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Via Certified Mail, Return Receipt Requested

October 5, 2017

Scott Pruitt, Administrator
U.S. Environmental Protection Agency
U.S. EPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

Re: Notice of Intent to Sue Pursuant to CAA Section 304(b)(2) for Failure to Grant or Deny the Petition of Southeast Environmental Task Force for Review of Title V Operating Permit Renewal, Indiana Harbor Coke Company, L.P.-a contractor of ArcelorMittal USA, Inc. 08936982-00382—by the Indiana Department of Environmental Management

Dear Administrator Pruitt:

Please be advised that I represent the Southeast Environmental Task Force (“SETF”), a not-for-profit organization based in southeast Chicago. This letter provides notice, pursuant to Section 304 of the Clean Air Act, 42 U.S.C. § 7604(b)(2), and 40 CFR Part 54, that the undersigned public health, environment and conservation organization intends to file a citizen suit against you in your official capacity as Administrator of the United States Environmental Protection Agency (“EPA”), for your failure to perform a nondiscretionary duty as mandated by Section 505 of the Clean Air Act (“CAA”), 42 U.S.C. § 7661d(b)(2) (“Section 505”).

SETF’s mission is to improve the environmental quality in the Calumet region of Illinois and Indiana through public education and advocacy on environmental and health issues. SETF works to improve the quality of life for community members through preservation of natural areas, sustainable development, and environmentally responsible business practices.¹ SETF’s members include residents who live, recreate and work in Indiana, in close proximity to the steelmaking facility in East Chicago, IN that includes the Indiana Harbor Coke Company, L.P. (“IHCC”). IHCC operates under Title V permit 08936982-00382 (“IHCC Permit”) currently under consideration for renewal by the Indiana Department of Environmental Management (“IDEM”).

On July 11, 2017, through this office, SETF petitioned the EPA under CAA Section 505 to review and object to the proposed IHCC Permit renewal in light of SETF’s written comments in response to IDEM’s Public Notice. SETF’s Petition was received by the EPA on July 13, 2017.

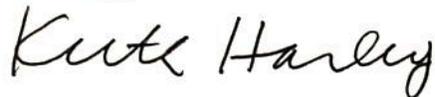
¹ <http://setaskforce.org/>

Pursuant to Section 505, "the Administrator shall grant or deny such petition within 60 days after the petition is filed." As of the date of this letter, the 60 day period has expired, yet the Administrator has not granted or denied SETF's Petition. Therefore, the EPA has failed to perform its mandatory, nondiscretionary duty as required by CAA Section 505.

The citizen suit provision of the CAA, Section 304, 42 U.S.C. § 7604(b)(2), provides that any person may sue the Administrator of the EPA "where there is alleged a failure of the Administrator to perform any act or duty . . . which is not discretionary with the Administrator." Further, 40 CFR Part 54 provides that "Section 304 of the Clean Air Act, as amended, authorizes the commencement of civil actions to . . . enforce certain requirements promulgated pursuant to the Act" upon notice to the Administrator that describes with "reasonable specificity the action taken or not taken by the Administrator which is claimed to constitute a failure to perform such act or duty, and shall state the full name and address of the person giving the notice."

SETF acknowledges that such suit cannot be commenced "prior to 60 days after the plaintiff has given notice of such action to the Administrator." 42 U.S.C. § 7604(b)(2). Therefore, SETF provides notice of its intent to file a citizen suit against you, in your official capacity as EPA Administrator, for your failure to timely respond to SETF's Petition as mandated by CAA Section 505.

Sincerely,



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