDER CLEAN WATER ACT SECTION 301(G)
ARCELORMITTAL CLEVELAND INC., REQUESTER
NPDES PERMIT OH0000957 (3ID00003*OD)
JUNE 2011**

INDEX NUMBER	DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION
AR-1	09/21/1978	D.H. Clark Republic Steel	Regional Administrator, EPA Region 5	Correspondence stating Republic's intent to file for variances under CWA Section 301(c) and 301(g)
AR-2	02/17/1983	William L. West, Republic Steel	Regional Administrator, EPA Region 5	Application pursuant to Section 301(g) for modification of the BAT requirements applicable to phenol and ammonia
AR-3	03/31/1983	W.L. West Republic Steel	Regional Administrator, EPA Region 5	Supplemental information in support of application pursuant to Section 301(g) for modification of BAT requirements for ammonia, with attached application
AR-4	03/26/1985	W.B. Bredbeck, LTV Steel Co.	Gary A. Amendola, EPA	Correspondence regarding Section 301(g) variance reports
AR-5	12/31/1990	Ohio EPA		Director's Final Findings and Orders NPDES Permit No. 3ID00003*JD (OH0000957)
AR-6	03/06/2000	Eric Nygaard Ohio EPA	Lisa Morris Ohio EPA	Memorandum with attached November 1999 briefing and review materials
AR-7	04/02/2000	Paul G. Novak, Ohio EPA	Rebecca Harvey, EPA	Correspondence regarding request for alternative limits under Section 301(g)
AR-8	03/14/2001	David A. Ullrich, EPA	Lisa Morris, Ohio EPA	Notice of decision to grant variances for ammonia-N pursuant to CWA Section 301(g), with attachments
AR-9	09/ 27/2001	Ohio EPA		NPDES Permit, OH0000957 (3ID00003*LD)

AR-10	03/19/2004	Ohio EPA		Modification of NPDES permit, OH0000957 (3ID00003*LD)
AR-11	01/18/2007	Rich Zavoda ISG Cleveland	Eric Nygaard Ohio EPA	Email concerning ISG Cleveland Inc.'s request to continue Section 301(g) variance for blast furnace outfall 604
AR-12	04/06/2007	Eric Nygaard, Ohio EPA	Peter Swenson and Sreedevi Yedavalli, EPA	Early warning regarding upcoming Section 301(g) variance reviews [redacted]
AR-13	05/24/2007	George Elmaraghy Ohio EPA	Peter Swenson EPA	Correspondence recommending that EPA approve the continuation of Section 301(g) variance for ammonia-nitrogen for ISG Cleveland Works
AR-14	02/05/2008	Ohio EPA		Fact Sheet in support of re-issued NPDES permit, OH0000957 (3ID00003*OD)
AR-15	06/30/2008	Ohio EPA		Re-issued NPDES permit, OH0000957 (3ID00003*OD)
AR-16	04/13/2010	R.M. Zavoda ArcelorMittal Cleveland Inc.	Erm Gomes Ohio EPA	Correspondence submitting NPDES permit modification request, Section 301(g) variance for ammonia-N
AR-17	04/13/2010	Amendola Engineering, Inc.		NPDES permit modification request Section 301(g) variance for ammonia-N outfall 604
AR-18	05/03/10	Eric Nygaard Ohio EPA	Sreedevi Yedavalli, EPA	Email transmitting ArcelorMittal Cleveland NPDES permit modification request prior to formal transmission
AR-19	05/21/2010	Ohio EPA		Fact Sheet: ArcelorMittal Cleveland, Inc.: Water Quality Standards and Anti-degradation
AR-20	05/26/2010	Ohio EPA		Public Notice for anti-degradation project
AR-21	06/14/2010	George Elmaraghy, Ohio EPA	Kevin Pierard, EPA	Correspondence transmitting permit modification request from ArcelorMittal Cleveland Inc.
AR-22	07/02/2010	Eric Nygaard, OEPA	Sreedevi Yedavalli, EPA	Email concerning ArcelorMittal production
AR-23	08/02/2010	Eric Nygaard OEPA	Sreedevi Yedavalli, EPA	ArcelorMittal limits history and anti-degradation information
AR-24	03/16/2011	ArcelorMittal Cleveland		Agenda for meeting
AR-25	03/16/2011	Amendola Engineering, Inc.		Handout summarizing the 301(g) modification request, for 03/16/2011 meeting

AR-26	Undated			Handout with graph of C5&6 outfall 604 monthly average ammonia (kg/day), for 03/16/2011 meeting
AR-27	Undated			Handout, with graph of C5/C6 outfall 005, ammonia (ppm), for 03/16/2011 meeting
AR-28	03/26/2010	Amendola Engineering Inc.	ArcelorMittal Cleveland, Inc.	Handout, Figure 4, Existing Blast Furnace Recycle System, Preferred Design Alternative, for 03/16/2011 meeting
AR-29	Undated			Handout, How we make steel, for 03/16/2011 meeting
AR-30	Undated			Handout, Ironmaking Treatment Models Summary, for 03/16/2011 meeting
EPA Policies Considered by Region 5				
AR-31	Undated	EPA		Technical Guidance Manual (Draft) for the Regulations Promulgated Pursuant to Section 301(g) of the Clean Water Act of 1977 40 CFR Part 125 (Subpart F)
AR-32	10/25/1982	Marth G. Protho, EPA	Regional Water Management Division directors	Review of Draft 301(g) Regulation, Preamble, Application Form and Technical Guidance Manual
AR-33	12/29/1982	Bruce R. Barret, EPA	Regional Administrators, State NPDES Directors, Director NEIC	Application Requirements for Modifications Under Sections 301(c) and 301(g) of the Clean Water Act
AR-34	05/17/1983	Martha G. Protho, EPA	Regional Water Management Division Directors	Section 301(g) variance requests
AR-35	08/07/1984	EPA		Proposed rule for granting water quality variances under section 301(g) of the Clean Water Act (49 Fed. Reg. 31462)(never finalized)
AR-36	08/01/1985	Martha G. Prothro, EPA	EPA Waste Management Division Directors, Regions I – X	Public Notice of Tentative Section 301(g) Decisions and Draft NPDES Permits

AR-37	09/25/1987	James Elder, EPA	William A. Whittington, Susan G. Lepow, and Water Management Division Directors, EPA	Plan for Resolution of Fundamentally Different Factors and Section 301(g) Variance Requests
AR-38	September 2010	EPA		EPA NPDES Permit Writers' Manual
EPA Region 5 Decision Document				
AR-39	06/23/2011	Susan Hedman, Regional Administrator	Scott J. Nally, Director, Ohio EPA	Correspondence conveying Region 5's decision to deny ArcelorMittal Cleveland Inc.'s request for increased Section 301(g) variance effluent limits (With green card returned from certified mail and explanatory email from EPA Region 5)

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

In re:)
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ArcelorMittal Cleveland, Inc.)
) **NPDES Appeal No. 11-01**
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Permit No. OH0000957)
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**EPA REGION 5's
 SUBMISSION OF RELEVANT PORTIONS OF THE
 ADMINISTRATIVE RECORD**

Pursuant to the September 8, 2011, and September 26, 2011 Orders of the Environmental Appeals Board ("Board"), Region 5 of the United States Environmental Protection Agency hereby submits by electronic filing to the Board those portions of the administrative record in this matter relevant to the Informal Appeal, NPDES Appeal No. 11-01, filed by ArcelorMittal Cleveland Inc.

Index Number	Date	Title/Description
AR-8	03/14/2001	Notice of decision to grant variances for ammonia-N pursuant to CWA Section 301(g), with attachments
AR-9	09/27/2001	NPDES Permit, OH0000957 (3ID00003*LD) (excerpts only, pp. 1-5)
AR-15	06/30/2008	Re-issued NPDES permit, OH0000957 (3ID00003*OD) (excerpts only, pp. 1, 24)
AR-16	04/13/2010	Correspondence submitting NPDES permit modification request, Section 301(g) variance for ammonia-N to Ohio EPA

AR-17	04/13/2010	NPDES permit modification request Section 301 (g) variance for ammonia-N outfall 604 (excerpts only, cover pages; application pps. 1-2; permit modification request pp. 1-9)
AR-21	06/14/2010	Correspondence from Ohio EPA transmitting permit modification request from ArcelorMittal Cleveland Inc. To EPA Region 5
AR-39	06/23/2011	Correspondence conveying Region 5's decision to deny ArcelorMittal Cleveland Inc.'s request for increased Section 301 (g) variance effluent limits (With green card returned from certified mail and explanatory email from EPA Region 5)

Dated October 21, 2011

Respectfully Submitted

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AR-8



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

01 MAR 23 AM 9:47

MAR 14 2001

OHIO EPA
REPLY TO THE ATTENTION OF: BW-VQ

R-19J

Lisa Morris, Chief
Division of Surface Water
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216 - 1049

Dear Ms. Morris:

The United States Environmental Protection Agency has reviewed the application submitted by the LTV Steel Corporation for their Cleveland Works requesting variances for ammonia-N from best available technology economically achievable requirements of the Clean Water Act pursuant to Section 301(g). We propose to grant the variances to the LTV Steel Corporation with the terms, conditions and limitations of the enclosed evaluation. Please proceed with the public notice of this proposed decision and the draft National Pollutant Discharge Elimination System permit for this facility. We will make our final decision after we have reviewed any additional information or comments provided during the public notice period.

Sincerely yours,

David A. Ullrich
Acting Regional Administrator

Enclosure

cc: Paul Novak, OEPA

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

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).

EPA) issued to LTV Steel an administrative 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

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).

guidelines for ammonia-N applicable to blast furnace operations (see §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 OWEP 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.

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

4. Impacts on Fish, Shellfish and Wildlife

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).

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

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 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	17.6	28.8	62.4	85.6
Summer	50.0	68.5	81.6	211
Winter				

AR-9

Revised

Application No. OH0000957

Issue Date: September 27, 2001

Effective Date: November 1, 2001

Expiration Date: October 31, 2006

RECEIVED
OCT 04 2001

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

PERMITS SUPPLY &
TECHNICAL ASSIST BR.
EPA, REGION 5

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),

LTV Steel Company, Inc.

Mayer

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the LTV Steel Company, Inc. Cleveland Works wastewater treatment works located at 3100 East 45th Street, Cleveland, Ohio, Cuyahoga County and discharging to the Cuyahoga 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.

Christopher Jones

Christopher Jones
Director

Total Pages: 90

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 date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3ID00003601. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 601 - Final

Effluent Characteristic	Discharge Limitations				Monitoring Requirements			
	Parameter	Concentration Specified Units	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months	Monitoring Months	Monitoring Months
00400 - pH - S.U.	-	-	-	2/Week	Grab	All		All
00515 - Residue, Total Dissolved - mg/l	-	-	-	2/Week	24hr Composite	All		All
00530 - Total Suspended Solids - mg/l	-	-	-	2/Week	24hr Composite	All		All
00550 - Oil and Grease, Total - mg/l	-	-	-	2/Week	Grab	All		All
00719 - Cyanide, Free - mg/l	-	-	-	2/Week	Grab	All		All
01094 - Zinc, Total Recoverable - ug/l	-	-	-	2/Week	24hr Composite	All		All
01114 - Lead, Total Recoverable - ug/l	-	-	-	2/Week	24hr Composite	All		All
00050 - Flow Rate - MGD	-	-	-	1/Day	Continuous	All		All
02090 - Total Toxic Organics - ug/l	800	-	-	1/Month	Grab	All		All

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

During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3ID00003602. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

able - Final Outfall - 602 - Final

Effluent Characteristic Parameter	Discharge Limitations			Monitoring Requirements		
	Concentration Maximum Minimum	Specified Units Monthly	Loading* Daily	Measuring Frequency	Sampling Type	Monitoring Months
0400 - pH - S.U.	-	-	-	2/Week	Grab	All
0515 - Residue, Total Dissolved - mg/l	-	-	-	2/Week	24hr Composite	All
0530 - Total Suspended Solids - mg/l	-	-	-	2/Week	24hr Composite	All
0550 - Oil and Grease, Total - mg/l	-	-	-	2/Week	Grab	All
0719 - Cyanide, Free - mg/l	-	-	-	2/Week	Grab	All
0994 - Zinc, Total Recoverable - ug/l	-	-	-	2/Week	24hr Composite	All
1114 - Lead, Total Recoverable - ug/l	-	-	-	2/Week	24hr Composite	All
0696 - Naphthalene - ug/l	-	-	-	1/Quarter	24hr Composite	All
0050 - Flow Rate - MGD	-	-	-	1/Day	Continuous	All

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

During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3ID00003603. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Calculated Outfall/Station - 603 - Final

Effluent Characteristic Parameter	Discharge Limitations			Monitoring Requirements		
	Concentration Maximum Minimum	Specified Units	Loading* Daily Weekly Monthly	Measuring Frequency	Sampling Type	Monitoring Months
00515 - Residue, Total Dissolved - mg/l	-	-	-	2/Week	Calculated	All
00530 - Total Suspended Solids - mg/l	-	-	1284	2/Week	Calculated	All
00550 - Oil and Grease, Total - mg/l	-	-	672	2/Week	Calculated	All
00719 - Cyanide, Free - mg/l	-	-	-	2/Week	Calculated	All
01094 - Zinc, Total Recoverable - ug/l	-	-	17.7	2/Week	Calculated	All
01114 - Lead, Total Recoverable - ug/l	-	-	9.01	2/Week	Calculated	All
00050 - Flow Rate - MGD	-	-	-	1/Day	Calculated	All

Effluent loading limitations for Oil and Grease (average) and Zinc as allowed by the Federal Iron and Steel Manufacturing Categorical Regulations are based on the following average production values:

OUTFALL 3ID00003601	OUTFALL 3ID00003602
4" Hot Strip Mill 12,871 tons/day	84" Tandem Mill 4877 tons/day
SE Electro galvanizing 1,392 tons/day (0.5054 MGD)	84" Temper Mill 3734 tons/day
4" Pickle Line (1 fume scrubber) 4,726 tons/day	
0" Electro zinc Line 456 tons/day (0.3485 MGD)	

If these figures are incorrect or decrease by more than 20% each, the permittee shall notify the Ohio EPA immediately.

This is a calculated station. It does not actually exist. Data to be reported are the summation of outfalls 3ID00003601 and 3ID00003602. Concentrations shall be calculated using the total load for a particular parameter and the combined flow rate.

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

During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3ID00003604. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

able - Final Outfall - 604 - Final

Effluent Characteristic Parameter	Discharge Limitations			Monitoring Requirements		
	Concentration Maximum Minimum	Specified Units Monthly	Loading* Daily	Measuring Frequency	Sampling Type	Monitoring Months
3401 - pH, Maximum - S.U.	-	-	-	1/Day	Continuous	All
3402 - pH, Minimum - S.U.	-	-	-	1/Day	Continuous	All
3530 - Total Suspended Solids - mg/l	-	-	660	1 / 2 Weeks	24hr Composite	All
3610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	85.6	1/Week	24hr Composite	Summer
3610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	211	1/Week	24hr Composite	Winter
3720 - Cyanide, Total - mg/l	-	-	14.8	1 / 2 Weeks	Grab	All
3094 - Zinc, Total Recoverable - ug/l	-	-	2.83	1/Week	24hr Composite	All
114 - Lead, Total Recoverable - ug/l	-	-	2.22	1/Week	24hr Composite	All
123 - Manganese, Total Recoverable - /l	-	-	-	1/Month	24hr Composite	All
730 - Phenolic 4AAP, Total - ug/l	-	-	.493	1/Month	24hr Composite	All
050 - Flow Rate - MGD	-	-	-	1/Day	Continuous	All

Effluent loading limitations for Total Suspended Solids, Lead and Phenolics as allowed by the Federal Iron and Steel Manufacturing Act are based on an average production of 4581 tons/day at the C5 Blast Furnace and 4729 tons/day at the C6 Blast Furnace. If these figures are incorrect or decrease by more than 20% each, the permittee shall notify the Ohio EPA immediately.

AR-15

Application No. OH0000957

Issue Date: June 30, 2008

Effective Date: August 1, 2008

Expiration Date: January 31, 2013

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),

ArcelorMittal Cleveland Inc.

is authorized by the Ohio Environmental Protection Agency, hereinafter referred to as "Ohio EPA," to discharge from the Cleveland wastewater treatment works located at 3060 Eggers Avenue, Cleveland, Ohio, Cuyahoga County and discharging to the Cuyahoga 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.

Laura H. Powell
Assistant Director

Total Pages: 74

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 date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3ID00003604. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

Table - Final Outfall - 604 - Final

Effluent Characteristic Parameter	Discharge Limitations			Monitoring Requirements			
	Concentration Minimum	Specified Units	Loading* kg/day	Measuring Frequency	Sampling Type	Monitoring Months	
00530 - Total Suspended Solids - mg/l	-	-	657	218	1 / 2 Weeks	24hr Composite	All
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	211	81.6	1/Week	24hr Composite	Winter
00610 - Nitrogen, Ammonia (NH3) - mg/l	-	-	85.6	62.4	1/Week	24hr Composite	Summer
00720 - Cyanide, Total - mg/l	-	-	14.7	7.36	1 / 2 Weeks	Grab	All
01094 - Zinc, Total Recoverable - ug/l	-	-	2.83	1.00	1/Week	24hr Composite	All
01114 - Lead, Total Recoverable - ug/l	-	-	2.21	.74	1/Week	24hr Composite	All
32730 - Phenolic 4AAP, Total - ug/l	-	-	.491	.245	1/Month	24hr Composite	All
50050 - Flow Rate - MGD	-	-	-	-	1/Day	Continuous	All
61941 - pH, Maximum - S.U.	-	-	-	-	1/Day	Continuous	All
61942 - pH, Minimum - S.U.	-	-	-	-	1/Day	Continuous	All

Notes for Station Number 3ID00003604:

- Effluent loading limitations for Total Suspended Solids, Cyanide, Lead and Phenolics as allowed by the Federal Iron and Steel Manufacturing Categorical Regulations are based on an average production of 4755 tons/day at the C5 Blast Furnace and 4497 tons/day at the C6 Blast Furnace.

- If these figures are incorrect or decrease by more than 20% each, the permittee shall notify the Ohio EPA immediately.

AR-16

ArcelorMittal Cleveland
Flat Carbon Steel



ArcelorMittal

April 13, 2010

Certified Mail – Return Receipt Requested

Mr. Erm Gomes
Ohio Environmental Protection Agency
Division of Surface Water
2110 East Aurora Road
Twinsburg, Ohio 44087

Subject: ArcelorMittal Cleveland Inc.
NPDES Permit 3ID00003*OD
Modification Application
Outfall 604 Effluent Limitations

Dear Mr. Gomes:

ArcelorMittal Cleveland Inc. submits the enclosed NPDES permit application to modify the existing Section 301(g) variance effluent limitations of ammonia-N at Outfall 604. All other limitations are requested to remain unchanged. Three copies of the modification application are enclosed. An Antidegradation Addendum with certification is included in the enclosed application. A check in the amount of \$200 is also enclosed as remittance of the application fee.

ArcelorMittal Cleveland respectfully requests that Ohio EPA timely process this application to increase the existing Section 301(g) variance effluent limitations of ammonia-N at Outfall 604, as allowed by applicable regulations and as described in the attached application. Your effort to review this request and revise the permit expeditiously is greatly appreciated. Please contact me at (216) 429-6542, if you have any questions regarding this correspondence.

Sincerely yours,

R. M. Zavoda
Manager, Environmental

cc: Mr. Eric Nygaard
Ohio Environmental Protection Agency
Division of Surface Water
P.O. Box 1049
122 South Front Street
Columbus, OH 43216-1049 (w/attachment)

ArcelorMittal Cleveland Inc.
3080 Eggers Avenue
Cleveland, Ohio 44105

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www.arcormittal.com

AR-17



ArcelorMittal

ArcelorMittal Cleveland Inc.

3060 Eggers Avenue
Cleveland, OH 44105

NPDES Permit Modification Request

Section 301(g) Variance for Ammonia-N, Outfall 604

NPDES Permit No. 3ID00003*OD; OH0000957

April 13, 2010

Prepared by:

**Amendola Engineering, Inc.
Lakewood, OH**

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Figures



State of Ohio Environmental Protection Agency

Ohio NPDES Permit Modification Form
Revised 01/07

National Pollutant Discharge Elimination System

Application for Modification of Ohio NPDES Permit

Submit this application to the appropriate district office

District Offices

Northeast District • 2110 East Aurora Road • Twinsburg, Ohio • 44087

Northwest District • 347 North Dunbridge Road • Bowling Green, Ohio • 43402

Central District • P.O. Box 1049 • Columbus, Ohio • 43216-1049

Southeast District • 2195 Front Street • Logan, Ohio • 43138

Southwest District • 401 East 5th Street • Dayton, Ohio • 45402

Division of Surface Water • 50 West Town Street, Suite 700 • P.O. Box 1049 • Columbus, Ohio • 43216-1049

For Agency Use	Facility Name:	Date Received (yy/mm/dd)
	Ohio EPA Permit Number:	Application Number:



Application for Modification of Ohio NPDES Permit
 Division of Surface Water
 Permits and Compliance Section

- A. Permit number for which modification is being requested: 3 1 D 0 0 0 0 3 * 0 D
- B. Name of organization responsible for facility: ArcelorMittal Cleveland Inc.
- C. Address, location, and telephone number of facility producing the permitted discharge:
- Name: ArcelorMittal Cleveland Inc.
 - Mailing Address: Street: 3060 Eggers Avenue
 City: Cleveland State: Ohio Zip: 44105
 - Location: Street: 3060 Eggers Avenue
 City: Cleveland Zip: 44105 County: Cuyahoga
 - Telephone (area code & no.): 216-429-6542
- D. Describe in detail the provision(s) of the permit the applicant wishes to modify. *(Attach additional pages as necessary)*
- ArcelorMittal Cleveland, Inc. requests to modify the Outfall 604 permit limits for 'Nitrogen, Ammonia' at 'Part 1, A. - FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS' (page 24) of the subject NPDES Permit. Refer to 'Summary of Permit Modification Request' and Attachment 1 of this application for further information.
- E. Describe in detail the reason(s) a modification is desired. *(Attach additional pages as necessary)*
- See Ohio Administrative Code 3745-33-04(D) for grounds for modification.
- Refer to Attachment 1 of this application.

F. Name of receiving water or waters:

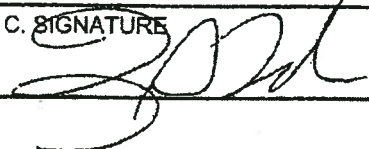
Cuyahoga River

G. Describe requested modification in sufficient detail to allow Ohio Environmental Protection Agency to process your request. If a Permit to Install is required under regulation OAC 3745-42; attach a completed application for a Permit to Install and make no other entries in this section. If a Permit to Install is not required and additional space is needed, provide the additional information on attached sheets.

Refer to Attachment 1 of this application.

Certification

I certify that I am familiar with the information contained in this application and that, to the best of my knowledge and belief, such information is true, complete and accurate.

A. NAME AND OFFICIAL TITLE (type or print) T.G. Fedor (General Manager)	B. PHONE NO. (area code & no.) 216-429-6542
C. SIGNATURE 	D. DATE SIGNED 4/12/10

**ArcelorMittal Cleveland Inc.
NPDES Permit Modification Request**

Summary of Permit Modification Request

ArcelorMittal Cleveland Inc. (ArcelorMittal) is requesting increased Section 301(g) variance effluent limits for ammonia-N at Outfall 604. The current Outfall 604 effluent limits and ArcelorMittal's proposed modified effluent limits (PMELs) are presented in the table below.

**Internal Outfall 604
Current and Proposed Ammonia-N Effluent Limits
(Section 301(g) Variance Limits)**

Season	Current Monthly Average Limit (kg/day)	Current Daily Maximum Limit (kg/day)	ArcelorMittal Proposed Monthly Average Limit (kg/day)	ArcelorMittal Proposed Daily Maximum Limit (kg/day)
Summer	62.4	85.6	224	294
Winter	81.6	211	224	294

The request is being made for the following reasons: (1) upon resumption of blast furnace production operations in September and October 2009, concentrations of ammonia-N in the blast furnace recycle system have exceeded historical levels; (2) the facility is in jeopardy of exceeding the ammonia-N effluent limits at Outfall 604; and, 3) the relevant NPDES permit regulations allow such an increase in limits.

The current NPDES permit effluent limits were established based upon a variance from the generally applicable BAT effluent limitations guidelines for ammonia set out at 40 CFR 420.33 for blast furnace operations. The variance is authorized under Section 301(g) of the Clean Water Act and was approved by Ohio EPA and USEPA and forward through several NPDES permit renewals. This variance allows ArcelorMittal to continue to operate the blast furnace process water treatment and recycle system without recycle system blowdown treatment that would otherwise be necessary to achieve the generally applicable BAT effluent limits for ammonia-N, while being protective of ambient water quality in the lower Cuyahoga River.

Sections 1 and 2 below explain the basis for the permit modification request; address the pertinent requirements of Section 301(g) of the Clean Water Act; and, address the relevant Ohio Antidegradation and Antidegradation regulations.

ArcelorMittal believes this request should be granted based upon the following considerations:

- The requested increased limits are allowed by the applicable Ohio NPDES permit regulations and will conform to the requirements of Section 301(g) of the Clean Water Act:
 - The requested effluent limits are more stringent than both the effluent limits derived from the generally applicable BPT effluent limitation guidelines at 40 CFR Part 420.32 and the applicable Cuyahoga River wasteload allocation for ammonia-N for

ArceIorMittal. Thus, the requested effluent limits satisfy those pertinent provisions of Section 301(g) of the Clean Water Act.

- For this case, the Antibacksliding regulation does not prohibit establishing less stringent effluent limits than contained in the prior permit because: (1) effluent limits established under Section 301(g) of the Clean Water Act are specifically excluded from consideration by the antibacksliding regulation at OAC 3745-33-05(E)(1); and, (2) information is now available that was not available at the time of permit issuance which would have justified less stringent effluent limits at that time (see OAC 3745-33-05(E)(1)(b)).
- The requested increase can be approved under the Ohio Antidegradation regulation. The requested increase is a 'de-minimis' increase as set out at OAC 3745-1-05 (D)(1)(b)(i). The Cleveland facility meets the requirements of 3745-1-05 (C)(2) related to required treatment facilities, and the requirements of OAC 3745-1-5(C)(6) related to 'set asides to limit lower water quality'.
- No significant adverse environmental impacts can reasonably be anticipated from the allowable increase in effluent limits, as evidenced by the classification of the increase as 'de-minimis' under the Ohio Antidegradation regulation. The applicable wasteload allocation for ammonia is approximately 8 to 11 times greater than the proposed modified effluent limits.
- If the request is denied, ArceIorMittal would be compelled to install and operate costly treatment facilities for ammonia-N. Such cost considerations are a major reason why Section 301(g) was included in the Clean Water Act for non-conventional pollutants (i.e., to avoid 'treatment for treatment's sake').

Attachment 1 - Requested Modifications to NPDES Permit and Basis for Request

ArcelorMittal Cleveland Inc. (ArcelorMittal) requests modifications of the Outfall 604 effluent limits for ammonia-N set out on page 24 of the NPDES permit (Ohio NPDES Permit No. 3ID00003*OD Part 1, A – Final Effluent Limitations) .

Description of Outfall 604

Outfall 604 contains blowdown from the common gas cooling and scrubber process water treatment and recycle system for the No. C5 and C6 blast furnaces. The treatment and recycle system includes clarifiers for removal of particulates removed from the blast furnace gas, a mechanical draft cooling tower for cooling the recirculating water and ancillary pump stations and sludge dewatering equipment. A portion of the recirculating water is used for cooling slag generated from the blast furnaces and a low-volume blowdown is discharged through Outfall 604. The discharge from Outfall 604 is combined with non-contact cooling water, storm water and groundwater and is discharged via Outfall 005 to the Cuyahoga River.

Current Outfall 604 Ammonia-N Effluent Limits and Outfall 604 Ammonia Discharges

The current ammonia-N effluent limits are based upon a Section 301(g) variance from the Best Available Technology (BAT) Effluent Limitations Guidelines for Ironmaking at 40 CFR Part 420.33(a). The variance is authorized under Section 301(g) of the Clean Water Act and was applied for by ArcelorMittal's predecessors and has been incorporated into prior NPDES permits and the current NPDES permit¹. The current limits are presented below:

Table 1-1
Internal Outfall 604
Current Ammonia-N Effluent Limits
(Section 301(g) Variance Limits)

Season	Monthly Average Limit (kg/day)	Daily Maximum Limit (kg/day)
Summer	62.4	85.6
Winter	81.6	211

The numerical limits listed in Table 1-1 above were derived by Ohio EPA from an analysis of Outfall 604 ammonia data from 1995 to 1998². These limits were based on then current discharges from Outfall 604 and do not reflect application of treatment technology to the discharge for ammonia-N. ArcelorMittal does not add ammonia-N to the blast furnaces as a raw material or process additive, but some is present in blast furnace coke charged to the furnaces. The amount of ammonia-N contained in coke is minute in concentration but, because of the large amounts of coke used, a significant amount of ammonia can be liberated within the blast furnace and captured by the gas cleaning system. While

¹ See Undated Letter from George Elmaraghy (Ohio EPA) to Peter Swensen (USEPA) and page 24 of NPDES Permit No. 3ID00003*OD containing recommended ammonia limits for Outfall 604.

² April 11, 2001 Fact Sheet Addendum and 301(g) Public Notice. Note that the winter monthly average limit predates this analysis (it is from the 1994 Ohio EPA Director's Final Findings and Orders containing 301(g) limits).

purchase specifications attempt to prevent the coke from containing measurable concentrations of contaminants, the amount of ammonia contained within the coke that Cleveland purchases on the open market is beyond its reasonable control due to the minute concentration issue. Any ammonia that may be generated in the blast furnace itself is also beyond the reasonable control of the Cleveland facility.

The Cleveland facility has historically maintained compliance with the Section 301(g) limits for ammonia-N listed in Table 1-1. In October 2008 the C5 and C6 blast furnaces were idled because of the severe economic contraction. In September 2009 the C5 furnace resumed production and in October 2009 the C6 furnace resumed production. When production resumed, ammonia-N concentrations of the recirculating process water treatment system and blowdown initially approached historical concentrations, as expected, but then continued to increase through February 2010. A graph of Outfall 604 ammonia concentrations from 2004 to February 2010 is attached as Figure 1. ArcelorMittal was able to achieve compliance with the current limits by minimizing blowdown flow. Operation at reduced blowdown flows for an extended period of time is undesirable because fouling and scaling will occur in the recycle system, causing operation and maintenance problems and shortening equipment life. Graphs of Outfall 604 ammonia-N loadings from 2004 to February 2010 and the current limits are presented as Figure 2. As can be seen, had production resumed in summer instead of winter, the Cleveland facility would have exceeded the current NPDES permit effluent limits, even at reduced blowdown rates.

The quality of coke charged to the furnaces has been identified as a possible factor affecting ammonia concentrations in the recycle system. Had coke quenched with 'dirty water' been used in the furnaces, high ammonia concentrations would be expected. However, no new coke supplies have been used at the furnaces since production resumed. Coke analysis has not determined the cause of the recent elevated ammonia levels. The Cleveland facility is continuing to investigate the cause of the increased ammonia concentrations in the blast furnace recirculation system but, other than ammonia-N introduced with coke, no new sources have been identified.

The total iron production rate has been in the range of 6,600 tons/day since production resumed. When production increases above this level, to the rate used to establish the Outfall 604 limits for other parameters (9,252 tons/day) for example, ammonia discharges are expected to increase above the current levels.

Proposed Modifications to Internal Outfall 604 Ammonia-N Effluent Limits

Based upon the likelihood of exceeding the current ammonia limits at both current and future increased production rates, and considering allowable effluent limits under Section 301(g) and the implementing NPDES regulations, ArcelorMittal proposes that the Outfall 604 effluent limits for ammonia-N be modified to the following values:

Table 1-2
Internal Outfall 604
Requested Modified Ammonia-N Effluent Limits

Season	Monthly Average Limit (kg/day)	Daily Maximum Limit (kg/day)
Year Round	224	294

The values in Table 1-2 are based upon the USEPA BAT model treatment system blowdown flow for ironmaking blast furnaces of 70 gallons per ton, the production rate used to calculate the Outfall 604 permit limits for other parameters (9,252 tons/day) and the maximum observed monthly average and daily ammonia-N concentrations since production resumed in September and October 2009 (91 mg/l and 120 mg/l, respectively – refer to Figure 1, pages 1 and 2). The requested limits account for the recent elevated ammonia concentrations and for increased ammonia-N discharges expected at higher production rates.

Table 1-3 below is a comparison of the Cleveland facility current and proposed limits to the other Section 301(g) ammonia limits for blast furnace operations in Ohio.

Table 1-3
Section 301(g) Variance Ammonia Limits for Blast Furnaces in Ohio

Facility	Section 301(g) Limits (kg/day)		NPDES Production Rate (tons/day)	Section 301(g) Limits (kg/ton)		Percentage of Severstal Wheeling Limits (kg/ton basis)	
	M. Avg	D. Max		M. Avg	D. Max	M. Avg	D. Max
ArcelorMittal Cleveland – Current Summer Limits	62.4	85.6	9,252	0.0067	0.0093	24%	17%
ArcelorMittal Cleveland – Current Winter Limits	81.6	211	9,252	0.0088	0.0228	32%	41%
ArcelorMittal Cleveland – Requested Limits (year round)	224	294	9,252	0.0242	0.0318	87%	58%
Severstal Wheeling, Inc. – Year Round Limits	113.4	226.8	4,100	0.0277	0.0553	100%	100%
AK Steel Middletown – Year Round Limits	205	410	6,920	0.0296	0.0592	107%	107%

As can be seen from the two right hand columns in the table above, the current Cleveland facility limits are well below the other Section 301(g) limits when normalized to production. The proposed modified effluent limits are still more stringent than the corresponding Section 301(g) variance limits for the other blast furnace facilities in Ohio.

Consideration of Section 301(g) Requirements

Effluent limits established under Section 301(g) must meet certain requirements. These are addressed below.

Section 301(g) Limits in Relation to BPT and Water Quality Based Effluent Limits [Section 301(g)(2)(A)]

Effluent limits established under Section 301(g) of the Clean Water Act must meet the more stringent of Best Practicable Control Technology (BPT) effluent limits and water quality based effluent limits derived from applicable state water quality standards (Section 301(g)(2)(A)). Table 1-4 is a comparison of the following values: ArcelorMittal's current effluent limits, ArcelorMittal's proposed modified effluent limits, the generally applicable BPT limits, the generally applicable BAT limits, and Ohio EPA's wasteload allocation value for the Cleveland facility. The comparison is also presented graphically as Figure 3.

**Table 1-4
ArcelorMittal Cleveland, Inc.
Comparison of Requested Limits to Ohio EPA Wasteload Allocation, BPT Limits and BAT Limits**

	Ohio EPA Wasteload Allocation		BPT Limits (kg/day)	BAT Limits (kg/day)	Current 301(g) Limits (kg/day)		Requested 301(g) Limits (kg/day)
	Summer	Winter			Summer	Winter	
Monthly Average	NA	NA	451	24.5	62.4	81.6	224
Daily Maximum	3135	2472	1353	73.6	85.6	211	294

As can be seen in Table 1-4 and Figure 3, the proposed modified effluent limits are well below both the generally applicable BPT limits and the applicable wasteload allocation, and thereby meet the requirements of Section 301(g)(2)(A).

Requirements on Other Point or Non-Point Sources [Section 301(g)(2)(B)]

Section 301(g) limits must not result in any additional requirements for other point or non-point sources. This is addressed by the Ohio EPA wasteload allocation for the lower Cuyahoga River, which accounts for other discharges. The PMELs (i.e., proposed modified effluent limits) do not result in additional requirements on other discharges.

Impact on Water Quality That Will Protect Public Water Supplies, Fish, Shellfish, Wildlife and Recreational Activities [Section 301(g)(2)(C)]

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 approximately 10 miles from Outfall 005. As a result of the distance to the nearest public water supply intake, adverse impacts on the nearest public water supply cannot reasonably be anticipated.

Fish, Shellfish, Wildlife

Ohio's water quality standards applicable to the receiving stretch of the Cuyahoga River address these concerns. Thus, by meeting the wasteload allocation, water quality necessary for protection of fish, shellfish and wildlife will be attained.

Recreational Activities

Recreational activities on the lower Cuyahoga River in the vicinity of Outfall 005 comprise principally recreational boating. Adverse effects on recreational activities from the proposed modified effluent limits cannot reasonably be anticipated.

Evaluation of Unacceptable Risk to Human Health or the Environment [Section 301(g)(C), continued]

The PMEL's must not result in discharges of ammonia that may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute and chronic toxicity, or synergistic propensities.

Bioaccumulation and Persistency

Ammonia is not persistent in the aquatic environment and does not bioaccumulate in aquatic organisms³. Consequently, adverse impacts associated with persistency or bioaccumulation cannot reasonably be anticipated.

Acute and Chronic Toxicity

USEPA guidance⁴ states that state water quality standards can be used as a basis for Section 301(g) variances 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 Ohio EPA for ArcelorMittal is an appropriate means to evaluate the requested variance.

Because the PMELs are well below the WQBELs established by the Ohio EPA wasteload allocation, adverse impacts associated with acute or chronic toxicity from ammonia-N in the Cuyahoga River cannot reasonably be anticipated.

Synergistic Propensities

Data provided in recent NPDES permit renewal applications for the Cleveland facility show a general absence of toxic organic pollutants and relatively low levels (low ug/L range) of selected toxic metals in the discharge from Outfall 005. As stated in USEPA guidance⁵, 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 (i.e., greater toxicity of two pollutants in combination than the toxicity of each pollutant considered separately and then added together).

ArcelorMittal chlorinates intake water withdrawn from the Cuyahoga River for process and non-contact cooling uses for control of zebra mussels and bio-fouling. Sodium hypochlorite is used for this purpose.

³ Pollutant Specific Section 301(g) Guidance Document, Ammonia, USEPA Office of Water Enforcement and Permits, September 1985, page 12.

⁴ Pollutant Specific Section 301(g) Guidance Document, Ammonia, USEPA Office of Water Enforcement and Permits, September 1985

⁵ Pollutant Specific Section 301(g) Guidance Document, Ammonia, USEPA Office of Water Enforcement and Permits, September 1985, page 14.

The NPDES permit requires dechlorination of discharges from Outfalls 005 and establishes a daily maximum effluent limit for residual chlorine of 0.022 mg/L. The dechlorination station is located in the Outfall 005 sewer approximately 200 feet downstream from the point at which the low volume Outfall 604 discharge mixes with approximately 38.5 MGD of non-contact cooling water.

Factors that mitigate against formation of significant amounts of chloramines are as follows:

- During the summer months when the potential for biofouling is higher than at other times of the year, chlorination practice is to apply up to 2,400 ml/min of 12.5% sodium hypochlorite solution to the non-contact cooling water over a period of approximately 135 minutes per day. This amounts to a maximum applied free chlorine concentration of approximately 1.4 mg/L to the non-contact cooling water. Lesser amounts are applied during other times of the year.
- The relative amounts of ammonia and free chlorine present are low. The maximum amount of ammonia-N that would be added with the proposed modified effluent limits at Outfall 604 to the Outfall 005 discharge would be approximately 2.0 mg/l. The maximum amount of free chlorine in the form of sodium hypochlorite applied is in the range of 1.4 mg/L. A portion of the free chlorine is consumed immediately upon reaction with organic material in the non-contact cooling water. Thus, the amount available for reaction with ammonia-N from Outfall 604 is less than 1.4 mg/L.
- The period of time available for ammonia-N added by the Outfall 604 discharge to react with residual free chlorine in the non-contact cooling water is limited to not more than 135 minutes per day during the summer months.
- The pH of the non-contact cooling water discharged from Outfall 005 is typically in the range of 7.9 to 8.0 su. The rate of reaction between ammonia and hypochlorous acid (i.e., the active ingredient of sodium hypochlorite) varies considerably with pH, with the rate decreasing rapidly as the pH is increased or decreased from pH 8.3. su.⁶
- The available reaction time in the Outfall 005 sewer between the point of addition of the Outfall 604 discharge and the Outfall 005 sewer dechlorination station is estimated at less than 20 seconds.

Thus, conditions that favor formation of significant amounts of chloramines in the Outfall 604/Outfall 005 system are not present and formation of significant levels cannot reasonably be anticipated.

When the Section 301(g) variance was approved initially and then continued in subsequent NPDES permits, Ohio EPA and U.S. EPA determined that the potential for synergistic effects from ammonia and chlorine could not reasonably be expected to pose an unacceptable risk. This conclusion is further supported by Ohio EPA's determination made during the latest NPDES permit renewal process in 2008, that the discharge from Outfall 005 did not merit imposition of whole effluent toxicity (WET) effluent limitations or WET monitoring requirements⁷. These determinations were based on available WET monitoring data for Outfalls 005 collected over the previous permit term, which showed no significant acute toxicity attributable to the discharge. Considering that the expected Outfall 005 ammonia concentration based upon the proposed limits will still be low (1.5 mg/l monthly average and 2.0 daily maximum), it appears reasonable to conclude again that synergistic effects from ammonia and chlorine cannot reasonably be expected to pose an unacceptable risk to aquatic life in the lower Cuyahoga River.

⁶ Sawyer, C.N. and McCarty, P.L., *Chemistry for Sanitary Engineers*, McGraw-Hill Book Company, New York, NY, LOC'CC No. 67-20179. 1967. (p. 369)

⁷ Fact Sheet for Ohio NPDES Permit No. 3ID00003*OD, page 23, February 5, 2008.

Consideration of Ohio EPA Antibacksliding Regulations

Under OAC 3745-33-05 (E), NPDES permits may not be modified to contain less stringent limits, except under certain circumstances. Two of those circumstances are applicable to this NPDES permit modification request:

OAC 3745-33-05(E)(1)(b) : *Information is available which was not available at the time of permit issuance (other than revised regulations, guidance or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance*

OAC 3745-33-05(E)(1)(e) : *The permittee has received a modification under section 301(c), 301(g), 301(h), 301(i), 301(k), 301(n) or 316(a) of the act or rule 3745-33-04 of the Administrative Code;*

Both of the above circumstances apply in this case. With respect to OAC 3745-33-05(E)(1)(b), the current elevated ammonia concentrations that have been measured in the recirculation system is information which was not available at the time of permit issuance. Based on the methodology followed by Ohio EPA when it established the current NPDES permit effluent limits, ArcelorMittal expects that if the data available from September 2009 to February 2010 were then available, Ohio EPA would have considered those data and provided effluent limits at that time similar to the modified effluent limits being requested by this application. With respect to OAC 3745-33-05(E)(1) (e), ArcelorMittal initially received a variance under Section 301(g) of the Clean Water Act in the 1980's and has maintained the variance since that time. Consequently, the *Antibacksliding* regulation does not prohibit modifying the permit to contain less stringent limits for ammonia at Outfall 604.

Consideration of Ohio EPA Antidegradation Regulation

Antidegradation is addressed in Attachment 2 of this application.

AR-21



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

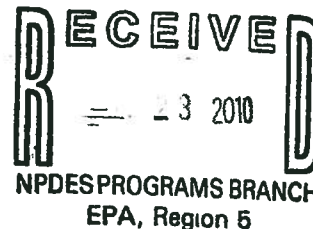
TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

JUNE 14, 2010

Kevin Pierard
U.S. Environmental Protection Agency – Region V
77 West Jackson Boulevard
Chicago, IL 60604



Dear Mr. Pierard

ArcelorMittal Steel has submitted an NPDES modification requesting an increase in the allowable ammonia-nitrogen loading under their 301(g) variance. We believe that this requested increase meets the requirements of Section 301(g) of the Clean Water Act, and should be approved.

The company is requesting the increase because they have not been able to meet the limits in their current NPDES permit consistently since they restarted iron production last fall. The change in requested limits is shown below. The new limits meet BPT, the wasteload allocation for the Cuyahoga River, and the 'de minimis' requirements of Ohio's Antidegradation Rule.

<u>Season</u>	<u>Current Ammonia Limits (kg/day)</u>	<u>Requested Ammonia Limits (kg/day)</u>
Summer	62.4 (30-day) 85.6 (daily)	224 (30-day) 294 (daily)
Winter	81.6 (30-day) 211 (daily)	224 (30-day) 294 (daily)

A hard copy of the modification application is attached. We also sent an electronic copy to Sreedevi Yedavalli. If you concur with these changes, we would like to coordinate public notice of the variance approval with the NPDES modification.

If you have questions about the request, please contact Eric Nygaard at (614) 644-2024.

Sincerely

George Elmaraghy
George Elmaraghy, P.E., Chief
Division of Surface Water

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korteski, Director

Ohio EPA is an Equal Opportunity Employer

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.

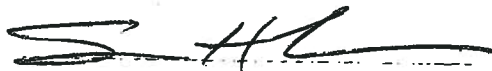
Section 301(b)(2)(A) of the Clean Water Act (CWA), 33 U.S.C. § 1311(b)(2)(A), requires point sources other than publicly-owned treatment works to comply with effluent limitations representing the degree of reduction attainable in discharges of pollutants by application of the best available technology 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

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Alan Novak 8/3/11

C. Signature Agent
 Addressee

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label)


7001 0320 0006 0181 9413

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424



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

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

CERTIFICATE OF SERVICE

I certify that on this 21st day of October, 2011, I electronically filed via the CDX portal a true copy of "EPA Region 5's Submission of Certified Index to the Administrative Record," dated October 21, 2011, and "EPA Region 5's Submission of Relevant Portions of the Administrative Record," also dated October 21, 2011.

Dated: October 21, 2011



Terence Branigan
Associate Regional Counsel
U.S. Environmental Protection Agency/ Region 5
77 W. Jackson Boulevard
Chicago, IL 60604
Tel: (312) 353-4737
Fax: (312) 385-5500
branigan.terry@epa.gov