Indiana Steel
Environmental
Group

OFFICIAL COMMENT

OFFICE OF WATER MANAGEMENT IDEM
JUL 1 2 08 PM '02

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June 27, 2002

#02-138(WPCB)[Mercury Variance]
MaryAnn Stevens
Rules Section
Office of Water Quality
Indiana Department of Environmental Management
P. O. Box 6015
Indianapolis, Indiana 46206-6015

Subject: Development of a New Rule Concerning Statewide Mercury Variance
First Notice of Comment Period #02-138(WPCB)

Dear Ms. Stevens:

As requested by the First Notice of Comment Period that was published in the June 1, 2002 Indiana Register, this is to provide suggestions for the development of draft rule language as well as alternative ways to achieve the purpose of the rule.

These comments are being submitted on behalf of the Indiana Steel Environmental Group (ISEG), whose members include Bethlehem Steel, Ispat Inland Steel, ISG Steel (formerly LTV), National Steel and U. S. Steel. These facilities have either direct discharges to Lake Michigan, direct discharges to tributaries of Lake Michigan, indirect discharges to municipal sewer systems that discharge to these water bodies or some combination thereof. In addition, these companies use Lake Michigan water, either through direct withdrawal or potable water supply, in their processes. Lake Michigan and all of its tributaries are currently on the State's 303(d) list for, at least, mercury impairment.

The ISEG members firmly believe that no additional limits, monitoring or requirements should be imposed on those facilities that, based on monitoring or best professional judgment, can demonstrate that mercury is not added to any water discharge as a result of its operations. In addition, mercury variance levels should be set high enough such that facilities that do not add mercury to their discharge will not exhibit a Reasonable Potential to Exceed (RPE) and, thus, will not require permit limits or monitoring.

Incentives should be provided to encourage facilities, regardless of the potential for water discharges, to voluntarily seek reductions in the use of mercury in instruments and equipment. Incentives can be as simple as reduced monitoring costs but will go a long way in reducing the

amount of mercury that can be introduced into the environment through spills or other unintended mishaps.

The ISEG members believe that the variances should not automatically impose limits or treatment systems. The variance should be geared to requiring management plans to reduce mercury usage and monitoring to evaluate efficacy. An example best describes this point.

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A grain processor will typically show that mercury is added to its water discharge. The source of the mercury is usually the grain itself. Whether the mercury has been introduced to the grain through plant uptake or the use of fungicides/insecticides is beyond the control of the processor. What the processor can do, however, is eliminate mercury equipment in its plant to make certain that no potential additions occur. In addition, the processor could provide educational materials to its suppliers to try and minimize the use of mercury-bearing fungicides/insecticides.

Finally, the rule should not preclude a discharger from obtaining a higher site-specific mercury variance number, if a satisfactory demonstration can be made.

Based on all of the current research of the sources of mercury entering the Great Lakes basin, the one consistent fact is that mercury usage throughout the United States, and possibly the world, is the domain that must be reduced. Indiana businesses should not be placed at a competitive disadvantage when such a position will not correct the entire problem.

The ISEG thanks you, in advance, for consideration of our comments. If there are any questions concerning these comments, please contact me at 1-219-836-1000.

Sincerely,

Patrick M. Gorman

Patrick M. Gorman, P.E.
Facilitator, Indiana Steel Environmental Group