

Public Hearing Thursday April 25, 6pm CT – 21st Century Charter School of Gary

U.S. Steel Gary Works: 2024 Renewal of Title V Air Permit

U.S. Steel Gary Works in Gary, Indiana is the largest integrated steel mill in the United States and spans 4,000 acres along Lake Michigan nearby Indiana Dunes National Park. The Indiana Department of Environmental Management (IDEM) issued a draft renewal of U.S. Steel’s Title V air permit in February and in response to public requests, is hosting a public hearing on the draft permit on **April 25, 2024 at 6 PM**. Accordingly, IDEM has also extended the public comment deadline to **April 29, 2024**.

Public attendance at the hearing is important as it gives speakers an opportunity to have their voices and lived experiences heard by IDEM and incorporated into the public record. Because this is a hearing and not a meeting, IDEM will not answer any questions in person. However, they will respond to questions in writing in an addendum to the final permit.

The Environmental Integrity Project (EIP) and Environmental Law & Policy Center (ELPC) reviewed the draft permit and identified numerous defects, summarized below. We will submit these issues as written comments as well.

Emissions from U.S. Steel-Gary Works

Gary Works is Indiana’s largest single source of carbon emissions and heavy metal pollution – as well as being in the top five in Indiana for NO_x and SO₂ emissions. These harmful air pollutants have both short- and long-term effects on the health of nearby residents. As part of revising some air standards for hazardous air pollutants, EPA collected data through fenceline monitoring at Gary Works. For lead, “the highest six-month average fenceline concentration [...] is three times greater than the highest modeled concentration for the example facility (U.S. Steel Gary).”¹ Arsenic was six times higher than the highest modeled concentration at U.S. Steel Gary.² Chromium levels also exceeded modeled estimates.

Additionally, these emissions contribute to Indiana Dunes National Park – the 11th most visited and 4th most biodiverse national park in the country – to be ranked in the Top 10 National Parks with Unhealthy Air and the Top 10 Worst National Parks for Hazy Skies.

Draft Permit Deficiencies

There are various issues with the Draft Permit. To name a few:

- The Draft Permit does not make clear that EPA’s finalized revisions to the rules that control hazardous air pollutants from steel mills will apply to Gary Works.
 - This could prevent residents from enforcing these requirements, including a new requirement that U.S. Steel monitor for chromium at the fenceline of Gary Works and correct exceedances and publish the results for the community to see.
- The Draft Permit identifies that numerous emissions units are controlled by various industry-specific EPA standards known as National Emission Standards for Hazardous Air Pollutants (NESHAPs), but fails to incorporate those NESHAP limits, monitoring, recordkeeping, and reporting provisions in the permit.

¹ 88 Fed. Reg. 49402, 49414 (July 31, 2023).

² *Id.*



- The Draft Permit also fails to include adequate monitoring and testing to assure compliance with limits on certain pollutants for multiple emission units in the steel mill as separately required by Federal and Indiana law.³
 - For example, the monitoring and testing for many emission units are limited to once every 5-year stack tests which U.S. EPA has stated is often insufficient to assure compliance with emission limits.⁴
- It similarly does not contain adequate recordkeeping and reporting to assure compliance for multiple emission units in the steel mill as required by Federal and Indiana law.⁵
- IDEM should have denied some changes requested by U.S. Steel.
 - Renaming the highly polluting Sinter Plant as the “Recycling Plant.” This would create confusion as emission limitations refer to sinter plants or sinter operations.
 - Decreasing the frequency of stack testing for certain sinter plant stacks resulting in more outdated data being used to calculate emissions.
 - Note that according to Gary Works’ 2022 Annual Emissions Statement, the sinter plant alone is responsible for 40% of VOC, 36% of CO, and 21% of lead emissions, as well as 21% of PM10, 12% of PM2.5, and 17% of SO2 emissions.
- The Draft Permit should incorporate several plans (including the Continuous Compliance Plan, Operation and Maintenance Plan, Preventive Maintenance Plan and others) which it relies upon to meet permit terms and conditions.
 - The Sulfur Fuel Sampling and Analysis Plan as well as the Ozone Action Day Plan are required by Indiana Admin. Code to be incorporated into the Title V permit.⁶
- IDEM did not adequately consider environmental justice issues in renewing the permit, especially with regard to cumulative impacts from other sources nearby.
 - According to EPA’s EJScreen tool, of the eight currently operating integrated iron and steel facilities, Gary Works has the most significant impact on communities of color and those exposed to lead paint through pre-1960 housing.⁷
- The Draft Permit contains numerous clerical errors and other omissions that must be corrected.

Public Hearing

Thursday April 25, 2024, at 6:00 PM (CT)
21st Century Charter School of Gary, Gymnasium
556 Washington St. Gary, IN 46402

³ See 40 C.F.R. § 70.6; 326 IAC 2-7-5(3); 326 IAC 2-7-6(1).

⁴ 40 C.F.R. § 70.6(a)(3)(i)(B); *Sierra Club v. EPA*, 536 F.3d 673, 676-77 (D.C. Cir. 2008). Annual stack testing alone may be insufficient to assure compliance with an hourly emission limit. *In the Matter of Northeast Maryland Waste Disposal Authority*, Order on Petition No. III-2019-2 at 9 (December 11, 2020) [hereinafter “MCRRF Order”].

⁵ See 40 C.F.R. § 70.6; 326 IAC 2-7-5(3); 326 IAC 2-7-6(1).

⁶ Indiana Admin. Code states regarding the Sulfur Fuel Sampling and Analysis Plan, “[t]he department shall incorporate the protocol into the source's Title V or other appropriate permit....” 326 IAC 7-4.1-2(c). Regarding the Ozone Action Day Plan, Indiana Admin. Code states “[t]he plan shall be included in the source's operating permit.” 326 IAC 8-13-4(b)(8)(B).

⁷ Within a 5-mile radius, 96% of the population is people of color and 66% of residents are exposed to lead paint. The lead paint statistic highlights that communities near integrated iron and steel facilities are vulnerable to lead exposure from the facilities themselves and from other sources as well.

