

OHIO ENVIRONMENTAL PROTECTION AGENCY

PERMIT-TO-INSTALL

Application Number:02-20386
Application Received: June 19, 2004
Permit Fee: \$25,499.75
Permit Fee Balance: \$25,099.75

Applicant: International Steel Group (ISG), Inc.
Address: 3060 Eggers Road
City, State, Zip: Cleveland, Ohio 44105

Facility: ISG Industrial Waste Landfill
Location: This facility is located at 3060 Eggers Road in the City of Cleveland, Cuyahoga County, Ohio.

Permit: Vertical and Lateral Expansion

Issuance Date:

Effective Date:

The above-named entity is hereby issued a permit approval (permit-to-install) for the above described source pursuant to Ohio Administrative Code (OAC) Rule 3745-27-02. Issuance of this permit approval does not constitute expressed or implied approval or agreement that, if constructed and/or modified in accordance with the plans, specifications, and/or information accompanying the permit application, the above described source of environmental pollutants will operate in compliance with applicable state and federal laws, rules, and regulations, and does not constitute expressed or implied assurances that if constructed and/or modified in accordance with those plans, specifications, and/or information accompanying the permit application, the above described source of environmental pollutants will be granted the necessary operating permits and/or licenses. This permit approval is issued subject to the attached conditions which are hereby incorporated and made a part hereof.

Ohio Environmental Protection Agency

Joseph P. Koncelik, Director

PERMIT SUMMARY

This permit approval (PTI Number 02-20386) authorizes expansion of the approved limits of waste placement at the existing ISG Industrial Waste Landfill (Facility). The Facility is located at 3060 Eggers Road, City of Cleveland, Cuyahoga County, Ohio. ISG is both the owner and operator of the Facility. ISG submitted the initial application on June 19, 2004, with revisions on January 27, 2005; January 28, 2005; February 9, 2005; March 31, 2005; April 11, 2005; May 27, 2005; June 22, 2005; June 24, 2005; July 21, 2005; August 10, 2005; December 8, 2005; and December 20, 2005.

The Facility currently consists of Area "C," an active unit comprising approximately 38.6 acres of waste placement, and Area "B," a closed 12.0 acre and non-contiguous unit. The final PTI authorizes a 43-acre lateral and vertical expansion of Area "C." The lateral expansion consists of 25.0 acres and the vertical expansion includes 18.0 acres over existing, unlined waste. The proposed expansion volume is approximately 2,549,975 cubic yards. Based on this volume and the daily waste acceptance, the anticipated life of the Facility is about 7.7 years.

The permit provides for the following: a surface water management system, a leachate collection system with storage tanks, a composite liner system including a separatory liner, a groundwater monitoring system, a final closure cap system, and 30 years of post-closure care.

The Facility expansion is proposed to be located within a regulatory flood plain and floodway as depicted on the Federal Emergency Management Agency (FEMA) maps dated August 1, 1978. However, the Burke Brooke Valley and its tributaries, which are located under the current and proposed limits of waste placement for Area "C", were culverted and filled with waste. Therefore, the flood plain and floodway depicted on the FEMA maps no longer exist and the FEMA maps are not accurate. As a result, ISG applied to FEMA on December 7, 2005, for a Letter of Map Revision to update the 1978 FEMA maps. Because the maps have not yet been revised by FEMA, this permit grants an exemption, pursuant to ORC Section 3734.02(G), from the siting criterion in OAC Rule 3745-29-07(H)(5).

This summary is provided solely for informational purposes and does not constitute a part of, or otherwise affect, the attached permit-to-install.

PERMIT CONDITIONS

1. The director, or an authorized representative, may enter upon the premises of the above named applicant (permittee) at any reasonable time during construction and operation for the purpose of making inspections, conducting tests, or examining records or reports pertaining to the construction, modification, or installation of the above described source of environmental pollutants (industrial solid waste disposal facility).

2. The proposed facility shall be constructed in strict accordance with the plans, specifications, and information submitted as a part of the application for this permit approval. There may be no deviation from the approved plans without the express, written approval of the Ohio Environmental Protection Agency (Ohio EPA). Any deviation from the approved plans or the permit conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facility will operate in compliance with all Ohio laws and regulations. Additional landfill components shall be installed upon orders of Ohio EPA if the proposed industrial solid waste disposal facility is inadequate or cannot meet applicable standards.
3. Issuance of this permit approval does not relieve the permittee of the duty to comply with all applicable federal, state, and local laws, ordinances, and regulations.
4. This permit approval shall apply only to those facilities shown on the plans submitted as part of PTI Number 02-20386 as received on June 19, 2004 with subsequent revisions received on January 27, 2005; January 28, 2005; February 9, 2005; March 31, 2005; April 11, 2005; May 27, 2005; June 22, 2005; June 24, 2005; July 21, 2005; August 10, 2005; December 8, 2005; and December 20, 2005.
5. This permit approval may be modified, or alternatively revoked and reissued, to comply with any revisions to OAC Chapter 3745-29 applicable to this industrial solid waste disposal facility.
6. Nothing in this permit approval shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This permit approval shall not be interpreted to release the permittee from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.
7. Not later than seven (7) days prior to starting any construction authorized under this permit approval, the permittee shall submit to Ohio EPA, Northeast District Office (NEDO) and the Cuyahoga County Health District and the Cleveland Department of Public Health written notification of the construction start date, so that construction of the Facility can be routinely inspected by Ohio EPA, NEDO and the Cuyahoga County Health District and Cleveland Department of Public Health before being placed into operation.
8. This permit approval does not authorize the acceptance of any hazardous or infectious wastes.

9. This permit approval does not authorize the acceptance of any asbestos or asbestos-containing waste material that is subject to the provisions of NESHAP, 40 CFR Part 61, Subpart M. No such asbestos or asbestos-containing waste material may be accepted without first obtaining the necessary permits from Ohio EPA.
10. Prior to waste acceptance in any disposal area newly authorized by this permit approval, the permittee shall execute and fund a financial assurance instrument meeting the requirements of OAC Rules 3745-27-15, 3745-27-16, and 3745-27-17.
11. The permittee shall provide for the proper maintenance and operation of the industrial solid waste disposal facility in accordance with the provisions of OAC Chapter 3745-29.
12. The permittee shall perform the following activities during construction and operation of the Facility in accordance with the cited provisions of OAC Chapter 3745-29 as follows:
 - a. The test pad required by OAC Rule 3745-29-08(E) shall be constructed, and a report containing the test results shall be submitted to Ohio EPA, NEDO not later than fourteen (14) days prior to the initial construction date of the landfill component that the test pad models.
 - b. The pre-construction test required by OAC Rule 3745-29-08(D) shall be performed, and the test results shall be submitted to Ohio EPA, NEDO not later than seven (7) days prior to the intended use of the materials in construction.
 - c. The pre-construction interface tests required by OAC Rule 3745-29-08(G) shall be performed, and the test results shall be submitted to Ohio EPA, NEDO not later than seven (7) days prior to the use of geosynthetic material authorized by this permit approval.
 - d. The construction certification report required by OAC Rule 3745-29-08(H) shall be submitted to Ohio EPA, NEDO not later than forty-five (45) days prior to the anticipated date of waste receipt in the newly constructed phases.
 - e. Pursuant to OAC Rule 3745-29-08(C)(1), the permittee shall not accept waste in a phase until Ohio EPA, NEDO, provides written concurrence of the construction certification report for that phase.
13. The permittee shall continue to implement the ground water monitoring program described in this permit in accordance with OAC Rule 3745-30-08, as effective

August 15, 2003. Implementation is defined as the collection of ground water samples from the ground water monitoring system.

14. The permittee shall provide for the following inspections and facility maintenance of the Facility:
 - a. The permittee shall provide for daily inspection of the Facility and completion of the Industrial Solid Waste Landfill Daily Log of Operations, Form 3. Written results of the inspections, including any corrective measures employed, shall be made available to Ohio EPA, NEDO, the Cuyahoga County Health District, and the Cleveland Health Department of Public Health, upon request.
 - b. The permittee shall inspect surface water control structures, including sedimentation ponds, sedimentation pond discharge structures, pipes, ditches, and culverts, at least monthly for erosion, clogging, or failure, and prompt corrective action shall be taken, if necessary. A log including inspection results, any corrective measures taken, and the date and weather conditions during any water quality sampling shall be maintained and submitted to Ohio EPA, NEDO, Cuyahoga County Health District, and Cleveland Department of Public Health, upon request.
15. Pursuant to ORC Sections 3745.11(Q) and (V), payment of the solid waste permit-to-install fee balance, in the amount of \$25,099.75 payable to "Treasurer, State of Ohio," shall be submitted to Ohio EPA, Attn: Fiscal Administration, P.O. Box 1049, Columbus, Ohio, 43216-1049. The fee balance shall be submitted within 30 days of the effective date of this permit approval. Failure to timely submit the required permit fee balance will result in assessment of late penalties in accordance with ORC Sections 3745.11(Q) and (V).

END OF PERMIT CONDITIONS

OAC RULE 3745-27-03(B) EXEMPTION

OAC Rule 3745-29-07(H)(5) requires that an industrial solid waste landfill facility is not located in a floodway, and that the limits of solid waste placement and the leachate management system of the industrial solid waste facility are not located in a regulatory flood plain.

In the early 1960's, Burke Brooke Valley and its tributaries, which are located under the current and proposed limits of waste placement for Area "C", were culverted. The Federal Emergency Management Agency flood insurance rate maps, dated August 1, 1978, delineate the regulatory flood plain and floodway of Burke Brooke Valley. The FEMA maps do not account for the valley being culverted and filled with waste.

Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment, from any requirement to obtain a registration certificate or license or comply with other requirements of ORC Chapter 3734.

Because the floodway and regulatory flood plain depicted on the FEMA flood insurance rate maps no longer exist, and because the maps for the Facility are no longer accurate, granting an exemption from the prohibition in OAC Rule 3745-29-07(H)(5) to locate the Facility in a floodway and the limits of solid waste placement and the leachate management system in a regulatory flood plain, as depicted on the FEMA flood insurance rate maps, is unlikely to adversely affect the public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02 (G) and OAC Rule 3745-27-03(B), the permittee is hereby exempted from OAC Rule 3745-29-07(H)(5), which requires that an industrial solid waste landfill facility is not be located in a floodway and that the limits of solid waste placement and leachate management system not be located in a regulatory flood plain, provided ISG complies with the permit.