

Air Enforcement: U.S. Department of Justice/Michigan Enter into Modification of Consent Decree Addressing Dearborn Steel Mill



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The United States Department of Justice (“DOJ”) and Michigan Department of Environment, Great Lakes, and Energy (“EGLE”) entered into an October 19th First Material Modification to the Consent Decree (“Modified Consent Decree”) with Cleveland-Cliffs Steel Corporation (“Cleveland-Cliffs”).

The Modified Consent Decree was entered into the United States District Court for the Eastern District of Michigan (Southern Division). See Civil Action No. 15-cv-11804.

The Modified Consent Decree addresses an iron and steel mill (“Steel Mill”) located in Dearborn, Michigan. The steel mill produces steel slabs from iron ore and conducts finishing operations on flat rolled steel coils. It is stated to occupy approximately 500 acres and includes equipment to melt and mold metal.

The Steel Mill holds both air permits and a renewable operating permit.

Cleveland-Cliffs entered into a Consent Decree with the United States Environmental Protection Agency (“EPA”) and EGLE in 2015 to resolve alleged violations of state and federal air pollution requirements.

Since execution of that document, visible emissions from the Steel Mill’s electrostatic precipitator (“ESP”) are stated to have continued to exceed emission limits. These are stated to include emission limits for lead and manganese. Therefore, EPA and EGLE, with the assistance of DOJ entered into the Modified Consent Decree on October 19th.

The Modified Consent Decree requires that Cleveland-Cliffs replace the ESP. Further, the Steel Mill is required to set and adhere to ESP operational parameters, routine performance testing, and additional visible emissions operations of the plant.

Cleveland-Cliffs is also required to perform a Supplemental Environmental Project (“SEP”) developed with the help of a local citizen group. This will consist of providing portable air purifiers to area residences.

A monetary penalty of \$81,380 is assessed and the estimated value of the SEP is \$244,000.

The cost of the additional air pollutant control measures is estimated by DOJ at \$100 million.

A copy of the Modified Consent Decree can be downloaded [here](#).