

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

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IN THE MATTER OF)
)
ArcelorMittal Georgetown, Inc.)
419 South Fraser Street)
Georgetown, South Carolina 29440-4743)
)
Respondent)
)
Docket No.: CWA-04-2009-5149(b)

This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 311(b)(6)(B)(i) of the Clean Water Act ("Act"), 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and under the authority provided by 40 C.F.R. §§ 22.13(b) and 22.18(b)(2). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region 4, who has in turn delegated these authorities through the Director, RCRA Division, to the Chief, RCRA and OPA Enforcement and Compliance Branch, RCRA Division ("Complainant").

CONSENT AGREEMENT

Stipulations

The parties, in their own capacity or by their attorneys or other authorized representatives, hereby stipulate:

1. Respondent, ArcelorMittal Georgetown, Inc., is a corporation organized under the laws of the State of Delaware and doing business in the State of South Carolina. The Respondent is a person within the meaning of Sections 311(a)(7) and 502(5) of the Act, 33 U.S.C. §§ 1321(a)(7) and 1362(5).

2. Respondent's predecessor in interest, ISG Georgetown, Inc., was incorporated on June 15, 2004. ISG Georgetown, Inc. changed its name to ArcelorMittal Georgetown, Inc. on September 26, 2007. The Respondent or its predecessor in interest was, at all times relevant to this Consent Order and Final Order, the owner and operator within the meaning of Section 311(a)(6) of the Act, 33 U.S.C. § 1321(a)(6), of a facility located at 1219 Front Street, Georgetown, South Carolina 29440 (the "Facility").

3. The Facility is an onshore facility within the meaning of Section 311(a)(10) of the Act, 33 U.S.C. § 1321(a)(10).

4. A tidally influenced drainage ditch, which flows into the Sampit River, which in turn flows into the Winyah Bay, a bay of the Atlantic Ocean, is a navigable water as defined in Section 502(7) of the Act, 33 U.S.C. § 1362(7), and 40 C.F.R. § 110.1 and is subject to the jurisdiction of Section 311 of the Act, 33 U.S.C. § 1321.

5. Section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3), prohibits the discharge of hazardous substances into or upon the navigable waters of the United States or adjoining shorelines in such quantities that have been determined may be harmful to the public health or welfare or environment of the United States.

6. For purposes of Section 311(b)(3) and (b)(4) of the Act, 33 U.S.C. § 1321(b)(3) and (b)(4), discharges of a hazardous substance into or upon the navigable waters of the United States or adjoining shorelines in such quantities that have been determined may be harmful to the public health or welfare or environment of the United States are discharges of hazardous substances identified in 40 C.F.R. Part 116 in excess of the corresponding reportable quantity listed in 40 C.F.R. Part 117.

7. Solely for purposes of entering into this Consent Agreement and accepting execution of this Final Order, Respondent admits the jurisdictional statements contained herein.

Allegations

8. Complainant alleges, and Respondent neither admits nor denies, that:

9. On May 15, 2007, Respondent's predecessor in interest discharged approximately 500 gallons of a substance containing sodium nitrate, which is identified as a hazardous substance in 40 C.F.R. Part 116, from its Facility into or upon the drainage ditch that flows into the Sampit River and adjoining shorelines.

10. The May 15, 2007, discharge of sodium nitrate from its Facility exceeded the reportable quantity found in 40 C.F.R. Part 117, and, therefore, was in a quantity that has been determined may be harmful under Section 311(b)(4), 33 U.S.C. § 1321(b)(4), in violation of Section 311(b)(3) of the Act 33 U.S.C. § 1321(b)(3).

Waiver of Rights

11. Respondent waives the right to contest the allegations contained herein, to a hearing under Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), to appeal any Final Order in this matter under Section 311(b)(6)(G)(i) of the Act, 33 U.S.C. § 1321(b)(6)(G)(i), and consents to the issuance of a Final Order without further adjudication.

12. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum or communication is to persuade such official to accept and issue this Consent Agreement or the Final Order.

Penalty

13. The Complainant proposes, and Respondent consents to, the assessment of a civil penalty of \$ 8,050.00.

Payment Terms

14. Based on the foregoing, the parties, in their own capacity or by their attorneys or authorized representatives, hereby agree that:

15. No later than 30 days after the effective date of the Final Order, the Respondent shall pay the amount of \$ 8,050.00 by means of a cashier's or certified check, or by on-line payment or by wire transfer. If paying by check, the Respondent shall submit a cashier's or certified check, payable to "Environmental Protection Agency," and bearing the notation "OSLTF – 311."

If the Respondent sends payment by the U.S. Postal Service, the payment shall be sent to:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, Missouri 63197-9000

If the Respondent sends payment by an overnight commercial delivery service such as DHL, FedEx or UPS, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
314-418-1028

Respondent may also elect the On Line Payment Option, available through the Department of Treasury. This payment option can be accessed at www.pay.gov. Enter sfo 1.1 in the search field and then open form and complete required fields.

If the Respondent sends payment by wire transfer, the wire transfer should be directed to the Federal Reserve Bank of New York as follows:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency."

16. If paying by check, the Respondent shall note on the penalty payment check the title and docket number of this case. The Respondent shall submit a copy of the check or, for other type payments, a confirmation copy of such payment, to:

Patricia Bullock
Regional Hearing Clerk
U.S. EPA- Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

Doug McCurry, Chief
North Enforcement and Compliance Section
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. EPA- Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

17. Respondent's failure to pay the penalty assessed by the Final Order in full by its due date may subject Respondent to a civil action to collect the assessed penalty, plus interest, attorney's fees, costs and an additional quarterly nonpayment penalty pursuant to Section 311(b)(6)(H) of the Act, 33 U.S.C. § 1321(b)(6)(H). In any such collection action, the validity, amount and appropriateness of the penalty agreed to herein shall not be subject to review.

General Provisions

18. The Final Order shall be binding upon Respondent and Respondent's officers, directors, agents, servants, employees, and successors or assigns.

19. The Final Order does not constitute a waiver, suspension or modification of the requirements of Section 311 of the Act, 33 U.S.C. § 1321, or any regulations promulgated thereunder, and does not affect the right of the Administrator or the United States to pursue any applicable injunctive or other equitable relief or criminal sanctions for any violation of law. Payment of the penalty pursuant to this Consent Agreement resolves only Respondent's liability for federal civil penalties for the violations and facts stipulated to and alleged herein.

20. The undersigned representative of Respondent hereby certifies that he is fully authorized to enter into the terms and conditions of this Consent Agreement and attached Final Order and to execute and legally bind Respondent to this Consent Agreement and attached Final Order.

21. A copy of any documents that Respondent files in this action shall be sent to the following attorney who represents EPA in this matter and who is authorized to receive service for EPA in the proceeding:

Bonnie Sawyer,
Associate Regional Counsel
U.S. EPA – Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960
404-562-9539

22. A copy of any documents that Complainant files in this action shall be sent to the following individual who represents the Respondent in this matter and who is to receive service for the Respondent in this proceeding:

Christina Archer, Associate General Counsel
ArcelorMittal USA, Inc.
1 South Dearborn, 19th Floor
Chicago, Illinois 60603

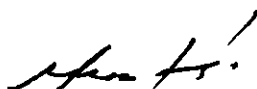
Effective Date

23. This Consent Agreement and attached Final Order are effective upon the filing of the Final Order with the Regional Hearing Clerk.

CONSENTED AND AGREED TO:

ARCELORMITTAL GEORGETOWN, INC.

Date: 8/17/09



Name: Marcio VanDerPut
Title: General Manager, ArcelorMittal Georgetown, Inc.

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: 08/20/09



Caroline Y. F. Robinson, Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF)	CWA SECTION 311 CLASS I
)	CONSENT AGREEMENT AND
ArcelorMittal Georgetown, Inc.)	FINAL ORDER
419 South Fraser Street)	UNDER 40 C.F.R. § 22.13(b)
Georgetown, South Carolina 29440-4743)	
)	
Respondent.)	Docket No.: CWA-04-2009-5149(b)
_____)	

FINAL ORDER

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22. The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this 1st day of October, 2009.

BY: Susan B. Schub
Susan B. Schub
Regional Judicial Officer

In the Matter of ArcelorMittal Georgetown, Inc.
Docket Number: CWA-04-2009-5149(b)

CERTIFICATE OF SERVICE

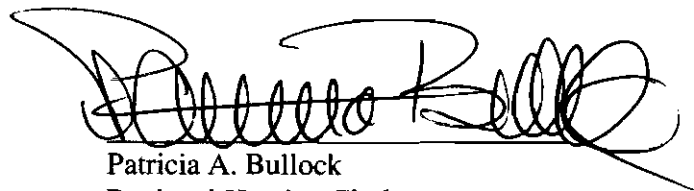
I hereby certify that I have this day filed the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of ArcelorMittal Georgetown, Inc., Docket Number: CWA-04-2009-5149(b), and that on this day, I served a true and correct copy of the CA/FO on the parties listed below in the manner indicated:

Via Certified Mail - Return Receipt Requested

Christina Archer, Associate General Counsel
ArcelorMittal USA, Inc.
1 South Dearborn, 19th Floor
Chicago, Illinois 60603

Via EPA's internal mail

Bonnie Sawyer
Associate Regional Counsel
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303



Patricia A. Bullock
Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-9511