



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

July 15, 2022

Tecumseh Redevelopment Inc
c/o CT Corporation System
334 N Senate Ave
Indianapolis, IN 46204

Cleveland-Cliffs Burns Harbor LLC
c/o CT Corporation System
334 N Senate Ave
Indianapolis, IN 46204

Re: Violation Letter
ArcelorMittal Burns Harbor
250 W US Hwy 12
Burns Harbor, Porter County
UST Facility ID # **2498**

Dear owners and operators:

An inspector from the Indiana Department of Environmental Management (IDEM), Underground Storage Tank (UST) Section, conducted an inspection of the site referenced above on April 27, 2022.

The inspection was conducted pursuant to Indiana Code (IC) 13-14-2-2 to determine compliance with the provisions of IC 13-23 and 329 IAC 9. In accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection: Initial

Results of Inspection: Violations were discovered and require a submittal.

Within thirty (30) days of receipt of this letter, documentation demonstrating compliance with each of the requirements listed in the attached Inspection Report and Description of Violations (DOV) must be submitted to IDEM. Failure to submit this documentation may lead to this facility being referred for enforcement.

An enforcement action may include civil penalties of up to \$10,000 per UST. Enforcement actions may also affect the owner's and/or operator's eligibility for reimbursement from the Excess Liability Trust Fund (ELTF). Additionally, IDEM may deem the UST's at this facility ineligible for delivery, deposit or acceptance of regulated substances pursuant to IC 13-23-1-4. Finally, federal and criminal penalties may apply for failure to provide required notification; or submitting false information pursuant to IC 13-23-14-2 and liable under IC 13-30-10.

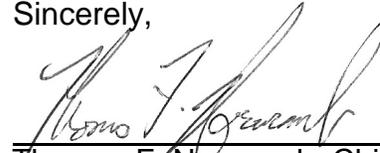
Thank you for your attention to this matter. Please submit the required documents to the UST Section via email at USTCompliance@idem.in.gov. Include in the subject line of the response the UST Facility ID # 2498.

Inspector: John Metz
Phone: (317) 296-0383

Direct any questions regarding the inspection to:

Compliance Manager: Chuck Phipps
Phone: (317) 234-2808

Sincerely,



Thomas F. Newcomb, Chief
UST Compliance Section
Office of Land Quality

cc: Chuck Phipps
John Metz
UST Facility ID File # 2498
ArcelorMittal Burns Harbor LLC
Attn: John Brett, CEO
250 W US Highway 12
Burns Harbor, IN 46304

ArcelorMittal Burns Harbor LLC
Attn: Daniel Amling, daniel.amling@arcelormittal.com
Attn: Robert Maciel, robert.maciel@arcelormittal.com
Attn: info@clevelandcliffs.com

DESCRIPTION OF VIOLATIONS

This inspection or records review revealed that the owner and/or operator of this facility is in violation of Indiana UST Rule 329 IAC 9. 329 Indiana Administrative Code ("IAC") 9 incorporates certain federal underground storage tank requirements found in 40 Code of Federal Regulations ("CFR") Part 280, including those identified below. The Description of Violations (DOV) and corrective measures are as follows:

| | |
|--|------------------------------------|
| FACILITY NAME: Arcelor Mittal Burns Harbor | UST FACILITY ID: 2498 |
| ADDRESS: 250 W US Hwy 12, Burns Harbor, Porter County | INSPECTION DATE: 04/27/2022 |

VIOLATIONS NOTED IN THIS INSPECTION

§ 280.32(a) – Failure to use a UST system that is compatible with the substance stored

Citation:

Pursuant to 40 CFR 280.32(a), owners and operators must use an UST system made of or lined with materials that are compatible with the substance stored in the UST system.

Violation Details:

The owner and/or operator of the UST system(s) at this site are in violation of this rule because the tank containing gasoline is not compatible with ethanol-blended fuels.

Corrective Action:

The owner and/or operator of the UST systems at this site shall, within fifteen (15) days of receipt of this notice submit documentation to IDEM proving the UST system or tank liners are fully compatible with the product found stored in the tanks during the inspection. If the owner and/or operator cannot prove compatibility, they must immediately cease storing the substance in the UST system until such a time as they can prove compatibility, upgrade the UST system or switch the product to one that is compatible. The UST owner and/or operator must submit proof of compliance with these requirements within forty five (45) days of receipt of this notice.



**UNDERGROUND STORAGE
TANK INSPECTION REPORT**

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

UST FAC ID: **2498**

| | |
|-------------------|----------------|
| Inspector's Name: | John Metz |
| Date: | April 27, 2022 |
| Time In: | 11:40 |
| Time Out: | 13:20 |
| Inspection Type: | Initial |

FACILITY NAME / LOCATION

| | | | | | |
|--|----------------------|---|-------------------|------------------|--|
| FACILITY NAME Arcelor Mittal Burns Harbor | | FACILITY ADDRESS (number and street) 250 W US Hwy 12 | | | |
| ADDRESS (line 2) | CITY Burns Harbor | STATE IN | ZIP CODE 46304 | COUNTY Porter | |

UST OWNER

| | | | | | |
|---|---------------|----|-----------|--|--|
| UST Owner Name (If in Individual Capacity) Cleveland-Cliffs Burns Harbor, Inc. | | | | BUSINESS ID (From the Secretary of State) 2004032600070 | |
| PREFIX | FIRST NAME | MI | LAST NAME | SUFFIX | |
| TELEPHONE NUMBER | EMAIL ADDRESS | | | | |

UST OPERATOR

| | | | | | |
|---|--|---------|---------------------|--|--|
| UST Operator Name (If in Individual Capacity) Cleveland-Cliff Burns Harbor LLC | | | | BUSINESS ID (From the Secretary of State) 2004032600070 | |
| PREFIX Mr | FIRST NAME Daniel | MI A | LAST NAME Amling | SUFFIX | |
| TELEPHONE NUMBER (219) 787-2712 | EMAIL ADDRESS daniel.amling@clevelandcliffs.com | | | | |

PROPERTY OWNER

| | | | | | |
|---|---------------|----|-----------|--|--|
| UST Property Owner Name (If in Individual Capacity) Tecumseh Redevelopment Inc | | | | BUSINESS ID (From the Secretary of State) 2002041200019 | |
| PREFIX | FIRST NAME | MI | LAST NAME | SUFFIX | |
| TELEPHONE NUMBER | EMAIL ADDRESS | | | | |

COMPLIANCE ELEMENTS

| | | | | | | | |
|--|-------------------------------------|-----|-------------------------------------|----|-------------------------------------|-----|-----|
| All USTs properly registered and up-to-date notification form on file | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | UNK | |
| Notification Form submitted post-inspection | | | | | | | |
| O/O is in compliance with reporting & record keeping requirements | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | UNK | |
| O/O is in compliance with release reporting or investigation | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input checked="" type="checkbox"/> | N/A | UNK |
| O/O is in compliance with all UST closure requirements | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | N/A | UNK |
| O/O has met all financial responsibility requirements | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | N/A | UNK |
| 40 CFR 280, Subpart A installation requirements (partially excluded) met | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | N/A | UNK |
| 40 CFR 280, Subpart B installation and upgrade requirements met | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | | UNK |
| 40 CFR 280, Subpart C spill/overfill control requirements met | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | N/A | UNK |
| 40 CFR 280, Subpart C compatibility requirements met | <input type="checkbox"/> | YES | <input checked="" type="checkbox"/> | NO | <input type="checkbox"/> | N/A | UNK |
| Tanks are not compatible with ethanol (see email) | | | | | | | |
| 40 CFR 280, Subpart C O&M and testing requirements met | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | | UNK |
| 40 CFR 280, Subpart D release detection requirements met | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | | UNK |
| 40 CFR 280, Subpart J operator training requirements met | <input checked="" type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | | UNK |
| Submitted post-inspection | | | | | | | |

The information contained on this page is based upon a review of files related to this site and/or observations from an underground storage tank inspector. This page may contain information not specifically related to possible violations found during the review or inspection and is meant to give the owners and/or operator specific information to assist them.

Site Maintains:

- Two (2) FG SW USTs (Owens Corning O-3)
- One (1) 12K REG GSL installed in January 1975
- One (1) 12K DSL installed in January 1977

Section Chief Note: The normal operational lifespan of a UST before failing is 25 to 30 years old. The USTs at this site are now 45 and 47 years old, likely out of warranty and the owner should start planning on removing or replacing them immediately.

- Piping is FG DW and European Suction

RD UST = ATG

RD Piping = Not Applicable

Overfill/Spill = Spill Buckets + Auto Shutoff (consistent)

ATG Certification = Y/N (date) - If fail, see comments

Overfill Protection Test = Y/N (date)- If fail see comments

Spill bucket Test = Y/N (date) - If fail see comments

Containment Sumps Test Required Y/N = (date) - If fail see comments

Site History:

Site is a facility with fueling capability. Eleven (11) USTs were removed/closed in place between 1988 and 1990 (Closure NF in VFC). Two (2) more USTs (tank 14 and 15) were registered but were then considered exempt since they stored heating oil and were connected to furnaces. Those were 4K and 30K USTs. Tanks are on 10th street, but inspectors must report to office at Hwy 12 cloverleaf prior to entering facility.

Contact Information

Daniel Amling daniel.amling@clevelandcliffs.com (contact prior to inspection)

Documentation provided at the time of the file review:

- (NF 8/2/2016, Approval 8/3/2016 - incorrect ownership/operator information)
- Certificate of Financial Responsibility (Policy 6/2021 to 6/2022)
- Operator Certificates A, B
- Release Detection Records CSLD 0.2 (REG, DSL) 3/2021 to 3/2022
- Tank Tightness Test 11/18/2021 (REG) - completed because no records on REG in November
- Testing invoice 2/3/2022 (Spill bucket testing, Overfill test, ATG test) - no test report provided
- Monthly walkthrough 6/2021 to 2/2022

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The following are AREAS OF CONCERN found during the inspection that will need to be addressed by the owner and/or operator:

1. Both spill buckets contained fluid and/or debris, and should be cleaned out.
2. Both UDCs contained

The following are VIOLATIONS discovered during the inspection that will need to be corrected within 30 days of receipt of this inspection report to avoid further action and achieve compliance with the state underground storage tank program:

3. The tanks are not compatible with ethanol (owner/operator has expressed plans to pull tanks).