

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, <i>ex rel.</i>	:	CASE NO. CV-359111
BETTY D. MONTGOMERY	:	
ATTORNEY GENERAL OF OHIO,	:	JUDGE NANCY A FUERST
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
LTV STEEL COMPANY, INC.	:	<u>CONSENT ORDER</u>
	:	
Defendant.	:	

The Complaint in the above-captioned matter having been filed herein, and Plaintiff State of Ohio by its Attorney General Betty D. Montgomery (hereinafter "Plaintiff") and Defendant LTV Steel Company, Inc. (hereinafter "Defendant" or "LTV") having consented to the entry of this Order,

NOW THEREFORE, without trial of any issue of fact or law, and upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

I. JURISDICTION AND VENUE

1. The Court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim upon which relief can be granted against Defendant under Chapter 6111 of the Ohio Revised Code and the rules promulgated thereunder. Venue is proper in this Court.

II. PERSONS BOUND BY THE ORDER

2. All terms and provisions of this Consent Order shall apply to and be binding upon Plaintiff, Defendant and its assigns, successors in interest, agents, representatives, servants, employees, officers, directors, contractors, consultants, subsidiaries or divisions, and/or all persons, firms, or corporations who are or will be acting in concert or in privity with the Defendant.

3. Defendant shall provide a copy of this Consent Order to each contractor it employs to perform work itemized herein. Each contractor and/or consultant shall provide a copy of this Consent Order to each of its subcontractors for such work

III. SATISFACTION OF LAWSUIT

4. Plaintiff alleges in its Complaint that Defendant has operated wastewater treatment facilities and other aspects of the Cleveland Works that discharged industrial waste and other wastes in such a manner as to result in violations of the water pollution laws of the State of Ohio. These violations include, *inter alia*, violations of the discharge limitations, monitoring and reporting requirements and other provisions of the NPDES permits for the Cleveland Works issued to LTV by the Director of Environmental Protection.

5. Except as provided in paragraph 6 below, compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant for: the claims under R.C. Chapter 6111 alleged in the Complaint; violations of the sampling, monitoring, and reporting requirements of NPDES permit 3ID0003*KD which occurred prior to the filing of the Complaint and were reported to Ohio EPA; and the unauthorized discharge from outfall 604 that

occurred on June 10, 1998.

6. Nothing in this Consent Order shall be construed so as to limit the authority of the State of Ohio to seek relief against other appropriate persons for claims or conditions alleged in the Complaint. Nothing in this Consent Order, including the imposition of stipulated civil penalties for violations of this Consent Order, shall be construed so as to limit the authority of the State of Ohio to seek relief, against Defendant or other appropriate persons, for claims or conditions not alleged in the Complaint, including violations which occur after the filing of the Complaint. Similarly, nothing in this Consent Order shall be construed so as to limit the authority of the State of Ohio to undertake any action against any person, including Defendant, to eliminate or mitigate conditions which may present a threat to the public health, welfare or the environment and nothing in this Consent Order shall limit the rights of Defendant to any defenses it may have to such actions.

IV. PERMANENT INJUNCTION

7. With regard to the operations and facilities at the Cleveland Works Facility, Defendant is hereby immediately and permanently enjoined and ordered to comply with all applicable provisions of Chapter 6111 of the Ohio Revised Code and the rules promulgated thereunder. Defendant is also permanently enjoined and ordered to comply with Ohio NPDES Permit No. 3ID00003*KD, except as otherwise provided in paragraph 8 below, and any renewals and modifications of the NPDES permit for the Cleveland Works Facility. LTV is immediately enjoined and ordered to properly operate and maintain pursuant to Ohio law, its wastewater treatment works and disposal system and any associated equipment and structures for the

V. NPDES PERMIT -- SCHEDULE FOR COMPLIANCE

8. Upon the entry of this Consent order by the Court, Defendant is enjoined and ordered to immediately meet the final effluent limitations for all outfalls in NPDES No. 3ID00003*KD permit, other than outfall 023, and to comply with the terms of the NPDES permit and any renewals or modifications thereof, including the provisions prohibiting the occurrence of bypasses. However, with regard to the effluent limitations and monitoring for ammonia-nitrogen and phenols at outfalls 604 and 621, Defendant is enjoined and ordered to comply with the terms and provisions of the Director's Final Findings and Orders, Attachment B hereto, while the orders continue to be in effect. Commencing on the date of the entry of this Consent Order and continuing until the NPDES permit is modified or renewed, LTV shall comply with the effluent, monitoring and other provisions set forth in Attachments A and B in lieu of those set forth on the corresponding pages of the NPDES permit for which a corresponding page of requirements appears in Attachment A and/or B. Commencing on the date of entry of this Consent Order, Defendant shall not discharge via outfalls 011/017 any process wastewater that bypasses any portion of the Defendant's treatment works during wet weather events which do not exceed a ten year storm event, regardless of intensity of the storm event. LTV shall comply with either paragraph 10 or 11, which ever is controlling based on the occurrence of any bypasses caused by storm events less than or equal to a ten year storm event, in order to come into compliance with the requirement that no process wastewater be discharged via outfalls 021/622/632/642 that bypasses any portion of the Defendant's treatment works during wet

weather events which do not exceed a ten year storm event regardless of intensity.

9. By May 31, 2000, Defendant shall submit the results of a monitoring program designed to characterize and document the size and frequency of any discharge from outfalls 021/622/632/642 associated with wet weather events that involve the bypass of any portion of the treatment works. This program shall include the collection of precipitation data representative of the area tributary to outfall 021 which is adequate to document the duration, intensity, size and nature of any wet weather event that causes the occurrence of any bypass. This precipitation data shall include daily data for duration in minutes, inches of accumulation, inches per hour, and peak intensity. The study shall include flow monitoring at outfalls 622/642/021 adequate to document the relationship between specific storm events and the occurrence and volume of a bypass.

10 If, in any consecutive 12 month period during the period that the monitoring plan referenced in paragraph 9 is being implemented, there are three wet weather related bypasses to outfall 021 caused by events of less than a ten year storm event regardless of intensity, LTV shall immediately initiate actions required to design and implement additional facilities, equipment or system modifications to provide additional pumping and/or temporary storm water and/or process wastewater storage capacity or other modifications for the portion of the facility tributary to outfall 021. LTV shall, within one hundred-twenty days after the third consecutive bypass, submit to Ohio EPA a complete, approvable Permit to Install application for additional facilities, equipment or system modifications adequate to insure that, during wet weather events which do not exceed a ten year storm regardless of intensity, no process wastewater from the portion of the facility tributary to outfall 021 will bypass any portion of the treatment works. LTV shall

complete installation of these additional facilities by eighteen months after the third consecutive bypass. Beginning eighteen months from the date of the third consecutive bypass LTV shall not, during wet weather events which do not exceed a ten year storm event regardless of intensity, discharge via outfalls 021/622/632/642 any process wastewater that bypasses any portion of the treatment works.

11. If, during the period that the monitoring plan referenced in paragraph 9 is being implemented, there are not sufficient wet weather related bypasses to outfall 021 to require implementation of the provisions of paragraph 10, LTV shall by May 31, 2002 complete construction and installation of sufficient additional facilities, equipment or system modifications to provide pumping and/or temporary storm water and /or process wastewater storage capacity for the portion of the facility tributary to outfall 021, so that wet weather events that do not exceed a ten year storm event regardless of intensity will not result in the discharge of process wastewater via outfall 021/622/632/642 which has bypassed any portion of the treatment works. As the initial milestone LTV shall, no later than November 30, 2000, submit to Ohio EPA a complete, approvable Permit to Install application for additional facilities, equipment, or system modifications, adequate to insure that during wet weather events which do not exceed a ten year storm regardless of intensity no process wastewater from the portion of the facility tributary to outfall 021 will bypass any portion of the treatment works. As the next milestone LTV shall by May 31, 2001 commence installation of these additional facilities, equipment and/or modifications. Unless LTV has already been required to install additional facilities pursuant to paragraph 10 above, commencing on May 31, 2002 LTV shall not, during wet weather events which do not exceed a ten year storm regardless of intensity, discharge via outfalls

021/622/632/642 any process wastewater that bypasses any portion of the treatment works.

VI. OTHER INJUNCTIVE RELIEF

12. Defendant shall by July 30, 1998 submit to Ohio EPA a comprehensive report and/or application for approval of all cooling water additives in use at the Cleveland Works Facility. This document shall include all cooling water additives in use regardless of whether they have previously received approval and shall include all of the information that would be required to be submitted in an application for approval of cooling water additives. In the event that Defendant's July 30, 1998 report/application submitted pursuant to this paragraph, contemplates that LTV will continue the use of additives containing chlorine or any chlorinated compounds, LTV shall by December 31, 1998 submit to Ohio EPA a permit to install for the treatment works needed to reduce the levels of total residual chlorine present in the effluent from outfalls 005, 014, 017, and 027 to levels less than or equal to .038mg/l. The permit to install application shall include a schedule of implementation that provides for completion of construction by December 31, 1999 or such later date as may be established by a compliance schedule in the renewal or modification of the NPDES permit.

13. Defendant shall, by July 31, 1998, submit a complete, approvable application for a Permit to Install for changes/additions to the facility that will reroute the discharge of the high pH dry weather flow from outfall 001 either to the Northeast Ohio Regional Sewer District's POTW or to the strip mill wastewater treatment plant for discharge via outfall 002. Defendant shall commence construction of these changes/additions by May 31, 1999 and the changes/additions shall be complete and operational on and after September 30, 1999.

14. Defendant has initiated a Toxicity Reduction Evaluation (TRE) of wastewater sources tributary to Outfall 002. Defendant shall, by June 1, 1999, submit to Ohio EPA a report on the performance and results of the TRE. The report shall at a minimum: describe the procedures followed in performing the TRE, the actions taken to reduce toxicity at Outfall 002 or associated with Outfall 002, and the results of the actions taken to reduce toxicity.

VII. CIVIL PENALTY

15. It is hereby ordered that Defendant shall pay to the State of Ohio a civil penalty of Four Hundred- Nineteen Thousand Dollars, (\$419,000.00) in satisfaction of the State of Ohio's claims for civil penalties for: the violations alleged in the Complaint; violations of the sampling, monitoring, and reporting requirements of NPDES permit 3ID0003*KD which occurred prior to the filing of the Complaint and were reported to Ohio EPA; and the unauthorized discharge from outfall 604 that occurred on June 10, 1998. This civil penalty shall be paid by certified check for that amount, made payable to "Treasurer, State of Ohio", which check shall be delivered by mail, or otherwise, to Jena Suhadolnik, Administrative Assistant, or her successor, at the Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, within thirty (30) days of the Court's entry of this Consent Order.

VIII. STIPULATED PENALTIES

16. In the event that Defendant fails to meet any of the milestone requirements of paragraphs 9,10,11,12, 13, or 14 of this Consent Order, Defendant shall be liable for and shall pay a stipulated penalty for each failure to comply according to the following payment schedule: for each day of each failure to meet each requirement, Five Hundred Dollars (\$500.00) per each

day for each requirement not met.

17. This paragraph shall not apply to the occurrence of bypasses of process wastewater from outfalls 011/017/021/622/632/642. In the event that Defendant fails to meet any of the other requirements of this Consent Order set forth in paragraph 8, including, but not limited to, those requirements which relate to compliance with the effluent limitations, monitoring, and general conditions, as those requirements are specified in Part I through Part III of its Ohio NPDES Permit No. 3ID00003*KD and any renewals and modifications of that permit and those requirements set forth in Attachments A and/or B, Defendant shall be liable for and shall pay a stipulated penalty for each violation, other than the violation of a thirty day average effluent limitation, according to the following payment schedule: (a) for each day of each failure to meet each requirement, Three Hundred Fifty-Dollars (\$350.00) per each day for each requirement not met. (b) for each day of each failure to meet each requirement, from thirty-one (31) to sixty (60) days – Five Hundred Dollars (\$500.00) per day for each requirement not met; (c) for each day of each failure to meet each requirement, from sixty-one (61) to ninety (90) days --Seven Hundred Dollars (\$700.00) per each day for each requirement not met; (d) for each day of each failure to meet each requirement, from ninety (90) to one hundred twenty (120) days --One Thousand Two Hundred Dollars (\$1,200.00) per each day for each requirement not met; (e) for each day of each failure to meet each requirement, over one hundred twenty (120) days -- Two Thousand Five Hundred Dollars (\$2,500.00) per each day for each requirement not met. For purpose of calculating the stipulated penalties under the provisions of this paragraph of this Order only, each 30 day period of violation of each specific 30 day average effluent limitation shall be calculated as a single violation. In the event that Defendant fails to meet any of the

requirements of this Consent Order set forth in paragraph 8, which relate to compliance with the 30 day average effluent limitations, as those requirements are specified in Part I through Part III of its Ohio NPDES Permit No. 3ID00003*KD and any renewals and modifications of that permit and those requirements set forth in Attachments A and/or B, Defendant shall be liable for and shall pay a stipulated penalty for each violation, according to the following payment schedule: Two Thousand Dollars (\$2,000.00) for each of the first five violations of any thirty day average effluent limitation that occur; Four Thousand Dollars (\$4,000.00) for each of the next five violations of any thirty day average effluent limitation that occur; Six Thousand Dollars (\$6,000.00) for each of the next five violations of any thirty day average effluent limitation that occur; Eight Thousand Dollars (\$8,000.00) for each violation of any thirty day average effluent limitation that occurs after the fifteenth violation of any thirty day average effluent limitation.

18. In the event that Defendant fails to comply with the provisions of this Consent Order set forth in paragraphs 8, 10, or 11 that prohibit the discharge via outfalls 011/017/021/622/632/642 of any process wastewater that bypasses any portion of Defendant's treatment works during wet weather events which do not exceed a ten year storm event regardless of intensity, Defendant shall be liable for and shall pay a stipulated penalty for each violation according to the following payment schedule: (a) for each day of each bypass event, Three Thousand Dollars (\$3,000.00) per each day of each bypass; (b) for each day of each bypass event that occurs in a calendar month when there has been an earlier bypass event, an additional One Thousand Five Hundred Dollars (\$1,500.00) per each day of each bypass, (i.e. Four Thousand Five Hundred Dollars total for each day of such bypass (\$4,500.00).

19. Any payment required to be made under the provisions of paragraphs 16, 17 or 18 of this Consent Order shall be made by delivering to Plaintiff's counsel, in the manner provided for in paragraph 15 of this Consent Order, within forty-five (45) days from the date of the failure to meet the requirement, a certified check or checks for the appropriate amount(s), made payable to the order of "Treasurer, State of Ohio". The imposition and payment of stipulated penalties by Defendant and the collection or acceptance of such stipulated penalties by Plaintiff for specific violations pursuant to Section VIII shall not be construed to limit Plaintiff's authority to seek additional relief or pursue additional civil, administrative, or criminal remedies for violations of law or to seek judicial enforcement of this Consent Order, except that any other monetary relief obtained by the State for such violations shall be reduced in an amount equal to the stipulated penalties actually paid by Defendant in accordance with this Consent Order.

IX. TERMINATION OF STIPULATED PENALTIES

20. The stipulated penalties provisions of paragraphs 16, and 18 of this Consent Order may be terminated only after Defendant has paid all penalties required by this Consent Order, is in compliance with and has completed any construction or improvements required pursuant to the NPDES Compliance Schedule and Other Injunctive Relief sections of this Consent Order, and has achieved and maintained compliance with all terms and conditions of its Ohio NPDES Permit No. 3ID00003*KD, and any renewals or modifications thereof, for the Cleveland Works Facility related to: final effluent limitations for outfalls 001, 002, 011, 017, 021, 022, (and the final effluent limitations applicable to flow tributary to those outfalls), the prohibitions against overflows, bypasses and other unauthorized discharges at such outfalls, the requirements for the use and approval of cooling water additives, and the reduction of total residual chlorine present

in effluent from outfalls 005, 014, 017, and 027 to levels equal to .038 or such lower level as the NPDES permit renewal or modification may establish, and paragraphs 8,10, 11, 12, and 13 of this Order for a period of twelve (12) consecutive months. If during the twelve (12) consecutive months Defendant fails to comply with any term and/or condition of its NPDES Permit No. 3ID00003*KD , or any renewals or modifications thereof, related to final effluent limitations for outfalls 001, 002, 011, 017, 021, 022, (and the final effluent limitations applicable to flow tributary to those outfalls), the prohibitions against overflows, bypasses and other unauthorized discharges at such outfalls, the requirements for the use and approval of cooling water additives, or the reduction of total residual chlorine present in effluent from outfalls 005, 014, 017, and 027 to levels equal to .038 or such lower level as the NPDES permit renewal or modification may establish, or paragraphs 8,10, 11, 12, 13 and 14 of this Order, the twelve (12) consecutive months will begin anew on the first date after such failure that the Defendant is back into compliance with the final effluent limitations contained in its NPDES Permit No. 3ID00003*KD and any renewal or modification thereof, related to final effluent limitations for outfalls 001, 002, 011, 017, 021, 022, (and the final effluent limitations applicable to flow tributary to those outfalls), the prohibitions against overflows, bypasses and other unauthorized discharges at such outfalls, the requirements for the use and approval of cooling water additives, the reduction of total residual chlorine present in effluent from outfalls 005, 014, 017, and 027 to levels equal to .038 or such lower level as the NPDES permit renewal or modification may establish, and paragraphs 8,10, 11, 12, 13 and 14 of this Order. Any of Defendant's subsequent failures to maintain compliance for twelve (12) consecutive months with the final effluent limitations contained in NPDES Permit No. 3ID00003*KD, and any renewals or modifications thereof, related to final

effluent limitations for outfalls 001, 002, 011, 017, 021, 022, (and the final effluent limitations applicable to flow tributary to those outfalls), the prohibitions against overflows, bypasses and other unauthorized discharges at such outfalls, the requirements for the use and approval of cooling water additives, the reduction of total residual chlorine present in effluent from outfalls 005, 014, 017, and 027 to levels equal to .038 or such lower level as the NPDES permit renewal or modification may establish, and paragraphs 8,10, 11, 12, 13 and 14 of this Order shall be treated in the same manner as above, with the twelve (12) consecutive months beginning anew from the date Defendant comes back into compliance.

21. The stipulated penalties provisions of paragraph 17 of this Consent Order may be terminated only after Defendant has paid all penalties required by this Consent Order, has achieved and maintained compliance with all terms and conditions of its Ohio NPDES Permit No. 3ID00003*KD, any renewals or modifications thereof, or Attachments A or B for a period of twelve (12) consecutive months that apply to the particular group of outfalls for which termination of the stipulated penalties provisions of paragraph 17 is sought. For the purpose of evaluating whether there has been a period of twelve (12) consecutive months of compliance allowing for termination of the stipulated penalty provisions of paragraph 17 as they apply to any particular group of outfalls at the Cleveland Facility the outfalls shall be grouped as follows:
Group 1 -outfalls 010,011,017; Group 2- outfalls 005,008,009,012,013,604; Group 3 - outfalls 001,002,003,004,016,019,601,602,603; Group 4 -outfalls 613,623,633,643,653, Burke Brooke; Group 5 - outfalls 621,027,014,015; Group 6 - outfalls 622,021,022,024; Group 6 all outfalls not listed in Groups 1 through 5. If during the twelve (12) consecutive months Defendant fails to comply with any term and/or condition of its NPDES Permit No. 3ID00003*KD , any renewals

or modifications thereof, or Attachments A or B applicable to the outfalls in a particular group the twelve (12) consecutive months will begin anew on the first date after such failure that the Defendant is back into compliance with the final effluent limitations contained in its NPDES Permit No. 3ID00003*KD, along with the other terms and conditions of said permit, and any renewals or modifications thereof, and Attachments A or B applicable to the outfalls in that particular group. Any of Defendant's subsequent failures to maintain compliance for twelve (12) consecutive months with the final effluent limitations contained in NPDES Permit No. 3ID00003*KD, along with the other terms and conditions of said permit, and any renewals or modifications thereof, or Attachments A or B applicable to the outfalls in that particular group, shall be treated in the same manner as above, with the twelve (12) consecutive months beginning anew from the date Defendant comes back into compliance.

22. Termination of the stipulated penalty provisions of paragraphs 16 and 18 of this Consent Order shall only be by order of the Court, upon application by any party, and upon a demonstration that the conditions outlined in paragraph 20 of this Consent Order have been met. Termination of the stipulated penalty provisions of paragraph 17 of this Consent Order as they apply to all outfalls or any group of outfalls shall only be by order of the Court, upon application by any party, and upon a demonstration that the conditions outlined in paragraph 21 of this Consent Order have been met.

X. ATTORNEY GENERAL'S ENFORCEMENT COSTS

23. For Plaintiff's Attorney General's enforcement costs in investigating and prosecuting this case, Defendant shall reimburse the Attorney General's Office in the amount of seven thousand, five hundred dollars, (\$7,500.00). This reimbursement shall be paid by

delivering a certified check for that amount payable to the order of "Treasurer, State of Ohio" within thirty (30) days of Court's entry of this Consent Order in the manner provided for in paragraph fourteen (14) of this Consent Order.

XI. MISCELLANEOUS

24. Nothing in this Consent Order shall affect LTV's obligation to comply with applicable federal, state or local law, regulation, rule or ordinance. LTV shall obtain any and all federal, state, or local permits necessary to comply with this Consent Order.

25. Nothing in this Consent Order shall affect any right(s) of LTV under Chapters 3745 of the Revised Code related to the issuance, renewal or modification of any NPDES permit for the Cleveland Works Facility.

XII. POTENTIAL FORCE MAJEURE

26. If any event occurs which causes or may cause a delay of any requirements of this Consent Order, LTV shall notify the Ohio EPA in writing within ten (10) days of the event, describing in detail the anticipated length of the delay, the precise cause or causes of the delay, the measures taken and to be taken by the Defendant to prevent or minimize the delay and the timetable by which measures will be implemented. LTV shall adopt all reasonable measures to avoid or minimize any such delay.

27. In any action by the Plaintiff to enforce any of the provisions of this Consent Order, LTV may raise that it is entitled to a defense that its conduct was caused by reasons entirely beyond its control such as, by way of example and not limitations, acts of God, strikes, acts of war or civil disturbances. While the Plaintiff does not agree that such a defense exists, it

is, however, hereby agreed upon by LTV and the Plaintiff that it is premature at this time to raise and adjudicate the existence of such a defense and that the appropriate point at which to adjudicate the existence of such a defense is at the time that an enforcement action, if any, is commenced by the Plaintiff. At that time, LTV will bear the burden of proving that any delay was or will be caused by circumstances entirely beyond the control of LTV. Unanticipated or increased costs associated with the implementation of any action required by this Consent Order, or changed financial circumstances, shall not constitute circumstances entirely beyond the control of LTV or serve as a basis for an extension of time under this Consent Order. Failure by LTV to comply with the notice requirements of this Section shall render this Section void and of no force and effect as to the particular incident involved and shall constitute a waiver of LTV's right to request an extension of its obligations under this Consent Order based on such incident. An extension of one date based on a particular incident does not mean that LTV qualifies for an extension of a subsequent date or dates. LTV must make an individual showing of proof regarding each incremental step or other requirement for which an extension is sought. Acceptance of this Consent Order without a Force Majeure Clause does not constitute a waiver by LTV of any rights or defenses it may have under applicable law.

XIII. RETENTION OF JURISDICTION

28. The Court will retain jurisdiction of this action for the purpose of administering and enforcing Defendant's compliance with this Consent Order.

XIV. COURT COSTS

29. Defendant is hereby ordered to pay the costs of this action.

XVI. ENTRY OF CONSENT ORDER AND FINAL JUDGEMENT BY CLERK

30. The parties agree and acknowledge that final approval by the Plaintiff and Defendant and entry of this Consent Order is subject to the requirement of 40 CFR §123(d)(1)(iii), which provides for notice of the lodging of this Consent Order, opportunity for public comment, and the consideration of any public comment. Defendant agrees to pay for the cost of providing public notice in a newspaper in general circulation in Cuyahoga County. Both the Plaintiff and Defendant reserve the right to withdraw this Consent Order based upon comments received during the public comment period.

31. Pursuant to Rule 58 of the Ohio Rules of Civil Procedure, upon signing of this Consent Order by the Court, the clerk is hereby directed to enter it upon the journal. Within three (3) days of entering the judgment upon the journal, the clerk is hereby directed to serve upon the parties notice of the judgment and its date of entry upon the journal in the manner prescribed by Rule 5(B) of the Ohio Rules of Civil Procedure and note the service in the appearance docket.

IT IS SO ORDERED:

10/28/98
DATE

Nancy A. Fuerst JUDGE,
COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

Approved:

BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO

LTV STEEL COMPANY, INC.

BY: Margaret A. Malone
MARGARET A. MALONE(0021770)
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BY: Dale E. Papajcik
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Counsel for State of Ohio

Counsel for LTV Steel Company, Inc.

BY: X RON
Vice President

*Authorized representative of
LTV Steel Company, Inc.*

RECEIVED FOR FILING

OCT 29 1998

GERALD E. FUERST, CLERK
BY: [Signature] DEP.

ATTACHMENT A

Part 1, 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 31D00003001. See Part II, **OTHER REQUIREMENTS**, for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS		
Reporting Code	Units	Parameter	Concentration Specified	Units	Loading kg/day	30 day	Daily	Mcag. Freq.*	Sample Type

The discharge from this outfall is limited to the 84" cold & hot mill non-contact cooling water overflow only during major storm events, storm water and ground water. It shall be free from process wastewater.

* Sampling shall be conducted when discharging. IF NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, state this in the remarks section and LEAVE THE DATA AREA BLANK (signature still required)."

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. and shall be monitored 1/2 week by grab sample.
3. See Sampling Stations described in Part II, **OTHER REQUIREMENTS**.

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 outfalls 3ID00003003, 3ID00003009, 3ID00003015 : See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration Specified Units 30 day Daily	Loading kg/day 30 day Daily	Meas. Freq.	Sample Type

The discharges from these outfalls are limited to storm water and ground water only. They shall be free from process wastewater. No monitoring is required unless required under Part II.

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 outfalls 3ID00003021. See Part II.
OTHER REQUIREMENTS, for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration Specified Units 30 day Daily	Loading kg/day 30 day Daily	Meas. freq.	Sample Type

The discharges from these outfalls are limited to storm water and ground water only. They shall be free from process wastewater except for discharges in accordance with the provisions of Part III, Paragraphs I of this permit. No monitoring is required except in accordance with parts II and III of this permit.

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 31D00003019. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration Specified Units 30 day Daily	Loading kg/day 30 day Daily	Meas. Freq.*	Sample Type
50050	MGD	Flow Rate	-	-	Daily	24 Hr. Estimate

The discharge from this outfall is limited to non-contact cooling water, storm water and ground water.

* Samples to be collected when discharging. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, state this in the remarks section and LEAVE THE DATA AREA BLANK (no sampling of only storm water and ground water is required; signature still required).

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 1/week* by grab sample.
3. Samples taken in compliance with monitoring requirements specified above shall be taken at Sampling Stations described in Part II, OTHER REQUIREMENTS.

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 3ID00003623. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration Specified Units		Loading kg/day		Meas. Freq.*	Sample Type
			30 day	Daily	30 day	Daily		
00310	mg/l	BOD 5 Day(1)	-	-	-	-	1/Month	Grab
00335	mg/l	CO ₂ (1)	-	-	-	-	1/Month	Grab
00530	mg/l	Total Suspended Solids	-	-	-	-	1/Week	Grab
00550	mg/l	Oil and Grease, Total	-	-	-	-	1/Week	Grab
00945	mg/l	Sulfate SO ₄ (1)	-	-	-	-	1/Month	Grab
50050	MGD	Flow Rate	-	-	-	-	1/Month	24 Hr. Total

The discharge from this outfall is limited to storm water, ground water and potentially leachate from the solid waste disposal facility and discharge from the sedimentation ponds. See Part II, Item R.

* Samples to be collected during discharge. Sampling shall be performed at the required frequency noted above, using a daily visual inspection of the outfall or an automatic sampling system (capable of sampling based upon detection of flow) to determine if discharge is occurring. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, state this in the remarks section and LEAVE THE DATA AREA BLANK (signature still required).

(1) After one year of monitoring for these parameters, the permittee may request a permit modification to reduce or eliminate monitoring requirements.

2. The pH (Reporting Code 00400) shall be monitored 1/month* by grab sample.
3. Samples taken in compliance with monitoring requirements specified above shall be taken at Sampling Stations described in Part II, OTHER REQUIREMENTS.

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 3ID00003613 (1) and 3ID00003633 (2). See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration Specified Units		Loading kg/day		Meas. Freq.*	Sample Type
			30 day	Daily	30 day	Daily		
00310	mg/l	BOD 5 Day	-	-	-	-	1/Month	Grab
00335	mg/l	COD	-	-	-	-	1/Month	Grab
00530	mg/l	Total Suspended Solids	30	45	-	-	1/Week	Grab
00550	mg/l	Oil and Grease, Total	-	-	-	-	1/Week	Grab
00945	mg/l	Sulfate SO ₄	-	-	-	-	1/Month	Grab
50050	MGD	Flow Rate	-	-	-	-	1/Month	24 Hr. Estimate

The discharge from this outfall is limited to storm water and potentially leachate from the solid waste disposal landfill. See Part II, Item R.

- * Samples to be collected during discharge. Sampling shall be performed at the required frequency noted above, using a daily visual inspection of the outfall or an automatic sampling system (capable of sampling based upon detection of flow) to determine if discharge is occurring. IF NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, state this in the remarks section and LEAVE THE DATA AREA BLANK (signature still required).

- (1) Discharge from the Solid Waste Disposal Facility Sedimentation Pond No. 1
 (2) Discharge from the Solid Waste Disposal Facility Sedimentation Pond No. 3

2. The pH (Reporting Code 00400) shall be monitored 1/month* by grab sample.
3. Samples taken in compliance with monitoring requirements specified above shall be taken at Sampling Stations described in Part II, OTHER REQUIREMENTS.

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

1. During the period beginning on the effective date of this permit and lasting until the date of the landfill closure, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3ID00003643 (1) and 3ID00003653 (2). See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration Specified Units		Loading kg/day		Meas. Freq.*	Sample Type
			30 day	Daily	30 day	Daily		
00310	mg/l	800 5 Day	-	-	-	-	1/Month	Grab
00335	mg/l	COO	-	-	-	-	1/Month	Grab
00530	mg/l	Total Suspended Solids	30	100	-	-	1/Week	Grab
00550	mg/l	Oil and Grease, Total	-	-	-	-	1/Week	Grab
00945	mg/l	Sulfate SO ₄	-	-	-	-	1/Month	Grab
50050	MGD	Flow Rate	-	-	-	-	1/Month	24 Hr. Estimate

The discharge from this outfall is limited to storm water and potentially leachate from the solid waste disposal landfill. See Part II, Item R.

* Samples to be collected during discharge. Sampling shall be performed at the required frequency noted above, using a daily visual inspection of the outfall or an automatic sampling system (capable of sampling based upon detection of flow) to determine if discharge is occurring. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, state this in the remarks section and LEAVE THE DATA AREA BLANK (signature still required).

- (1) Discharge from the Solid Waste Disposal Facility Sedimentation Pond No. 4.
- (2) Discharge from the Solid Waste Disposal Facility Sedimentation Pond No. 5.

2. The pH (Reporting Code 00400) shall be monitored 1/month* by grab sample.
3. Samples taken in compliance with monitoring requirements specified above shall be taken at Sampling Stations described in Part II, OTHER REQUIREMENTS.

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

1. During the period beginning on the date of the landfill closure and lasting until the expiration date, the permittee is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3ID00003643 (1) and 3ID00003653 (2). See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
Reporting Code	Units	Parameter	Concentration Specified Units 30 day Daily		Loading kg/day 30 day Daily	Meas. Freq.*	Sample Type
00310	mg/l	BOD 5 Day	-	-	-	1/Month	Grab
00335	mg/l	COO	-	-	-	1/Month	Grab
00530	mg/l	Total Suspended Solids	30	45	-	1/Week	Grab
00550	mg/l	Oil and Grease, Total	-	-	-	1/Week	Grab
00945	mg/l	Sulfate SO ₄	-	-	-	1/Month	Grab
50050	MGD	Flow Rate	-	-	-	1/Month	24 Hr. Estimate

The discharge from this outfall is limited to storm water and potentially leachate from the solid waste disposal landfill. See Part II, Item R.

* Samples to be collected during discharge. Sampling shall be performed at the required frequency noted above, using a daily visual inspection of the outfall or an automatic sampling system (capable of sampling based upon detection of flow) to determine if discharge is occurring. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, state this in the remarks section and LEAVE THE DATA AREA BLANK (signature still required).

- (1) Discharge from the Solid Waste Disposal Facility Sedimentation Pond No. 4.
(2) Discharge from the Solid Waste Disposal Facility Sedimentation Pond No. 5.

2. The pH (Reporting Code 00400) shall be monitored 1/month* by grab sample.
3. Samples taken in compliance with monitoring requirements specified above shall be taken at Sampling Stations described in Part II, OTHER REQUIREMENTS.

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 3ID00003024. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration Specified Units		Loading kg/day		Meas. Freq.*	Sample Type
			30 day	Daily	30 day	Daily		
00550	mg/l	Oil and Grease, Total	15	20	-	-	1/Week	Grab
50050	MGD	Flow Rate	-	-	-	-	Daily	24 Hr. Estimate

The discharge from this outfall is limited to non-contact cooling water, storm water and ground water. It shall be free from process wastewater.

* Samples to be collected when discharging. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, state this in the remarks section and LEAVE THE DATA AREA BLANK (signature still required).

2. The pH (Reporting Code 00400) shall not be less than 6.5 S.U. nor greater than 9.0 S.U. and shall be monitored 1/week* by grab sample.
3. Samples taken in compliance with monitoring requirements specified above shall be taken at Sampling Stations described in Part II, OTHER REQUIREMENTS.

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 31D00003632*. See Part II, OTHER REQUIREMENTS, for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration** Specified Units 30 day Daily	Loading*** kg/day 30 day Daily	Meas. Freq.****	Sample Type
00515	mg/l	Residue, Total Dissolved	2410	4000	2/Week	24 Hr. Composite
00530	mg/l	Total Suspended Solids	-	1796 4645	2/Week	24 Hr. Composite
00550	mg/l	Oil and Grease, Total	-	389 1223	2/Week	Grab
01051	µg/l	Lead, Total (Pb)	-	3.46 10.75	2/Week	24 Hr. Composite
01092	µg/l	Zinc, Total (Zn)	-	4.43 13.27	2/Week	24 Hr. Composite
50050	MGD	Flow Rate	-	-	Daily	24 Hr. Total (Continuous Record)

Data for Station 31D00003622 shall also be reported at Station 31D00003632.

* This station does not actually exist. It is a fictitious station used to report the total process wastewater flow from Station 31D00003622 and any wastewater normally discharged to 31D00003622 but bypassing 31D00003622 directly to Outfall 31D00003021.

** Limitations are based on an average flow rate of 4.38 MGD.

*** Effluent loading limitations for Total Suspended Solids and Total Oil and Grease are based on the following average production values:

No. 1 80F	5,496 tons/day	77" Tandem Mill	3,216 tons/day
80" Hot-Strip Mill	8,928 tons/day	84" Temper Mill	3,720 tons/day
56"/80" KCl Pickle Line (with 1 fume scrubber)	5,520 tons/day	77" Temper Mill	1,536 tons/day
		Continuous Caster	5,570 tons/day

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

**** Data shall be reported daily when any bypass represented by Station 31D00003642 is occurring. Summation of the flow and loads measured at 31D00003642 plus 31D00003622 shall be reported at 31D00003632. Concentrations shall be calculated using the sum of the flows at 31D00003622 and 31D00003642.

2. Samples taken in compliance with monitoring requirements specified above shall be taken at Sampling Stations described in Part II, OTHER REQUIREMENTS.

Part II, OTHER REQUIREMENTS

A. Description of the location of the required sampling stations are as follows:

<u>Sampling Station</u>	<u>Description of Location</u>
3ID00003001	Storm sewer for the 84 inch cold and hot mill area (non-contact cooling water overflow, storm water, ground water) downstream from the diversion point of normal dry weather flow from outfall 3ID00003001 to the hot mill treatment system. (Lat: 41° 26' 57"; Long: 81° 40' 52")
3ID00003002	Strip mill area outfall. Combined discharge of stations 3ID00003601 and 3ID00003602, non-contact cooling water, storm water and ground water. (Lat: 41° 27' 06"; Long: 81° 40' 56")
3ID00003003	Storm water and ground water from strip mill complex storm sewer. (Lat: 41° 27' 08"; Long: 81° 41' 03")
3ID00003004	Non-contact cooling water, storm water and ground water. Samples shall be taken at the overflow chamber leading to the Cuyahoga River. (Lat: 41° 27' 15"; Long: 81° 41' 01")
3ID00003005	C5 and C6 blast furnace area discharge to Cuyahoga River. (Lat: 41° 27' 54"; Long: 81° 41' 21")
3ID00003008	Steam condensate, ground water and storm water, approximately 50' North of Morgana Run. (Lat: 41° 28' 08"; Long: 81° 40' 09")
3ID00003009	#1 Coke Plant (idled) area storm water and ground water discharge. (Lat: 41° 28' 10"; Long: 81° 40' 08")
3ID00003010	Storm water and ground water at pit prior to discharge to the Cuyahoga River. (Lat: 41° 28' 20"; Long: 81° 40' 10")
3ID00003011	Storm water and ground water prior to discharge to the Cuyahoga River. (Lat: 41° 28' 35"; Long: 81° 40' 18")
3ID00003012	Steam condensate and pump bearing non-contact cooling water (3" pipe) at bulk unloading pumphouse. (Lat: 41° 27' 55"; Long: 81° 40' 18")
3ID00003013	Steam condensate (1½" pipe) at bulk unloading pumphouse. (Lat: 41° 27' 55"; Long: 81° 40' 18")
3ID00003014	No. 1 Powerhouse non-contact cooling water, water softener, filter and boiler blowdown wastewaters; storm water, ground water and the City of Cleveland West 3rd Street storm sewer discharge to the Cuyahoga River. (Lat: 41° 28' 23"; Long: 81° 40' 18")
3ID00003015	Storm water and ground water discharge to the Cuyahoga River. (Lat: 41° 28' 35"; Long: 81° 40' 18")
3ID00003016	Steam condensate (4" pipe) discharge approximately 100' North of outfall 3ID00003019. (Lat: 41° 27' 11"; Long: 81° 41' 03")
3ID00003017	Deep bed filter blowdown from the steel plant wastewater treatment facility, service water, storm water and ground water prior to discharge to the Cuyahoga River. (The steel plant wastewater treatment facility also treats blowdown from the basic oxygen suppressed combustion system.) (Lat: 41° 28' 20"; Long: 81° 40' 10")
3ID00003018	Deleted.
3ID00003019	Strip mill area air compressor (non-contact) cooling water, storm water and ground water discharge to the Cuyahoga River. (Lat: 41° 27' 10"; Long: 81° 41' 04")
3ID00003021	Outfall of storm water and ground water located at North pump station. (Lat: 41° 27' 42"; Long: 81° 40' 59")
3ID00003022	Central treatment system effluent (3ID00003622), non-contact cooling water, storm water and ground water prior to discharging to the Cuyahoga River. Outfall located near 80" hot mill cooling towers. (Lat: 41° 27' 45"; Long: 81° 40' 57")
3ID00003632	This is a fictitious station used to report station 3ID00003622, and contributing pollutant loads and flows from 3ID00003622 bypasses (station 3ID00003642).
3ID00003642	Sampling station for any process wastewater bypassing station 3ID00003622, tributary to outfall 3ID00003021

Part II, OTHER REQUIREMENTS (continued)

D. Deleted.

Part II, OTHER REQUIREMENTS (continued)

G. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved.

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

H. DELETED

I. Grab samples shall be collected at such times and locations, and in such fashion, as to be representative of the facility's performance.

J. For INTERNAL MONITORING STATIONS where pH is monitored continuously, the permittee shall maintain the pH of such wastewater within the range specified in this permit. Excursions from the range are permitted subject to the following provisions:

1. The total time during which pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month.
2. No individual excursion from the range of pH values shall exceed 60 minutes.
3. The permittee shall report each month for each monitoring station where pH is monitored continuously the following:
 - a. the number of pH excursions,
 - b. the duration of each excursion,
 - c. the date of each excursion, and
 - d. the total time of all excursions combined.

K. It is understood by Ohio EPA that, at the time permit 3ID00003*KD becomes effective, an analytical method is not approved under 40 CFR 136 to evaluate compliance with the free cyanide effluent limitations contained in the permit. The permittee shall utilize method 4500-CN I contained in the 17th edition of Standard Methods (method 412H, 18th edition) until U.S. EPA promulgates a method for analyzing free cyanide under 40 CFR 136. As long as the permittee complies with the previous provision, Ohio EPA will consider all analytical results properly reported as below detection to be zeros for compliance and enforcement purposes.

If a method(s) for analyzing free cyanide is promulgated by U.S. EPA during the period when this permit is effective, the permittee shall, within twelve months after promulgation, adopt an approved procedure for monitoring compliance with the free cyanide effluent limits contained in the permit. During this twelve month interim period, the permittee shall perform analyses utilizing both the approved procedure and the previous procedure for comparison purposes while reporting only the results of the previous procedure for compliance purposes. Utilization of both types of analyses shall begin within six months of promulgation of the approved procedure allowing a six month evaluation period.

Part II, OTHER REQUIREMENTS (continued)

- L. Outfall 3ID00003601 discharges wastewater that is regulated by the Metal Finishing (40 CFR 433) effluent guideline category. The permit effluent limitations contained in this permit for outfall 3ID00003601 at station 3ID00003603 do not represent all the parameters, and associated limitations from those guidelines. If USEPA, Region V informs Ohio EPA in writing that all parameters are required by the guidelines to be included in the permit, then this permit shall be modified to include the additional parameters and associated effluent limitations.
- M. The permittee has the option to perform a mixing zone study at outfall 3ID00003002. The results shall be submitted to the Ohio EPA, Central Office, Division of Surface Water, Standards and Toxics Section, within 12 months of the effective date of this permit.

The goals of the study are to determine the size of the regulatory mixing zone and establish the available dilution in the mixing zone, by characterizing the effluent/receiving water interaction.

This permit may be modified as a result of that study.

- N. In lieu of Part III, 4.A, monitoring data required by this permit shall be reported on facsimiles in format similar to the Ohio EPA report form (4500) on a monthly basis. Individual reports for each sampling station for each month are to be received no later than the 25th day of the next month. The original plus first copy of the report form must be signed and mailed to:

Ohio EPA
Data and Systems
P. O. Box 1049
Columbus, OH 43216-1049

- O. A Best Management Practices Plan (plan) shall be developed to address all overflows, bypasses and unauthorized discharges of process wastewater (treated or untreated) to waters of the state. Best Management Practices plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of authorized discharges. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the overflows, bypasses, and unauthorized discharges of process wastewater (treated or untreated) at the facility and to assure compliance with the terms and conditions of this permit. The Best Management Practices plan shall describe a program to prevent such overflows and unauthorized discharges and the actions the permittee will routinely take in the event of a future overflow or unauthorized discharge of treated or untreated wastewater to waters of the state from any outfall.

Deadlines for Plan Preparation and Compliance.

1. The plan:
 - a. shall be prepared by June 1, 1996 (and updated as appropriate);
 - b. shall provide for implementation of the plan by October 1, 1996.
 - c. shall be submitted to the Ohio EPA Northeast District Office by June 1, 1996.
2. Differences regarding the plan, its specific contents and goals, and variations of the requirements in this Part shall be resolved through discussions with Ohio EPA's Northeast District Office.

Part II, OTHER REQUIREMENTS (continued)

Q. In the event of an overflow, bypass or unauthorized discharge of process wastewater through outfall 3ID00003005, 3ID00003027 and/or 3ID00003018, that continues for six hours or more, the permittee shall conduct acute screening toxicity testing of the final effluent while the event is occurring. The results shall be submitted within one month of the event to the Ohio EPA Central District Office. A manual composite of grabs taken over the period of the discharge may be used for the bioassay. No more than one bioassay is required per month, no more than 12 in the life of this permit.

R. Additional Pollutant Monitoring

1. The permittee shall perform on an annual basis, for a period of five (5) years, a grab sample for priority pollutants at outfall 3ID00003623. Samples for organics shall be prepared and analyzed by GC/MS in accordance with U.S. EPA promulgated methods 624 and 625 (January, 1987). In addition to the quantitative analysis for organic priority pollutants, a reasonable attempt shall be made to identify and quantify any additional substances indicated to be present in the GC/MS fractions by peaks on the reconstruction gas chromatograms (total ion plots) more than 10 times higher than the adjacent-peak-to-peak background noise.

Identification shall be referenced to the EPA/NIH computerized library of mass spectra, with visual confirmation by an experienced analyst. Quantification, may be an order-of-magnitude estimate based upon comparison with an internal standard. GC/MS analysis results are to be reported to the appropriate district office within 30 days of receiving sampling results from the lab. GC/MS or GC analysis results including copies of the GC strip charts and MS printouts are to be submitted to the Northeast District Office/DSW upon written request.

Upon selecting a laboratory to perform the GC/MS analytical work, the laboratory's quality control and quality assurance procedures must be reviewed by the permittee to ensure that the laboratory's quality control and quality assurance procedures meet the minimum requirements as described in the U.S. EPA promulgated methods. The permittee must control and quality assurance records used to define the quality of the data generated. These records shall be available for review by representatives of the Ohio EPA. All records shall be kept for at least three years.

2. Upon review of the results of the pollutant monitoring program, the Ohio EPA may propose effluent limitations for specific pollutants, or continue to modify the monitoring program as appropriate.

S. Quality Control / Quality Assurance for samples taken related to overflows, bypasses and unauthorized discharges:

The permittee shall assure that appropriate employees are properly trained in sample collection procedures, if automatic sample collection and preservation is not available.

T. Monthly grab sampling shall be conducted at the discharge of the Burke Branch Culvert into the Cuyahoga River for a period of 2 years for the following pollutants: flow estimate, pH, TSS, Oil & Grease, BOD, COD, and SO₄. Samples must be taken the same day, and near the same time as those taken at the stations tributary to this location. Proper sample techniques and preservation methods shall be used. Results shall be reported to Ohio EPA's Northeast District Office within 15 days of receipt of results by LTV. The monthly sampling shall begin April 1, 1998.

ATTACHMENT B

Date Issued September 30, 1994

Date Effective November 2, 1994

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of: : Director's Final Findings
LTV Steel Company, Incorporated : and Orders
3100 East 45th Street :
Cleveland, OH 44127 :

Pursuant to Ohio Revised Code (ORC) Section 6111.03 (H), the Director of the Ohio Environmental Protection Agency hereby makes the following Findings and issues the following Orders:

FINDINGS

1. LTV Steel Company, Incorporated, hereinafter referred to as "LTV," operates a wastewater treatment facility located at 3100 East 45th Street, Cleveland, Ohio 44127.
2. This facility discharges pollutants to the Cuyahoga River, which constitutes waters of the State as defined in ORC Section 6111.01, Div. (H).
3. LTV currently holds an effective Ohio EPA NPDES Permit (3ID00003*XD, OH0000957) for the aforementioned discharge. This permit requires compliance with the final effluent limits by the effective date of the permit.
4. LTV cannot comply with its NPDES permit for Phenols and Ammonia-Nitrogen effluent limitations at monitoring stations 3ID00003604 and 3ID00003621 as required by federal effluent guideline limitations.
5. LTV has applied for a 301(g) variance from the previously mentioned federal effluent guideline limitations on February 17, 1983. At present, LTV's variance request is pending with U.S. EPA.
6. LTV was issued Director's Final Findings and Orders (DFFOs) on December 31, 1990 granting interim Phenolics and Ammonia-Nitrogen limits for the same wastestreams, referred to as 3ID00003604 and 3ID00003621 in those DFFOs.
7. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purposes of Chapter 6111 of the Revised Code.

ORDERS

1. If U.S. EPA denies LTV's variance request, LTV shall take measures to ensure compliance with the federal effluent guideline limitations of permit 3ID00003*KD as expeditiously as practicable but not later than the dates developed in accordance with the following schedule:
 - A. Submit a Permit-to-Install (PTI) application and detail plans to achieve final effluent limitations at monitoring stations 3ID00003604 and 3ID00003621 within 12 months of U.S. EPA's final denial of LTV's 301(g) variance request.
 - B. Initiate construction within 18 months after U.S. EPA's final denial of LTV's 301(g) variance request.
 - C. Submit report as to the LTV's progress towards meeting final effluent limitations at stations 3ID00003604 and 3ID00003621 within 24 months of U.S. EPA's final denial of LTV's 301(g) variance request.
 - D. Complete construction within 35 months of U.S. EPA's final denial of LTV's 301(g) variance request.
 - E. Attain compliance with final table effluent limitations at stations 3ID00003604 and 3ID00003621 within 36 months of U.S. EPA's final denial of LTV's 301(g) variance request.
2. Until the date the improved wastewater treatment works attain operational level as specified in the schedule indicated in Order 1, LTV shall comply with the effluent limitations and monitoring requirements contained in Attachments A, B, and C of these DFFOs.
3. LTV shall report any noncompliance with Order 1 or Attachments A, B, or C in accordance with Part II, Paragraph 12 of the NPDES permit referred to in Finding No. 3.
4. LTV shall submit written verification to the Ohio EPA Northeast District Office of compliance with Orders 1.B. and 1.D. within 14 days after compliance with each order.
5. LTV shall comply with all terms and conditions of NPDES Permit No. 3ID00003*KD not altered by these DFFOs.

ATTACHMENT A

- During the period beginning on the effective date of these Findings and Orders and lasting until the date specified in Order 1.E., ITV is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3ID00003604. See Part II, OTHER REQUIREMENTS, of NPDES 3ID00003*KD for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration*		Loading**		Meas. Freq.	Sample Type
			Specified Units	Daily	kg/day	Daily		
00530	mg/l	Total Suspended Solids	-	-	199	598	1/2 Weeks	24 Hr. Composite
00610	mg/l	Nitrogen, Ammonia (NH ₃)	257	770	81.6	244.9	1/Week	24 Hr. Composite
01051	µg/l	Lead, Total (Pb)	-	-	0.63	1.89	1/Week	24 Hr. Composite
01092	µg/l	Zinc, Total (Zn)	-	-	1.00	2.83	1/Week	24 Hr. Composite
32730	µg/l	Phenolic 4AAP, Total	-	-	0.30	0.60	1/Month	24 Hr. Composite
50050	MGD	Flow Rate	-	-	-	-	Daily	24 Hr. Total (Continuous Record)
99996	mg/l	Cyanide, Total	-	-	6.30	12.60	1/2 Weeks	24 Hr. Composite

** Effluent Concentration limitations are based on a flow rate of 0.09 MGD.

*** Technology-based loading limitations for Total Suspended Solids, Ammonia, Lead, Zinc (maximum), and Phenolics as allowed by the Federal Iron and Steel Manufacturing Categorical Regulations are based on an average production of 4,285 tons/day at the C5 Blast Furnace and 4,130 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.

- The pH (Reporting Codes 00402 (minimum) and 00401 (maximum)) shall be monitored continuously and reported daily.
- Samples taken in compliance with monitoring requirements specified above shall be taken at Sampling Stations described in Part II, OTHER REQUIREMENTS.

ATTACHMENT B

1. During the period beginning on the effective date of these Findings and Orders and lasting until the date specified in Order I.B., LTV is authorized to discharge in accordance with the following limitations and monitoring requirements from outfall 3ID00003621. See Part II, OTHER REQUIREMENTS, of NPDES permit 3ID00003*KD for locations of effluent sampling.

EFFLUENT CHARACTERISTIC			DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
Reporting Code	Units	Parameter	Concentration*		Loading**		Meas. Freq.***	Sample Type
			30 day	Daily	30 day	Daily		
00530	mg/l	Total Suspended Solids	-	-	75.1	226	1/2 Weeks	24 Hr. Composite
00610	mg/l	Nitrogen, Ammonia (NH ₃)	966	2280	307	726	1/Week	24 Hr. Composite
01051	µg/l	Lead, Total (Pb)	796	2390	0.253	0.760	1/Week	24 Hr. Composite
01092	µg/l	Zinc, Total (Zn)	1190	3580	0.378	1.14	1/Week	24 Hr. Composite
32730	µg/l	Phenolic 4AAP, Total	-	-	4.53	9.53	1/Month	24 Hr. Composite
50050	MGD	Flow Rate	-	-	-	-	1/Week	24 Hr. Total (Continuous Record)
99996	mg/l	Cyanide, Total	-	-	2.53	5.05	1/2 Weeks	24 Hr. Composite

* Concentration limitations are based on an average flow rate of 0.084 MGD.

** Loading limitations as allowed by the federal Iron and Steel Manufacturing Categorical Regulations are based on an average production of 3,181 tons/day at the C1 Blast Furnace. If this figure is incorrect or decreases by more than 20%, the permittee shall notify the Ohio EPA immediately.

*** Samples to be collected when discharging. If NO DISCHARGE OCCURS DURING THE ENTIRE MONTH, state this in the remarks section and LEAVE THE DATA AREA BLANK (signature still required).

2. The pH (Reporting Code 00400) shall be monitored 1/2 weeks by grab sample.
3. Samples taken in compliance with monitoring requirements specified above shall be taken at Sampling Stations described in Part II, OTHER REQUIREMENTS.