



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

Michael R. Pence
Governor

Carol S. Comer
Commissioner

STATE OF INDIANA)	SS: BEFORE THE INDIANA DEPARTMENT OF
)	ENVIRONMENTAL MANAGEMENT
COUNTY OF MARION)	
)	
COMMISSIONER OF THE DEPARTMENT)	
OF ENVIRONMENTAL MANAGEMENT)	
)	
)	
)	Complainant,
)	
)	v.
)	Case No. 2016-23740-A
ArcelorMittal 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 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 Indiana Code ("IC") 13-13-1-1.
2. Respondent is ArcelorMittal Burns Harbor, LLC ("Respondent"), which owns/operates the ArcelorMittal ("Source") with Plant I.D. No. 127-00001 located at 250 West U.S. 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 Certified Mail to:

John D. Mengel, Vice President
 ArcelorMittal Burns Harbor, LLC
 250 West U.S. Highway 12
 Burns Harbor, Indiana 46304-9745

CT Corporation System, Registered Agent
150 West Market St.
Indianapolis, IN 46204

5. Respondent owns and operates a stationary steel works plant for the production of coke, limited coal chemical, molten iron, molten steel, steel slabs, hot rolled steel, steel coils, steel plates, cold rolled and/or coated steel sheet and plate.
6. During an investigation conducted by a representative of IDEM, the following violations were found:
 - a. Pursuant to Condition D.6.3 of Part 70 Permit T127-31788-00001, First Significant Permit Modification 127-35013-00001 issued to Respondent on December 31, 2014 (“Permit”) and 326 IAC 6-6-4, particulate matter (PM) emissions from the BOF Shop Nos. 1 and 2 vessel stacks [three (3) stacks (EP534-4013, 14, 15)], collectively, shall not exceed 0.09 pound per ton of liquid steel.

A review of the results of compliance testing conducted by Respondent on May 21, 2015 and May 22, 2015 showed that collective PM emissions from the BOF Shop Nos. 1 and 2 vessel stacks exceeded 0.09 pound per ton of liquid steel, in violation of Permit Condition D.6.3 and 326 IAC 6-6-4.
 - b. Pursuant to Condition E.3 of the Permit and 40 CFR 63 Subpart FFFFFF, PM emissions from the BOF Shop Nos. 1 and 2 vessel stacks [three (3) stacks (EP534-4013, 14, 15)], collectively, shall not exceed 0.02 grain per dry standard cubic foot.

A review of the results of compliance testing conducted by Respondent on May 21, 2015 and May 22, 2015 showed that collective PM emissions from the BOF Shop Nos. 1 and 2 vessel stacks exceeded 0.02 grain per dry standard cubic feet, in violation of Permit Condition E.3 and 40 CFR Subpart FFFFFF.
7. Subsequent to the May 21, 2015 and May 22, 2015 compliance test failure for the two-scrubber operation scenario with scrubbers #3 and #4, Respondent retested No. 1 BOF - EU534-06a and No. 2 BOF - EU534-06b vessels for the two-scrubber operation scenario with scrubbers #2 and #4 on July 28, 2015 and July 29, 2015, demonstrating compliance.
8. In recognition of the settlement reached, Respondent 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 the Respondent. This Agreed Order shall have no force or effect until the Effective Date.
2. Respondent shall comply with 326 IAC 6-6-4, 40 CFR 63, Subpart FFFFFF and Conditions D.6.3 and E.3 of the Permit.

3. Respondent shall retest control scenario scrubbers #3 and #4 in parallel during the next testing series required by Condition D.6.6 of the Permit.
4. All submittals required by this Agreed Order, unless Respondent is notified otherwise in writing by IDEM, shall be sent to:

Kevin Davis, Compliance and Enforcement Manager
Compliance and Enforcement Branch – Mail Code 61-53
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251

5. Respondent is assessed and agrees to pay a civil penalty of Six Thousand, Two Hundred and Fifty Dollars (\$6,250.00). Said penalty amount shall be due and payable to the Environmental Management Special Fund within thirty (30) days of the Effective Date; the 30th 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:

IDEM Office of Legal Counsel
IGCN, Rm N1307
100 N Senate Ave
Indianapolis, IN 46204

7. This Agreed Order shall apply to and be binding upon Respondent and its successors and assigns. Respondent’s signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent. No change in ownership, corporate, or partnership status of Respondent shall in any way alter its status or responsibilities under this Agreed Order.
8. 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 5, above.
9. 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.
10. Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners or successors before ownership rights are transferred. Respondent shall ensure that all contractors, firms and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.

11. 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 its obligation to comply with the requirements of its applicable permit or any applicable Federal or State law or regulation.
12. 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.
13. 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 same violations specified in the NOV.
14. Nothing in this Agreed Order shall prevent IDEM or anyone acting on its behalf from communicating with the 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 EPA or any other agency or entity.
15. This Agreed Order shall remain in effect until IDEM issues a Resolution of Case letter to Respondent.

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TECHNICAL RECOMMENDATION:
Department of Environmental Management

By: Martin H. Yeats for
Rick Massoels
Deputy Director
Northwest Regional Office

Date: 6/23/16

RESPONDENT:
ArcelorMittal Burns Harbor, LLC

By: _____

Printed: _____

Title: _____

Date: _____

COUNSEL FOR RESPONDENT:

By: _____

Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT THIS _____ DAY OF _____, 20 _____

For the Commissioner:

By: _____
Keith Baugues, Assistant Commissioner
Office of Air Quality
Indiana Department of Environmental
Management