March 5, 2018

Assistant Attorney General, U.S.
DOJ—Environmental and Natural Resources Division
P.O. Box 7611
Washington, D.C. 2004-7611

Via email: pubcomment-ees.enrd@usdoj.gov

RE: Public Comment – Lodged Consent Decree, United States and State of Indiana v. Indiana Harbor Coke Company, et al., Civil Action No. 18-cv-35, D.J. Ref. No. 90-5-2-1-08555/1

To the Assistant Attorney General:

As the chairman of the Sierra Club Dunelands Group executive committee, I am submitting these comments on behalf of about 530 members in Lake County, Indiana. The Sierra Club is an environmental organization with the mission to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives. Many of our members live in the communities near the Indiana Harbor Coke Company's, IHCC, facilities and we are concerned that the consent decree as proposed does not go far enough to protect workers at the facility and residents in East Chicago and surrounding communities.

There is no disputing the fact that many of the 268 coke ovens at the IHCC facility have been in violation of Clean Air Act requirements for several years. Furthermore, IHCC has continued to operate the coke ovens, regularly releasing harmful soot (PM 2.5), lead, benzene, sulfur dioxide, and more, in violation of the parameters IHCC agreed to as written in the facility’s air permit. There have not been adequate plans proposed to correct the multiple recurring issues with the coke ovens nor has there been an appropriate proposal to provide for continuous evaluation of the proper operation of the coke ovens. Additionally, penalties assessed against IHCC are minimal and the proposed community programs are inadequate.

As a minimum, IHCC should be expected to:

1. Employ a third-party engineering firm with substantial expertise in air pollution control to verify improvements to the coke ovens. IHCC should also set and publish a schedule for the repairs. Repairs should begin immediately with the intent of bringing all operations into compliance as quickly as possible.

2. IHCC should install and maintain a thorough air monitoring system that includes fence-line and neighborhood monitoring stations. An appropriate system for near real-time public reporting should be included as part of the air monitoring program. The implementation details for the air monitors and the reporting system, such as placement of sensors, data refresh rates, and reporting media (such as website, email alerts, etc), should be approved through a public process with direct input from the community.
3. IHCC should increase their community investments for lead remediation and testing to at least $500,000. In addition, at least $300,000 should be made available to the local community for a Citizen Complaint Program to help with health and air quality improvements for the local impacted community.

4. The proposed $5,000,000 fine is inadequate considering the systemic institutional disregard for Clean Air Act regulations and the health and well-being of their employees and people living in nearby communities. There were over 13,000 violations reported over a two-year period in 2016-2017. The fines should be increased to provide for a greater incentive for IHCC to comply with the law in the future rather than continue to violate it while doing business as usual.

Thank you for your consideration of these comments. Please contact me if you have any questions.

Sincerely,

David Woronecki-Ellis, Chair
Sierra Club Dunelands Group
2833 W. 38th Place
Hobart, IN 46342
(219) 730-7913
ellisd012@gmail.com