



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

January 21, 2022

VIA ELECTRONIC MAIL:

Jean Louis Muller, Vice President
and General Manager
Cleveland-Cliffs Burns Harbor, LLC
250 West US Highway 12
Burns Harbor, IN 46304
JeanLouis.Muller@clevelandcliffs.com

Re: Adoption of Agreed Order
Commissioner, Indiana Department of
Environmental Management
v.

Cleveland-Cliffs Burns Harbor, LLC
Plant ID No. 127-00001
Burns Harbor, Porter County
Case Nos. 2019-26099-A,
2019-26490-A and 2020-26917-A

Dear Mr. Muller:

This is to inform you that the Agreed Order in the above-referenced case has been approved and adopted by the Indiana Department of Environmental Management. A copy of the Agreed Order is enclosed.

Please note the terms of compliance contained in the Agreed Order. The time frames for compliance are effective upon your receipt of this correspondence. Please note that the civil penalty is due within thirty (30) days after the effective date of the Agreed Order. Payment should be made payable to the Environmental Management Special Fund and sent to:

Indiana Department of Environmental Management
Accounts Receivable
IGCN, Room 1340
100 North Senate Avenue
Indianapolis, IN 46204

Please include the Case Number on the front of the check. If you have any questions, please contact Matthew Chaifetz at 317-232-8408 or mchaifet@idem.IN.gov.

Sincerely,



David P. McIver, Chief
Enforcement Section
Office of Air Quality

Enclosure

cc: Richard Zavoda, Cleveland-Cliffs, Rich.Zavoda@clevelandcliffs.com
Thomas Maicher, Cleveland-Cliffs Burns Harbor, LLC,
Thomas.Maicher@clevelandcliffs.com
Michael Long, Cleveland-Cliffs Burns Harbor, LLC,
Michael.Long@clevelandcliffs.com
Mark Messersmith, US EPA Region 5 [HPV cases only]
Porter County Health Department
Matthew Chaifetz, Compliance and Enforcement Branch, OAQ
Kevin T. Davis, Compliance and Enforcement Branch, OAQ
Marty Yeates, Compliance and Enforcement Branch, OAQ
Valerie Tachtiris, Office of Legal Counsel, IDEM
<http://www.IN.gov/idem>



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STATE OF INDIANA) SS: BEFORE THE INDIANA DEPARTMENT OF
COUNTY OF MARION) ENVIRONMENTAL MANAGEMENT

COMMISSIONER OF THE DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT,)

Complainant,)

v.)

Case Nos. 2019-26099-A,
2019-26490-A and 2020-26917-A

CLEVELAND-CLIFFS
BURNS HARBOR, LLC,)

Respondent.)

AGREED ORDER

Complainant and Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to Indiana Code ("IC") 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondent's entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondent may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

I. FINDINGS OF FACT

1. Complainant is the Commissioner ("Complainant") of the Indiana Department of Environmental Management ("IDEM"), a department of the State of Indiana created by IC 13-13-1-1.
2. Respondent is Cleveland-Cliffs Burns Harbor, LLC, which owns and operates the stationary steel works plant for the production of coke, limited coal chemical, molten iron, molten steel, steel slab, hot rolled steel, steel coils, steel plates, cold rolled and/or coated steel sheet and plate with Plant ID No. 127-00001, located at 250 West US Highway 12, in Burns Harbor, Porter County, Indiana ("Site").
3. IDEM has jurisdiction over the parties and the subject matter of this action.

4. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation ("NOV") via Electronic Mail to:

Cleveland-Cliffs Steel, LLC
Attn: Clifford Smith, President
200 Public Square
Suite 3300
Cleveland, OH 44114-2544
Clifford.Smith@ClevelandCliffs.com

CT Corporation Systems,
Registered Agent
334 North Senate Avenue
Indianapolis, IN 46204
CTSOPReceipt@wolterskluwer.com

5. During an investigation including a record review conducted by a representative of IDEM, the following violations were found:

Based on the Enforcement Action Letter issued to Respondent on March 21, 2019, case number 2019-26099-A contains the following violations:

- a. Pursuant to 40 CFR 63 Subpart CCCCC, except for monitor malfunctions, associated repairs, and required quality assurance or control activities (including as applicable, calibration checks and required zero and span adjustments), Respondent must monitor continuously (or collect data at all required intervals) at all times the affected source is operating.

Respondent reported in its 3rd and 4th quarter 2018 and 2nd semi-annual report for the reporting period July 1 through December 31, 2018, numerous occurrences where monitoring data was not continuously collected, in violation of 40 CFR 63 CFR CCCCC.

- b. Pursuant to 40 CFR 63.1162(a)(5), each monitoring device shall be certified by the manufacturer to be accurate to within five (5) percent and shall be calibrated in accordance with the manufacturer's instructions but not less frequently than once per year.

Respondent reported in its semi-annual report for the reporting period July 1 through December 31, 2018, it had failed to calibrate the two (2) Pickle Line Fume Scrubbers' differential pressure and water flow meters within 1 year of their previous calibrations, in violation of 40 CFR 63.1162(a)(5).

- c. Pursuant to 40 CFR 63 Subpart FFFFF, Respondent shall meet emission limits and maintain operation and maintenance requirements.

Respondent reported in its 3rd and 4th quarter 2018 and 2nd semi-annual report for the reporting period July 1 through December 31, 2018, numerous deviations of continuous compliance emission limits and/or deviations from the continuous compliance operations and maintenance requirements, in violation of 40 CFR 63 Subpart FFFFF.

Based on the Enforcement Action Letter issued to Respondent on September 6, 2019, case number 2019-26490-A contains the following violations:

- d. Pursuant to 40 CFR 63 Subpart CCCCC, except for monitor malfunctions, associated repairs, and required quality assurance or control activities (including as applicable, calibration checks and required zero and span adjustments), Respondent must monitor continuously (or collect data at all required intervals) at all times the affected source is operating.

Respondent reported in its 1st and 2nd quarter 2019 and 1st semi-annual report for the reporting period January 1 through June 30, 2019, numerous occurrences where monitoring data was not continuously collected, in violation of 40 CFR 63 Subpart CCCCC.

- e. Pursuant to 40 CFR 63 Subpart FFFFF, Respondent shall be in compliance with the emission limitations and operation and maintenance requirements in this subpart at all times, except during periods of startup, shutdown, and malfunction as defined in § 63.2.

Respondent reported in its 1st and 2nd quarter 2019 and 1st semi-annual report for the reporting period January 1 through June 30, 2019, numerous deviations of continuous compliance emission limits and/or deviations from the continuous compliance operations and maintenance requirements, in violation of 40 CFR 63 CFR FFFFF.

Based on the Enforcement Action Letter issued to Respondent on February 24, 2020, case number 2020-26917-A contains the following violations:

- f. Pursuant to 40 CFR 63 Subpart CCCCC, except for monitor malfunctions, associated repairs, and required quality assurance or control activities (including as applicable, calibration checks and required zero and span adjustments), Respondent must monitor continuously (or collect data at all required intervals) at all times the affected source is operating.

Respondent reported in its 3rd and 4th quarter 2019 and 2nd semi-annual report for the reporting period July 1 through December 31, 2019, several occurrences where monitoring data was not continuously collected, in violation of 40 CFR 63 Subpart CCCCC.

- g. Pursuant to 40 CFR 63.7295(b)(1), each quench tower at a new or existing coke oven battery and each backup quench station at a new coke oven battery shall be equipped with baffles such that no more than 5 percent of the cross sectional area of the tower may be uncovered or open to the sky.

Respondent operated #2 quench station with less than 95% coverage on October 22 and 23, 2019, in violation of 40 CFR 63.7295(b)(1).

- h. Pursuant to 40 CFR 63 Subpart FFFFF, Respondent shall be in compliance with the emission limitations and operation and maintenance requirements in this subpart at all times, except during periods of startup, shutdown, and malfunction as defined in § 63.2.

Respondent reported in its 3rd and 4th quarter 2019 and 2nd semi-annual report for the reporting period July 1 through December 31, 2019, numerous deviations of continuous compliance emission limits of the subpart and/or deviations from the continuous compliance operations and maintenance requirements of the subpart, in violation of 40 CFR 63 Subpart FFFFF.

- i. Pursuant to Part 70 Permit 127-40675-00001 condition B.10, Respondent is required to develop and implement a Preventative Maintenance Plan ("PMP").

Respondent failed to conduct the semi-annual inspection on the Roll Blaster Baghouse as specified in the PMP, in violation of Part 70 Permit 127-40675-00001 condition B.10.

- 6. This Agreed Order covers all deviations submitted in the noted reports, except the 40 CFR 63 Subpart FFFFF deviations occurring on: July 21, 2018, November 18, 2018, November 23, 2018, November 25-26, 2018, March 29, 2019, June 30, 2019 – July 8, 2019, August 26, 2019, August 27, 2019, and August 30, 2019. The dates listed are being pursued by U.S. Environmental Protection Agency ("U.S. EPA") as referenced in the Finding of Violation issued by U.S. EPA on January 21, 2021.
- 7. Orders of the Commissioner are subject to administrative review by the Office of Environmental Adjudication under IC 4-21.5; however, in recognition of the settlement reached, Respondent acknowledges notice of this right and waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

- 1. This Agreed Order shall be effective ("Effective Date") when it is approved by Complainant or Complainant's delegate, and has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date.
- 2. Respondent shall comply with the applicable federal rules and Part 70 Permit 127-44000-00001 unless superseded by a permit modification or renewal.
- 3. Respondent shall comply with all applicable federal rules.
- 4. All submittals required by this Agreed Order, unless IDEM notifies the Respondent otherwise in writing, shall be sent to:

Matthew Chaifetz, Senior Enforcement Case Manager
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251
mchaifet@idem.IN.gov

5. Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of One Hundred Thousand Eight Hundred Dollars (\$100,800.00). Said penalty amount shall be due and payable to the Environmental Management Special Fund within thirty (30) days of the Effective Date; the thirtieth day being the "Due Date."
6. Civil penalties are payable by check to the "Environmental Management Special Fund." Checks shall include the Case Number of this action and shall be mailed to:

Indiana Department of Environmental Management
Accounts Receivable
IGCN, Room 1340
100 North Senate Avenue
Indianapolis, IN 46204
7. In the event that the monies due to IDEM pursuant to this Agreed Order are not paid on or before their Due Date, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1. The interest shall be computed as having accrued from the Due Date until the date that Respondent pays any unpaid balance. Such interest shall be payable to the Environmental Management Special Fund, and shall be payable to IDEM in the manner specified in Paragraph 6, above.
8. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
9. This Agreed Order shall apply to and be binding upon Respondent and all successors and assigns. Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners, successors, or assigns before ownership rights are transferred.
10. No change in ownership, corporate, or partnership status of Respondent shall in any way alter the Respondent's status or responsibilities under this Agreed Order.
11. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.

12. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.
13. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM's review or approval of any submittal made by Respondent pursuant to this Agreed Order, shall not in any way relieve Respondent of the obligation to comply with the requirements of any applicable permits or any applicable Federal or State laws or regulations.
14. Complainant does not, by its approval of this Agreed Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Agreed Order will result in compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation. Additionally, IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of Respondent's efforts to comply with this Agreed Order.
15. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or regulation, except that IDEM may not, and hereby waives its right to, seek additional civil penalties for the violations specified in the NOV.
16. Nothing in this Agreed Order shall prevent IDEM or anyone acting on its behalf from communicating with the U.S. Environmental Protection Agency ("U.S. EPA") or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of such communications with the U.S. EPA or any other agency or entity.
17. This Agreed Order shall remain in effect until Respondent has complied with all terms and conditions of this Agreed Order and IDEM has issued a Resolution of Case letter to Respondent.

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TECHNICAL RECOMMENDATION:
Department of Environmental
Management

By: David P. McIver

David P. McIver
Section Chief
Enforcement Section
Office of Air Quality

Date: January 14, 2022

RESPONDENT:

Cleveland-Cliffs Burns Harbor, LLC

By: [Signature]

Printed: JEAN LOUIS MULLER

Title: VP/GM Cleveland Cliffs Burns Harbor

Date: 19 January 2022

COUNSEL FOR RESPONDENT:

By: Muriel Vandenberg

Date: Jan. 19, 2022

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT THIS 21st DAY OF
January, 20 22.

For the Commissioner:

[Signature]

Matthew Stuckey
Assistant Commissioner
Office of Air Quality
Indiana Department of Environmental
Management

From: [Muller, Jean Louis](#)
To: [ROBERTS, GOLDIE](#)
Cc: [Chaifetz, Matthew](#); [Zavoda, Rich](#); [Maicher, Thomas W.](#); [Long, Michael E](#); [Davis, Kevin T](#); [Yeates, Martin](#); [McIver, David](#); [Tachtiris, Valerie](#); [Messersmith.mark@epa.gov](#); [Letty.Zepeda@porterco.org](#); [Vande Hey, Therese](#)
Subject: RE: Cleveland-Cliffs Burns Harbor LLC (#26099-A, 26490-A, 26917-A) Adopted Agreed Order
Date: Friday, January 21, 2022 11:22:03 AM
Attachments: [image001.png](#)
[Cleveland-Cliffs Burns Harbor LLC - 2019-26099-A-2019-26490-A-2020-26917-A - Adopted AO.pdf](#)

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Good morning,

Acknowledging receipt of Adopted Agreed Order on 1/21/2022

Best regards

Jean Louis Muller



Jean louis Muller
Vice President and General Manager
P 219.787.2662 M 219.256.9098
jeanlouis.muller@clevelandcliffs.com

CLEVELAND-CLIFFS INC.
250 W. U.S. Highway 12
Burns Harbor, IN 46304-9745
P 219-787-2120 Clevelandcliffs.com

From: ROBERTS, GOLDIE <GROBERTS@idem.IN.gov>
Sent: Friday, January 21, 2022 9:47 AM
To: Muller, Jean Louis <JeanLouis.Muller@clevelandcliffs.com>
Cc: Chaifetz, Matthew <MChaifet@idem.IN.gov>; Zavoda, Rich <Rich.Zavoda@clevelandcliffs.com>; Maicher, Thomas W. <Thomas.Maicher@clevelandcliffs.com>; Long, Michael E <Michael.Long@clevelandcliffs.com>; Davis, Kevin T <KTDavis@idem.IN.gov>; Yeates, Martin <myeates@idem.IN.gov>; McIver, David <DMcIver@idem.IN.gov>; Tachtiris, Valerie <VTachtir@idem.IN.gov>; Messersmith.mark@epa.gov; Letty.Zepeda@porterco.org
Subject: [EXTERNAL] Cleveland-Cliffs Burns Harbor LLC (#26099-A, 26490-A, 26917-A) Adopted Agreed Order

Please find attached a PDF copy of the Adopted Agreed Order issued for Cleveland-Cliffs Burns Harbor LLC, Porter County, IN – Air Enforcement Case #2019-26099-A, 2019-26490-A and 2020-26917-A.
Please contact Matthew Chaifetz at (317) 232-8408 or mchaifet@idem.in.gov with any