

Groups threaten to sue for chemical spills

Records: EPA, Indiana idle as steel mill violated clean water laws over 100 times

By Michael Hawthorne

Alarmed by a recent fish-killing spill of toxic chemicals into a Lake Michigan tributary, environmental lawyers discovered a northwest Indiana steel mill violated clean water laws more than 100 other times during the past four years.

Yet their review of state records found neither the U.S. Environmental Protection Agency nor the Indiana Department of Environmental Management have taken enforcement action against ArcelorMittal for the repeated violations, prompting two environmental groups to [threaten a lawsuit](#) that could force regulators to do their jobs.

The potential legal action marks the second time in as many years that public interest lawyers have challenged one of the region's steel mills for dumping toxic pollution into tributaries of Lake Michigan, the source of drinking water for more than 7 million people in Chicago and surrounding communities.

Under the federal Clean Water Act, citizens can sue polluters on their own but are required to give government regulators 60 days to take action.

ArcelorMittal acknowledges that an Aug. 11 equipment failure at its [sprawling Burns Harbor mill](#) released a plume of concentrated cyanide and ammonia into a ditch that drains into the East Branch of the Little Calumet River. Company and state officials failed to notify the public of the spill until four days later, after thousands of dead fish began floating past a bustling marina near Lake Michigan.

Officials closed several beaches and shut off a nearby drinking water intake as a precaution.

“Fortunately, the Clean Water Act authorizes citizens to sue when the government lets us down,” said Jeffrey Hammons, an attorney at the Environmental Law and Policy Center. “ArcelorMittal needs to be held accountable, and IDEM and EPA need to do a better job of protecting Lake Michigan, Indiana Dunes National Park and the people who enjoy them.”

The Chicago-based group and the nonprofit Hoosier Environmental Council filed notice of the potential lawsuit late Friday. In a [26-page letter to ArcelorMittal](#), Hammons said his review of state records revealed dozens of other violations since 2015, including exceedances of limits on release of cyanide, ammonia, oil and grease and suspended solids, which are tiny bits of sewage sludge. The company is required by law to report violations to the state.

Neither environmental agency returned emails requesting comment. ArcelorMittal declined to comment on the threatened lawsuit, but in a [statement](#) said the company is “focused on compliance and reassuring our community stakeholders that we are hearing and taking their concerns very seriously.”

Daily sampling of water quality hasn't detected a permit violation since Aug. 17, the company said.

Two years ago, lawyers found a similar pattern of violations at a neighboring mill owned by U.S. Steel.

State records showed the company's Midwest Plant had violated chromium limits in its water

Steel.

State records showed the company's Midwest Plant had violated chromium limits in its water pollution permit at least four times since 2013. An April 2017 spill included 298 pounds of hexavalent chromium, a highly toxic form of the metal.

After another spill in October 2017, [U.S. Steel sent the state agency a letter requesting "confidential treatment" of the incident](#). The U.S. EPA learned about the spill from a Chicago Tribune reporter.

A state inspector later determined the company had failed to test for hexavalent chromium in a ditch that empties into Lake Michigan, even after a worker spotted blue liquid "with visible solids" pouring from one of the plant's sewer pipes.

Attorneys from the Abrams Environmental Law Clinic at the University of Chicago threatened to sue U.S. Steel on behalf of the Surfrider Foundation, a nonprofit that represents Lake Michigan surfers. Federal and state regulators ended up [negotiating a legal settlement with the company](#), but Surfrider's lawyers, joined by the Chicago Law Department, are urging a federal judge to crack down harder on U.S. Steel.

The nearly \$900,000 in fines and penalties proposed by the government are [woefully inadequate](#) when compared with the ecological damage caused by U.S. Steel's chromium discharges, the city and environmental lawyers contend.

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