

**Minutes  
Environmental Advisory Board  
21 April 2021  
Via Zoom**

The Environmental Advisory Board met on 21 April 2021 at 5:30 pm via Zoom. Attendees were Susan MiHalo, Jim Biancotti, Vicky Albritton, Bianca Passo, Peggy Berbesque, Sue Adams, Frank Lani, Karl Krizmanic (Town Council member), and guest presenter Phil Grenchik (OD Fire Department).

Sue made a motion to appoint Vicky temporary secretary. Peggy seconded. The agenda for this meeting was reviewed and approved. Last month's minutes were also reviewed and accepted.

**OVERVIEW ON PRESCRIBED FIRES  
A GUEST PRESENTATION by Philip Grenchik**

Phil Grenchik stepped in for Fire Chief Eric Kurtz, who could not attend, to give an overview of prescribed burns. Phil said that in this region fires can begin from a spark from the railway, a cigarette tossed out of a car, etc. Spring and fall present the greatest danger because the grass is dead and dry. **Prescribed fires burn up these grasses and reduce the fuel load** between structures or potential hazard spots. A few weeks ago, the NPS burned the Tolleston Dunes area. This is important because south winds could cause a fire to jump over 12 to our town. Controlled burns eliminate leaf litter and also stimulate new growth. **"Year after year we target the same areas. An ounce of preparation goes a long way."** Prescribed burns are always cleared with the town and often the NPS. Everyone is kept informed. Burns are weather sensitive; rain can delay things until late spring, which is problematic because by then it's too green to burn. They always look for good 'lift' in the air so that smoke and ash will be carried away and not fall on houses. Burn notices are announced on the board by the Town Hall as well as on Facebook and email. On occasion, a road (e.g. Hwy 12) might be closed if smoke affects visibility.

Susan noted that **Eric Kurtz always applies to IDEM (Indiana Department of Environmental Management) for variances to get a detailed burn plan approved.** The plan will include specifics such as location, date, and time. However, burns can be overturned at the last minute if there is a red flag warning or if humidity drops too much. She has seen three areas burned right in town. She said the area around Pollywog Pond has not been burned for a long time and a burn around Long Lake Marsh might remove leaf litter and help prairie plants.

Phil and Susan said that these prescribed burns have been going on since the 80s. Unfortunately, prescribed **burns have a limited use for controlling invasive species**, which grow back quickly. Honeysuckle and Bittersweet actually thrive on fire. The burns are more about eliminating biomass overall.

## REGULAR MEETING

### Monitoring Nearby Industries A Discussion of U.S. Steel Midwest's recent NPDES Permit Draft

US Steel (hereafter USS) has applied to renew its National Pollutant Discharge Elimination System permit (hereafter NPDES permit).

[https://www.in.gov/idem/files/notice\\_20210603\\_npdes\\_in0000337.pdf](https://www.in.gov/idem/files/notice_20210603_npdes_in0000337.pdf)

*Backstory:* Jim described how US Steel was responsible for spilling highly toxic hexavalent chromium into the lake in 2017, which shut our beaches for a long time and caused great stress and worry. The spill was caused by failing infrastructure and poor maintenance and oversight. Susan said the spill was not noticed right away. There were improper notification procedures and effluent limitation exceedances. USS violated narrative water quality standards and there were reporting and training issues and violations.

As a result, a Consent Decree was issued.

New EAB member Bianca asked, *What is a Consent Decree?* Susan explained that after IDEM and the EPA filed a lawsuit against USS, the Justice Department took it up and it went before a judge several times. A Consent Decree is a document that addresses all the complaints, fines, etc. to satisfy the complaint. It's like a settlement document. It's a legal document that comes out of the justice department.

While the Consent Decree is mentioned in this new permit draft, Susan noted that it has not yet been signed by a judge; it's still in the courts because the Surfrider Foundation, which sued with the help of the University of Chicago Law School, has yet to reach a settlement. As a consequence, it is unclear whether additional water sampling mentioned in the Consent Decree as part of a SEP (Supplemental Environmental Project) is underway yet.

*Pertinent Dates:* USS's permit expires on June 30th. The public hearing is on May 26. On June 3, public comments are due. Susan said this is not much time to comment. Save the Dunes will request an extension.

*How will the ODEAB respond and comment on this permit draft?* Susan explained that the ODEAB will base our comments on our previous experience with the hexavalent chromium spill which caused our town so much stress and worry. We want to be sure that they draft a permit that ensures this won't happen again.

To tackle this complicated legal document, Susan proposed that we review (again) the Consent Decree so we can see what was required of USS. We need to know whether everything that was supposed to be submitted with the draft permit actually was submitted. Do they have the right training requirements and procedures written into the

new draft? Ogden Dunes should be properly notified of any new spills. Eric Kurtz is on the notification list; USS has his cell number. Scott Lehman should be removed from it. Mike Teeling is on the list. We should make sure that they notify our water company right away.

Susan proposed an additional meeting on the USS permit draft. A **task force dedicated to this topic** agreed to meet in two weeks. Volunteers will include Susan, Sue, Bianca, John, Jim, and Vicky

### **Impromptu Discussion of the Efficacy and Limitations of the ODEAB with Regard to Serious Violations Committed by Neighboring Industries**

New EAB member Frank expressed his frustration with nearby industries and asked how much the EAB can really do to address these blatant violations given that the EAB is small in size and political stature.

Susan said that **we must exercise our right to speak up**, monitor these industries, and make reports. The EAB was founded specifically in order to monitor nearby industry and advise the Town Council when faced with horrible issues. More manageable tasks like recycling, repurposing, septic awareness, light pollution, etc. are taken up when we have time.

She then gave a few examples of the EAB's industry-related activities over the years:

--The EAB has **allied itself with larger organizations** like the University of Chicago and the Surfrider's citizen lawsuit against USS.

-- EAB members were encouraged to join the ELPC (Environmental Law and Policy Center) in order to be represented personally in the suit against Arcelor Mittal for its 2019 spill of ammonia and cyanide (the ELPC does not represent towns). EAB members encouraged everyone in town to join.

--Ever since cyanide was discovered at the beach, the EAB has been monitoring (admittedly slow) progress on a new Consent Decree.

--EAB members work closely with larger organizations like Save the Dunes.

**These larger organizations definitely hear us and give us a voice at the table.**

--Susan often corresponds with people at IDEM (Indiana Department of Environmental Management) as well, asking questions and sharing our concerns.

-- Around 2004 or so AMROX (operating at the Midwest plant) was emitting hydrochloric acid into the atmosphere without what is called a Title V Permit, which is part of the Clean Air Act ( <https://www.era-environmental.com/blog/title-v-air-permits-101>) Here's an article that explains some of it: <https://www.nwitimes.com/news/local/critic-wary-of-amrox->

[settlement/article\\_7ee46955-9e6c-5317-b9db-4f6457af97eb.html](https://www.indianainquirer.com/story/news/2020/05/26/eab-complains-emissions-public-meeting-469559e6c5317b9db4f6457af97eb.html) The EAB complained about the emissions and requested a public meeting about the issue with IDEM, and got it.

-- When IAW (Indiana American Water) was causing flooding in town the EAB brought this to the attention of IDEM. This took 10 years to resolve. **The wheels of justice are slow, but justice is possible.**

--As far as general environmental activism, Susan has very strong connections in the region and often imparts her knowledge to the rest of the committee.

--We also have the ear of an Indiana State Senator, our OD neighbor Karen Tallian.

Karl said that because OD has a steel mill directly east of us, **"it's our obligation to have an EAB monitor what they're doing. It's a service for the whole county. I can't stress enough the importance of having a committee like this in OD."**

Susan said the industry has changed over the years and it embraces the environment more often nowadays. It's **much better than it used to be, "but we still have to be eternally vigilant."** We are lucky we have the clean air and water acts nowadays. The problem nowadays is mostly that aging facilities are breaking down, there has been a turnover in leadership at the mills, newcomers are green, and people like Jim, whose corporate knowledge is not easily passed on, have retired.

EAB members were encouraged to attend the Virtual Public Hearing for USS's NPDES permit on 5-26-21 at 6:00 p.m.

<https://us06web.zoom.us/j/86414104747?pwd=VVpsOWErSjRQekRyV1RVdms5ZHlpZz09&from=addonon>

### **Cleveland Cliffs (formerly Arcelor Mittal) Update**

We are waiting for public notice on Cleveland Cliffs' new NPDES Permit. Susan heard that CC asked for an extension but it was denied.

### **Precoat Metals Discharge**

Nothing new to add.

### **PVS Technologies (formerly AMROX)**

Note: PVS Technologies purchased Amrox in May 2017.

Jim said PVS failed a stack test in Dec. 2020. They have 180 days to Retest. PVS Title V Operating Permit (i.e., and air permit) expires on Aug 26, 2021. A Draft Permit should be coming out for comment sometime before that date.

## Septic Coordination Workgroup

Jim cannot attend the septic workgroup on May 27th. Frank volunteered to attend. Jim said there are old septic systems in OD. Not all of their locations are known. Sue mentioned that other communities are fully mapped out, but not OD. Jim confirmed that it's important to educate people in the maintenance and operation of their septic systems so nothing is leaking into the ground. **You must get it cleaned out every so often, 3-5 years, or maybe once a year for some systems.**

## Planned Joint Effort with Beautification and Historic Preservations Standards Committees

Susan wants to bring these two committees together with the EAB and make sure we are working with each other strategically. One avenue of coordination: Frank is helping to provide contextual info on native plants and will communicate with them. We will soon bring a draft plan to each committee.

### Earth Day

There is a proposed outdoor clean-up on Earth Day (next day) on Stagecoach Road sponsored by the Women's Club. Frank lamented the use of tired language such as "cleaning up" and would prefer language that elevates the activity from just removing garbage or plucking a few weeds. Perhaps "Beautification." (Something to work on.) Next year, we might try to plant trees.

### Other

Sue wants to add our **lighting ordinance** flyer (with examples of outdoor lighting that directs light downward, thereby **diminishing light pollution**) to the new resident folders. Frank said it also needs to go on the website under a link such as 'info for new residents.'

Karl reminded us of the general **household waste clean-up** this coming weekend. OD residents can drop off decent furniture. It will be sheltered from rain for a few days. Neighbors can take it if they like, thereby **recycling, repurposing, or reusing** instead of throwing it in the dump.

Peggy and Frank will be working further on **recycling** issues in town.

Motion to adjourn from Sue. Jim seconded. Motion carried. Meeting adjourned at approximately 7pm.

Submitted by Vicky Albritton

