

## Challenge to U.S. Steel Pollution Settlement Allowed to Proceed

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- Consent decree fails to account for damages, group argues
- Group would offer unique perspective, court says

A parks group can challenge Indiana's and the federal government's proposed settlement with U.S. Steel Corp. over alleged pollution violations near Lake Michigan, a federal court in the state ruled.

The National Parks Conservation Association does have a "unique perspective" on the case and "can provide specific information that will assist the court," by presenting ideas or arguments that weren't included in the parties' briefs, according to the U.S. District Court for the Northern District of Indiana.

The benefit of the unique perspective the group would provide "outweighs any minor delay in the case or burden on the existing parties," the court said Monday.

The complaint filed by the government plaintiffs alleges U.S. Steel's facility in Portage, Ind., released wastewater containing hexavalent chromium and total chromium into a nearby waterway.

The discharge was linked to a faulty joint on a wastewater pipeline within the plant, and the spill led to the closure of four beaches and a public drinking water intake, according to the lawsuit.

U.S. Steel agreed to pay about \$631,000 in response costs and about \$601,000 in civil penalties to the federal government and Indiana, according to the consent decree.

But the decree fails to account for damage to natural resources and fails to protect Indiana Dunes National Park in the future, the NPCA says.

The government plaintiffs argued the parks group's brief will simply rehash arguments already made by the Surfrider Foundation.

Though the surfing group does mention the national park, it doesn't discuss damage to the park's natural resources and instead focuses on the potential harm to the group's members, according to Chief Judge Jon E. DeGuilio.

The court granted U.S. Steel's motion to dismiss the complaints-in-intervention of the Surfrider Foundation and the City of Chicago, with leave to amend, because they failed to raise claims upon which relief could be granted.

Earthrise Law Center represents the NPCA.

The Chicago Department of Law represents the city. The University of Chicago Law School Abrams Environmental Law Clinic represents the Surfrider Foundation.

Barnes & Thornburg LLP represents U.S. Steel. The Justice Department represents the federal government. The Indiana Attorney General's Office represents the state.

The case is [United States v. U.S. Steel Corp.](#) , N.D. Ind., No. 2:18-CV-127 JD, 3/8/21 .

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