



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb

Governor

Bruno L. Pigott

Commissioner

VIA EMAIL ONLY

H. Max Kelln
Faegre Drinker Biddle and Reath LLP
h.max.kelln@fagredrinker.com

Therese Vande Hey
Arcelor Mittal
therese.vandehy@arcelormittal.com

October 1, 2020

Re: Notice of Intent to Conduct a Natural Resource Damage Assessment East Branch Little Calumet River / Burns Waterway Porter County, Indiana

Dear Max and Therese:

I am writing on behalf of state and federal agencies charged with public trust responsibilities for natural resources injured and threatened by releases of hazardous substances for the above-referenced site.

Pursuant to State and Federal laws, the State of Indiana's Department of Environmental Management ("IDEM") and the Indiana Department of Natural Resources ("IDNR"), in addition to the United States Fish and Wildlife Service ("USFWS") and the National Park Service ("NPS"), on behalf of the Department of the Interior ("DOI") (collectively referred to herein as "Trustees")¹, have authority to perform a natural resource damage assessment (NRDA) related to the releases of hazardous substances as a result of ArcelorMittal Burns Harbor (AMBH)'s National Pollution Discharge Elimination System (NPDES) permitted discharge exceedances for Ammonia-Nitrogen, Total Cyanide, Free Cyanide, Oil and Grease that occurred from August 1 through August 31, 2019 (Releases). The Releases flowed into the East Branch Little Calumet River (EBLCR) (the Site). As a result of the Releases, natural resources under the trusteeship of the Trustees are potentially at risk of injury.

Federal and State Trustees have authority to conduct a NRDA pursuant to Section 107(f) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. § 9607(f); Subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. §§ 300.600, 300.605; and the CERCLA Natural Resource

¹ DOI is a Federal Trustee under authority of Subpart G of the National Contingency Plan (NCP), 40 C.F.R. 300.600(b). The State of Indiana is a State Trustee under the NCP, 40 C.F.R. 300.605.

Damage Assessment and Restoration (NRDAR) regulations, 43 C.F.R. Part 11. This document serves to notify ArcelorMittal of the Trustees' intent to perform an assessment of damages for injuries to natural resources and their services resulting from the Releases at and from the ArcelorMittal Burns Harbor Facility into the East Branch Little Calumet River and the surrounding area.

Pursuant to the NRDAR regulations at 43 C.F.R Part 11, the Trustees have completed the enclosed Preassessment Screen (PAS). The findings, conclusions, and determinations of the PAS are hereby adopted and fully incorporated herein. Based upon the findings and determinations of the PAS, the Trustees are providing notice by this letter of their intent to perform a natural resource damage assessment. Your company has been identified as a potentially responsible party (PRP) in connection with the release of hazardous substances and the subsequent damages resulting from natural resource injury.

The Trustees are interested in working cooperatively with ArcelorMittal in the effort to restore natural resources and services at the Site. The Trustees invite ArcelorMittal to participate in the development of the assessment and in the performance of the assessment. Please provide a written response to this invitation within 30 days.

Nancy King
IDEM General Counsel
nking@idem.in.gov

cc: Elizabeth Admire, IDEM
John Davis, IDNR
Scott Pruitt, USFWS
Sarah Shattuck, USDOJ