

# United States Senate

WASHINGTON, DC 20510

April 24, 2020

Kurt Thiede  
Region 5 Administrator  
U.S. Environmental Protection Agency  
77 West Jackson Blvd.  
Chicago, IL 60604-3590

Dear Administrator Thiede:

We write to follow up on our January 8, letter expressing our concerns over water pollution discharges of toxic chemicals from the ArcelorMittal Burns Harbor facility in Indiana, and the alarming Indiana Department of Environmental Management (IDEM) report that demonstrated significant issues with the facility's self-reported data from January. We reiterate those issues, express our concerns over IDEM's recent inspection conclusions, and urge the U.S. Environmental Protection Agency (EPA) to continue to work with IDEM to ensure the facility is held accountable for its violations and required to correct its unsatisfactory self-reporting procedures and contract laboratory methods, as found in the IDEM inspection report.

We also ask, in a response, if EPA agrees with IDEM's assessment of violations found at the ArcelorMittal Burns Harbor facility, and if the agency concurs with the state's recommendations for corrective action.

Since we've last written, and since Senator Durbin's call with then-Administrator Stepp, IDEM released its inspection report finding that ArcelorMittal's self-monitoring program, as well as the facility's contract laboratory, Microbac, were deemed unsatisfactory. As you may know, the results of the inspection have been referred to IDEM's Office of Water Quality (OWQ) for enforcement actions. According to the report, Microbac failed to comply with analytical and sampling procedures as required by the Clean Water Act.

A recent *Chicago Tribune* Article noted that during an inspection, it was found that only samples that violated the facility's permit were reanalyzed, among the total samples analyzed by Microbac. We have shared our concerns about the August 2019 incident that killed 3,000 fish in the Little Calumet River and Lake Michigan and closed water treatment plants and beaches. We have also shared our concerns about the company's failure to immediately inform public officials of this toxic spill. And now, we are disturbed by the results from the inspections over the past few months and urge you to appropriately address the results from the report by using your enforcement authorities to require corrective action.

We ask that EPA continue to coordinate its efforts with IDEM regarding these unsatisfactory inspection results and compliance issues with ArcelorMittal Burns Harbor, work with the facility to identify and implement equipment upgrades, strengthen the current permit to require stricter testing, inspection, and emissions limits, take the necessary enforcement actions, and ensure the facility works with a contractor lab that is able to provide trustworthy data, using proper quality control protocols and analytical methods.

Rectifying these unsatisfactory self-monitoring and contract laboratory results is critical, as the integrity of a facility's self-reported data is a key component to the execution of the Clean Water Act.

We hope that EPA will use its full authority to ensure that companies uphold their Clean Water Act permits and are held accountable for pollution discharges into one of our greatest national treasures—Lake Michigan.

Sincerely,



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Richard J. Durbin  
United States Senator



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Tammy Duckworth  
United States Senator