



Indiana Department of Environmental Management

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian Rockensuess
Commissioner

November 30, 2023

Via Email to: dave.haushalter@clevelandcliffs.com

Mr. Dave Haushalter, Division Manager
Cleveland-Cliffs Burns Harbor LLC - Gary Plate
250 West US Highway 12
Burns Harbor, Indiana 46304

Dear Mr. Haushalter:

Re: Inspection Summary/ Noncompliance Letter
Cleveland-Cliffs Burns Harbor LLC - Gary Plate
NPDES Permit No. IN0062197
Gary, Lake County

An inspection of the above-referenced facility or location was conducted by a representative of the Indiana Department of Environmental Management, Northwest Regional Office, pursuant to IC 13-18-3-9. A summary of the inspection is provided below:

Date(s) of Inspection: November 28, 2023
Type of Inspection: Compliance Evaluation Inspection
Inspection Results: Violations were observed.

The following concerns were noted:

1. The Self Monitoring Program was rated as unsatisfactory for not monitoring final effluent at the frequency required by the permit. This is a violation of Part I. A. 1. of the permit which sets forth the effluent monitoring frequencies applicable to the discharge from Outfall 036. During a review of the DMRs and MMRs from October 2022 to September 2023, it was observed that from October 2022 through February 2023 the number of pH and Oil and Grease reported samples were not being conducted three times per week as required. The results of the testing analysis was only reported twice in February 2023. By March 2023 the sampling requirements were at permitted frequencies.

During discussions with on-site personnel, it was found that, according to Cleveland-Cliffs personnel, the contractor stated that there was insufficient flow to grab a sample. On-site personnel showed photos dated around these months to show low flow was indeed occurring. Some days on the MMRs do indicate no flow was occurring, but there was some flow on most days during this timeframe. On-site personnel were informed that as long as there is a discharge, sampling and analysis will need to be conducted as per the NPDES permit requirements, even if this may mean a change to the

sampling structure and/or system.

The sampling frequency was corrected subsequent to a pH exceedance in February 2023. As a remedial action, the facility is now continuously flushing the system, which is incidentally ensuring there is enough effluent to easily obtain samples.

2. The Effluent Limits Compliance area was rated marginal due to the following self-reported violations of the limits detailed in Part I. A. of the the NPDES Permit:

Month	Year	Outfall	Parameter	Number
February	2023	036	pH	1

Part II. A. 1. of your permit requires you to comply with its terms and conditions. Any noncompliance with the terms of your permit may subject you to an enforcement action which can include the imposition of penalties. You are required to immediately take all necessary measures to comply with the terms and conditions of your NPDES Permit, specifically those violations identified above.

Within 30 days of receipt of this letter, a written detailed response documenting correction of the concerns listed above and/or a plan for assuring future compliance must be submitted to this office. Failure to respond adequately to this letter may result in formal enforcement action. Please direct your response to this letter to our letterhead address or via email to wwViolationResponse@idem.IN.gov. Any questions should be directed to Nicholas Ream at 219-730-1691 or by email to nream@idem.IN.gov. Thank you for your attention to this matter.

Sincerely,



Rick Massoels, Deputy Director
Northwest Regional Office

Enclosure



NPDES Industrial Facility Inspection Report

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NPDES Permit Number: IN0062197	Facility Type: Industrial	Facility Classification: Minor	TEMPO AI ID 14531				
Date(s) of Inspection: November 28, 2023							
Type of Inspection: Compliance Evaluation Inspection							
Name and Location of Facility Inspected: Cleveland-Cliffs Burns Harbor LLC - Gary Plate 1 North Broadway Gary IN 46402 Lake		Receiving Waters/POTW: Lake Michigan	Permit Expiration Date: 10/31/2025 Design Flow: NA				
On Site Representative(s): First Name Last Name Title Email Phone Emily Robben Environmental Engineer emily.robben@clevelandcliffs.com							
Was a verbal summary of the inspection given to the on-site rep? Yes							
Certified Operator:	Number:	Class:	Effective Date: Expiration Date: Email:				
Cyber Security Contact Name: Email:							
Responsible Official: Mr. Dave Haushalter, Division Manager 250 West US Highway 12 Burns Harbor, Indiana 46304		Permittee: Cleveland-Cliffs Burns Harbor LLC - Gary Plate Email: dave.haushalter@clevelandcliffs.com Phone: Contacted? Fax: No					
INSPECTION FINDINGS							
<input type="radio"/> Conditions evaluated were found to be satisfactory at the time of the inspection. (5) <input type="radio"/> Violations were discovered but corrected during the inspection. (4) <input type="radio"/> Potential problems were discovered or observed. (3) <input checked="" type="radio"/> Violations were discovered and require a submittal from you and/or a follow-up inspection by IDEM. (2) <input type="radio"/> Violations were discovered and may subject you to an appropriate enforcement response. (1)							
AREAS EVALUATED DURING INSPECTION (S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)							
S	Receiving Waters	S	Facility/Site	U	Self-Monitoring	N	Enforcement
S	Effluent/Discharge	S	Operation	S	Flow Measurement		
S	Permit	S	Maintenance	S	Laboratory	M	Effluent Limits Compliance
		N	Sludge	S	Records/Reports	N	Other:
DETAILED AREA EVALUATIONS							
Receiving Waters: S 1. The receiving stream was visibly free of excessive deposits of settled solids, floating debris, oil, scum, or billowy foam. Comments: The receiving stream was free of notable foam, algae or solids.							
Effluent/Discharge: S 1. Final effluent was essentially free of excessive solids, floating debris, oil, scum, or billowy foam. N 2. Pretreatment discharge into sanitary sewers appeared free of excessive oils, grease, solids, or foam and did not appear to be in violation of the local Sewer Use Ordinance. N 3. Pretreatment discharge into sanitary sewers did not contain materials that pass through or interfere with the operation of the POTW. Comments: The effluent for Outfall 036, as observed from the sampling location and the discharge to the receiving water, was clear and free of color at the time of the inspection.							

Permit:

- S 1. Did the facility have a copy of the current permit available for reference.
- N 2. If the permit expires within 180 days, has a renewal application been submitted?
- S 3. Receiving waters are accurately described in the permit.
- N 4. The permit has been properly transferred if there is a new owner.
- N 5. The NPDES Permit Schedule of Compliance monitoring and reporting milestones have been met.

Comments:

The facility has a valid permit.

Facility/Site:

- N 1. The facility was found to have standby power or equivalent provision, If required.
- N 2. An adequate alarm or notification system for power or equipment failure was available for the treatment facility.
- S 3. Safe and adequate access was provided for inspection of all treatment units and outfalls.
- S 4. Facilities and equipment did not appear beyond their useful life.
- 5. List any safety concerns noted during the inspection in the box below:

Comments:

The facility grounds are well maintained. All areas requested to be inspected were made available.

Operation:

- S 1. All facilities and systems necessary for achieving compliance with the terms and conditions of the permit were operated efficiently, including an anticipated bypass report for steps of treatment taken out of service.
- S 2. An adequate, qualified operating staff was found to be provided to carry out the operation of the facility, including:
 - a. Certified Operator's on-site attendance and/or qualified operations personnel attendance was adequate.
 - b. Adequate documentation of operational activities, including system monitoring and cleaning.
 - c. Adequate funding to ensure proper operation.
- N 3. Solids handling procedures were adequate.
- N 4. Documentation of solids removal, handling, and disposal was adequate.

Comments:

The sodium bisulfite dosing system used for de-chlorination of effluent, along with the flow monitoring system was observed.

The process equipment and air compressor where non-contact cooling water was generated are idled indefinitely. The Kinney Strainers, which filtered the intake water for plant processes and generated backwash water, were shutdown at the end of September 2022. Only storm water will be discharged from the facility.

Subsequent to a February 2023 maximum pH exceedance, a continuous flush was initiated to avoid potential high pH results observed with the storm water discharges. The flush water comes from the US Steel intake water from Lake Michigan.

Maintenance:

- N 1. A maintenance record system has been established and includes maintenance/repair history and preventative maintenance plan.
- S 2. Facility maintenance activities appeared adequate.

Comments:

The facility maintenance activities appeared adequate.

Sludge:

- N 1. Sludges, screenings, and slurries were found to be handled and disposed of properly.

Comments:

No sludge is generated at the facility.

Self-Monitoring:

- S 1. Samples were found to be taken at pre-designated locations and were found to be representative.
- N 2. Flow-proportioned samples were found to be obtained where needed.
- U 3. The facility was found to conduct sampling of all waste streams, including type and frequency, as required in the permit.
- S 4. Sample collection procedures, including automatic sampling, include:
 - a. Samples refrigerated during compositing.
 - b. Proper preservation techniques used.
 - c. Containers and holding times conform to 40 CFR 136.3.
- S 5. Sample documentation was adequate and includes:

- a. Dates, times, and locations of sampling.
- b. Name of individual performing sampling.
- c. Instantaneous flow for flow-weighted aliquots.
- d. Chain of Custody records.

N 6. NPDES Permit Total Toxic Organic (TTO) requirements were being met.

N 7. NPDES Permit Whole Effluent Toxicity (WET) testing requirements were being met.

Comments:

The Self Monitoring Program was rated as unsatisfactory for not monitoring final effluent at the frequency required by the permit. This is a violation of Part I. A. 1. of the permit which sets forth the effluent monitoring frequencies applicable to the discharge from Outfall 036. During a review of the DMRs and MMRs from October 2022 to September 2023, it was observed that from October 2022 through February 2023 the number of pH and Oil and Grease reported samples were not being conducted three times per week as required. The results of the testing analysis was only reported twice in February 2023. By March 2023, the sampling requirements were at permitted frequencies.

During discussions with on-site personnel, it was found that, according to Cleveland-Cliffs personnel, the contractor stated that there was insufficient flow to grab a sample. On-site personnel showed photos dated around these months to show low flow was indeed occurring. Some days on the MMRs do indicate no flow was occurring, but there was some flow on most days during this timeframe. On-site personnel were informed that as long as there is a discharge, sampling and analysis will need to be conducted as per the NPDES permit requirements, even if this may mean a change to the sampling structure and/or system.

The sampling frequency was corrected subsequent to a pH exceedance in February 2023. As a remedial action, the facility is now continuously flushing the system, which is incidentally ensuring there is enough effluent to easily obtain samples.

Flow Measurement:

S 1. Flow was found to be properly monitored as required by the permit.

S 2. Flow data and calibration records were available for review, and document that monitoring equipment has been calibrated at the frequency required in the permit.

Comments:

The effluent flow meter was last calibrated and July 19, 2023 by Teledyne Isco.

Laboratory:

The following laboratory records were reviewed:

Contract Lab Reports Chain-of-Custody pH Bench Sheets
Chlorine Bench Sheets

N 1. The laboratory practices and protocol reviewed were adequate, including:

- a. A written laboratory QA/QC manual was available.
- b. Samples were found to be properly stored.
- c. Approved analytical methods were used.
- d. Calibration and maintenance of instruments was adequate.
- e. QA/QC procedures were adequate.
- f. Dates of analyses (and times, where required) were recorded.
- g. Name of person performing analyses was recorded.

S 2. Review of lab records and/or on-site field testing equipment and protocols was found to be adequate.

Contract Lab Information

ALS	Holland, Michigan
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Comments:

The bench sheets reviewed during the inspection, specifically for September 2023, appeared to be accurate and complete.

All sampling and analysis is conducted by ALS.

Records/Reports:

The following records/reports were reviewed:

DMRs for the period of October 2022 to September 2023 were reviewed as part of the inspection.

- S 1. All facility records for the period including the previous three years were available for review.
- S 2. DMRs and MMRs were completed properly and accurately including:
- a. "No Ex" column was accurate.
 - b. Signatory requirements were met.
 - c. Reports were prepared by or under the direction of a certified operator.
- S 3. Bypass and Noncompliance reporting are adequate.

Comments:

The requested records were available and appeared complete and accurate.

Enforcement:

- N 1. Agreed Order compliance milestones have been met.

Comments:

There was no Agreed Order at the time of the inspection.

Effluent Limits Compliance:

- Yes 1. Were DMRs reviewed as part of the inspection?

DMRs for the period of October 2022 to September 2023 were reviewed as part of the inspection.

- Yes 2. Were violations noted during the review of DMRs?

The Effluent Limits Compliance area was rated marginal due to the following self-reported violations of the limits detailed in Part I. A. of the NPDES Permit:

Month	Year	Outfall	Parameter	Number
February	2023	036	pH	1

Comments:

IDEM REPRESENTATIVE

Inspector Name:

Nicholas Ream

Email:

nream@idem.IN.gov

Phone Number:

219-730-1691

Other staff participating in the inspection:

Name(s)

Dan Keane

Phone Number(s)

219-464-0233

IDEM MANAGER REVIEW

IDEM Manager:

Rick Massoels

Date:

11/28/2023