

**Public Hearing Thursday May 23, 6pm CT – Chesterton High School  
Auditorium Door #31 Chesterton, IN**

# Cleveland-Cliffs Burns Harbor: 2024 Renewal of Title V Air Permit

Cleveland-Cliffs Burns Harbor in Burns Harbor, Indiana is the company's second-largest integrated steel mill in the United States, producing 5 million tons of raw steel annually. It is located along Lake Michigan and surrounded by Indiana Dunes National Park. The Indiana Department of Environmental Management (IDEM) issued a draft renewal of U.S. Steel's Title V air permit (No. T127-46984-00001)<sup>1</sup> in March and in response to public requests, is hosting a public hearing on the draft permit on **May 23, 2024 at 6 PM**. Accordingly, IDEM has also extended the public comment deadline to **May 28, 2024**.<sup>2</sup>



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, the department 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 Cleveland-Cliffs Burns Harbor

The Burns Harbor steel mill emits substantial amounts of pollution. It reported CO emissions of nearly 52,000 tons in 2022 and is “ranked second nationwide among steel mills in carbon emissions.”<sup>3</sup> The steel mill operates two coke batteries, blast furnaces, and a sinter plant, releasing nearly 4000 tons of particulate emissions, 10,000 tons of SO<sub>2</sub>, and nearly 7500 tons of NO<sub>x</sub> in 2022.<sup>4</sup> Additionally, Burns Harbor reported emissions of over 3,000 lbs of toxic lead in 2022. These reported emissions may be understated because they rely on modeled estimates. These harmful air pollutants have both short- and long-term effects on the health of nearby residents.

*Written Public Comments  
Due May 28, 2024  
Send to:  
zizzy@idem.IN.gov*

Additionally, these emissions contribute to Indiana Dunes National Park – the 11<sup>th</sup> most visited and 4<sup>th</sup> 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.<sup>5</sup>

<sup>1</sup> Burns Harbor 2024 Draft Permit available at <https://permits.air.idem.in.gov/46984d.pdf>.

<sup>2</sup> See [Notice of Public Hearing for Cleveland-Cliffs Burns Harbor](#).

<sup>3</sup> Joseph S. Pate, *Region steel mills rank as three worst carbon emitters nationally* (Sept. 14, 2023), [Region steel mills rank as three worst carbon emitters nationally](#).

<sup>4</sup> 2022 Air Emission Inventory Statement for Cleveland-Cliffs Burns Harbor LLC, dated June 27, 2023, p. 1, available at [2022 CC-Burns Harbor Air Emission Statement](#).

<sup>5</sup> Daniel Orozco, et al., *Polluted Parks: How Air Pollution and Climate Change Continue to Harm America's National Parks*, National Parks Conservation Association (NPCA), <https://www.npca.org/reports/air-climate-report>.





## Draft Permit Deficiencies

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

- The Draft Permit fails to state that EPA’s newly revised standards for controlling hazardous air pollutants from steel mills will apply to Burns Harbor.
  - This could prevent residents from enforcing these requirements, including the new fence line monitoring requirement and work practice standards.
- The Draft Permit fails to include *any* requirements (known as “operation conditions”) for the Coke By-Product Recovery Plant.<sup>6</sup>
  - ELPC asked IDEM for explanation on three separate occasions and did not get an answer
  - For example, the current permit fails to include emission limits, as well as monitoring, recordkeeping, and reporting provisions for this plant.<sup>7</sup>
- The Draft Permit fails to include adequate monitoring and testing to assure compliance with pollution limits for multiple emission units in the steel mill.<sup>8</sup>
  - For example, the monitoring and testing for several emission units are limited to once every 5-year stack tests even if they have annual, monthly, or even hourly emission limits.<sup>9</sup>
  - The Summary of Testing Requirements in the Technical Support Document:
    - fails to provide the date of the most recent stack tests for PM and NO<sub>x</sub>;
    - fails to include required twice/year stack tests for SO<sub>2</sub> for the coke oven batteries.<sup>10</sup>
- The Draft Permit fails to incorporate several important plans, including the Compliance Assurance Monitoring (CAM) Plan, which it relies upon to meet permit terms and conditions, as well as a Sulfur Fuel Sampling and Analysis Protocol and Ozone Action Day Plan required by the Indiana Admin. Code.<sup>11</sup>
- 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, the amount of ozone around the Burns Harbor steel mill is at the 99th percentile and the air toxics cancer risk is at the 90th percentile.<sup>12</sup>
    - IDEM already issued an Air Quality Action Day forecast for May 18, 2024, with expected ozone levels to be in the Unhealthy for Sensitive Groups range (Orange)<sup>13</sup>
- The Draft Permit contains numerous clerical errors and other omissions that must be corrected.
  - For example, Section C.10 contains so many inaccuracies in its references and citations to 326 IAC 7-4-14 that it should be completely rewritten or IDEM must explain the discrepancies.

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<sup>6</sup> Compare [Burns Harbor 2024 Draft Permit](#), Section D.2, p. 64 with [Burns Harbor 2019 Permit](#), Section D.2, p. 63 (No. T127-40675-00001).

<sup>7</sup> Burns Harbor 2019 Permit, Section D.2, p. 63 (No. T127-40675-00001).

<sup>8</sup> See 40 C.F.R. § 70.6; 326 IAC 2-7-5(3); 326 IAC 2-7-6(1).

<sup>9</sup> U.S. EPA has stated this is often insufficient to assure compliance with emission limits. See 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).

<sup>10</sup> Burns Harbor 2024 Draft Permit Technical Support Document, p.66.

<sup>11</sup> Indiana Admin. Code states regarding the Sulfur Fuel Sampling and Analysis Protocol, “[t]he department *shall* incorporate the protocol into the source’s operation permit....” 326 IAC 7-4-14(E)(ii)(BB) (emphasis added). 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) (emphasis added).

<sup>12</sup> Env’t Prot. Agency EJScreen Tool using a 3-mile radius.

<sup>13</sup> Within a 3-mile radius, 37% of the population are children and elderly – an especially vulnerable group to ground ozone.

