Save the Dunes

Cleveland-Cliffs Burns Harbor Consent Decree Summary

2019 Ammonia & Cyanide Discharge

On August 11th, 2019, the ArcelorMittal Burns Harbor steel mill (now owned by Cleveland-Cliffs Steel LLC), began discharging large amounts of ammonia and cyanide into the Little Calumet River at levels far exceeding their NPDES permit limits.

This discharge happened after the steel mill's blast furnace recycle system failed. That system recycles water used to scrub blast furnace air emissions and, before sending that water to be discharged, reduces its cyanide and ammonia content. With the recycle system disabled, the steel mill switched to using Lake Michigan water on a "once through" basis. As a result, millions of gallons of wastewater with a high ammonia and cyanide content were sent to the steel mill's secondary wastewater treatment plant (which does not treat for cyanide or ammonia) and discharged into the East Branch of the Little Calumet River and eventually into Lake Michigan.

Due to the public health risks, several Lake Michigan beaches were closed and Indiana American Water Company closed its pumping station, which draws water from Lake Michigan. In addition, the Indiana Department of Environmental Management (IDEM) reported at least 3,000 fish were killed by the toxins.

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As a result of the 2019 exceedances, the Environmental Law & Policy Center (ELPC) and Hoosier Environmental Council (HEC) filed a Clean Water Act citizen lawsuit against ArcelorMittal in December 2019. U.S. EPA and the State of Indiana also continued their investigation and eventually, ELPC, HEC, the federal and state governments, and Cleveland-Cliffs agreed to a consent decree resolving all claims in May of 2022.

What is a Consent Decree?

A consent decree is a settlement agreement that resolves a dispute and is approved and enforceable by a court. Consent decrees cannot be appealed.

Facility and Operational Improvements



The consent decree requires Cleveland-Cliffs Burns Harbor to: (a) improve the mechanisms that allowed the recycle system to fail; (b) install a dedicated ammonia treatment system; (c) maintain a cyanide treatment system and operate it during specified high-risk circumstances. To ensure Clean Water Act compliance during emergencies, the consent decree requires Cleveland-Cliffs Burns Harbor to promptly shut down its blast furnaces and divert any "once through" gas cleaning water to a retention pond and treat it for cyanide and ammonia before sending it to the secondary wastewater treatment plant.

Payment and Penalty Costs



$3 MILLION CIVIL PENALTY

The company paid a $3 million civil penalty split between the state and federal governments. They also reimbursed the state and federal governments for the costs incurred for emergency response which was about $10,000 for the federal government and $37,000 for the State of Indiana.

Environmentally Beneficial Projects

The consent decree requires performance of two environmentally beneficial projects (EBP).



TRANSFER OF 127 ACRES

Cleveland-Cliffs must transfer 127 acres of land to a qualified land trust organization for permanent conservation protection that has environmentally beneficial effects on the local community and the environment.



WATER QUALITY TESTING

Under the second EBP, Cleveland-Cliffs will perform weekly monitoring reports on ammonia and cyanide levels at locations in both the East Branch of the Little Calumet River and Lake Michigan. These reports will be relayed to IDEM, the Environmental Law and Policy Center, and Hoosier Environmental Council. The results will also be posted online, including on a third party's website, which has been selected to be Save the Dunes.