

October 1, 2021

The Honorable Eric Holcomb, Governor  
State of Indiana  
Office of the Governor, Statehouse  
200 W Washington Street, Room 206  
Indianapolis, IN 46204-2797

Bruno Pigott, Commissioner  
Indiana Department of Environmental Management  
Indiana Government Center North  
100 N Senate Avenue  
Indianapolis, IN 46204-2251

Dear Governor Holcomb and Commissioner Pigott:

On behalf of the thousands of members and supporters of the undersigned organizations and residents of the undersigned communities, we write to express our alarm and deep disappointment that the citizens of Indiana are forced, yet again, to cope with another major industrial discharge emergency that pollutes our waters and adversely impacts our natural resources, including our drinking water and only national park. Based on the ongoing and chronic nature of industrial water pollution events along the shores of Lake Michigan, and in this case immediately following renewal of a wastewater discharge permit by the state and recent approval of a consent decree by a federal court, it is clear that Indiana's system of water pollution control regulation is broken.

We demand that Indiana's state leadership immediately commence the following:

- Heighten scrutiny and vigorous enforcement against chronic polluters, including stiffer monetary penalties;
- Strengthen pollution control and communications requirements in future National Pollutant Discharge Elimination System (NPDES) permit renewals;
- Deepen support for the Indiana Department of Environmental Management (IDEM), including a.) significantly higher funding so as to retain and attract top quality staff and b.) empowerment of the department to carry out its statutory duties to control and reduce industrial pollution entering our waterways; and,
- Pursue a wide-ranging review of the efficacy of IDEM's NPDES permitting process.

The most recent incident occurred on September 26, 2021, when the United States Steel Corporation's (U.S. Steel) Midwest Plant discharged unknown quantities of iron, as confirmed by the U.S. Environmental Protection Agency (EPA), that darkened the waters of the Burns Harbor waterway and Lake Michigan. On the heels of Indiana's Pollution Prevention Week, this chronic polluter is once again apparently failing to maintain its facility in accordance with regulatory requirements.

Once again, residents of the region find themselves reeling from a situation where there are more questions than answers. Members of the public also find themselves shouldering the burden of sounding the alarm that our waters are being fouled, as it was regular people recreating in these waters who first noticed and reported this discharge.

The latest contamination event from U.S. Steel comes just days after IDEM renewed for another five years the facility's NPDES permit and only weeks after the U.S. District Court for the Northern District of Indiana granted the motion to enter a consent decree intended to prevent future illegal discharges from this plant. In both cases, concerned citizens and organizations have labored to provide sound, technically feasible recommendations to improve the permit and consent decree through public hearings and written comments. Unfortunately, the end result was the same: our comments were largely rejected and Indiana faces yet another environmental emergency.

This spill is the latest in a long string of water pollution incidents, large and small, from U.S. Steel and other facilities along Indiana's Lake Michigan shoreline. These include the hexavalent chromium release by U.S. Steel in 2017, the cyanide and ammonia release at Cleveland Cliffs in 2019, and hundreds of lesser violations and permit exceedances that occur at these and other facilities with disturbing regularity. Since January 2017, U.S. Steel alone is responsible for more than two dozen permit violations. These water pollution events compound a long history of environmental impacts across Northwest Indiana, including those in the lands of East Chicago and air quality across the region, which have most negatively impacted communities of color and low-income communities due to these communities' proximity to these industrial facilities. It is increasingly apparent that, as currently implemented by the state, the regulatory processes, controls, and remedies in place to uphold the Clean Water Act are not providing the necessary level of pollution control or incentive for industry to stop polluting Indiana's lakes and waters in violation of state and federal law. The citizens of the state expect and deserve better.

Two short years ago, we celebrated the creation of Indiana Dunes National Park, which attracts millions of visitors to Indiana to enjoy our lands and waters. This week, we found that our park beaches were closed again due to U.S. Steel's failure to prevent its waste from reaching park waters and the failure of our regulatory system to impose permits and penalties that ensure compliance with state and federal law.

Industry is undoubtedly important to the economy, providing jobs and other benefits to Indiana communities, but that cannot parlay into a free pass to pollute. As stated in Indiana's Pollution Prevention Week declaration: "Indiana industry and IDEM can work together to ensure that thoughtful environmental action can strengthen both the economy and the environment." Now is the time to take the necessary steps to turn this idea into action and nowhere is more important than in the waters of our national park and Lake Michigan.

The state, with leadership from the Governor's Office and IDEM, must work immediately to address the systematic failure of U.S. Steel and other major polluters in Northwest Indiana to fulfill their obligations to operate their facilities without polluting the precious waters of Lake Michigan and its tributaries, impairing our precious natural resources including the Indiana Dunes National Park, and putting public health and our drinking water at risk. We urge you to

act now - and follow our four recommendations above - to effectively enforce the Clean Water Act to ensure that the people and resources of Indiana and the Great Lakes are protected now and into the future.

Sincerely,

Joel Brammeier  
President & CEO  
Alliance for the Great Lakes

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Cc: EPA Region 5 Acting Director Cheryl Newton  
IDEM Northwest Regional Office Interim Director Rob Lugar  
IDEM Office of Water Quality Chief Compliance and Enforcement Branch Jason House  
U.S. Senator Mike Braun  
U.S. Senator Todd Young  
U.S. Representative Frank Mrvan Jr.  
U.S. Representative Jackie Walorski  
Indiana State Senate Majority Leader Mark Messmer  
Indiana State Senate Minority Leader Greg Taylor  
Indiana State Senator Eddie Melton  
Indiana State Senator Lonnie Randolph  
Indiana State Senator Karen Tallian  
Indiana General Assembly Majority Leader Matt Lehman  
Indiana General Assembly Minority Leader Phil GiaQuinta  
Indiana State Representative Pat Boy  
Indiana State Representative Earl Harris Jr.  
Indiana State Representative Ragen Hatcher  
Indiana State Representative Carolyn Jackson  
Indiana State Representative Chuck Moseley  
Indiana State Representative Julie Olthoff  
Indiana State Representative Harold Slager  
Indiana State Representative Vernon Smith  
Indiana State Representative Ed Soliday