



**ETHICS DISCLOSURE STATEMENT**  
**CONFLICTS OF INTEREST – DECISIONS AND VOTING**  
 State Form 55860 (R / 10-15)  
 OFFICE OF THE INSPECTOR GENERAL  
 IC 4-2-6-9

INDIANA  
 STATE ETHICS COMMISSION

MAR 10 2021

FILED

In accordance with IC 4-2-6-9, you must file your disclosure with the State Ethics Commission no later than seven (7) days after the conduct that gives rise to the conflict. You must also include a copy of the notification provided to your agency appointing authority and ethics officer when filing this disclosure. This disclosure will be posted on the Inspector General's website.

Name (last) Kuss	Name (first) Hala	Name (middle) Kassis
Name of office or agency Indiana Department of Environmental Management		Job title Northwest Regional Office Director
Address of office (number and street) 330 West US 30		City Valparaiso
		ZIP code 46385
Office telephone number ( 219 ) 464-0491	Office e-mail address (required) hkuss@idem.IN.gov	

Describe the conflict of interest:

I was offered and have accepted an attorney position with United States Environmental Management Agency (US EPA). Although not necessarily required due to the alignment of IDEM and US EPA goals, out of an abundance of caution, I am filing this disclosure statement. As is described in detail in the attached screening protocol, in my capacity as IDEM's Northwest Regional Office Director, I have varying degrees of involvement in litigation cases to which US EPA is a party. I also oversee the work of two staff members who administer what IDEM refers to as the "Lake Michigan Programs," and whose positions are funded by non-competitive federal grants administered by US EPA. A percentage of time that I spend overseeing the Lake Michigan program management positions is eligible to be coded to these non-competitive grants. However, the compensation associated with my position is exclusively determined by IDEM/SPD and is in no way affected by the availability or lack thereof of these non-competitive federal grants. In addition, some project work done in furtherance of the Lake Michigan program goals is funded through non-competitive grants administered by US EPA.

Describe the screen established by your ethics officer; (Attach additional pages as needed.)

Although not necessarily required due to the alignment of IDEM and US EPA goals, the screening protocol calls for the cessation of my involvement in any litigation cases to which US EPA is a party and establishes oversight of my review of work produced by my two direct reports whose positions are funded through federal grants administered by US EPA.

A copy of the screening protocol is attached.

**AFFIRMATION**

Your signature below affirms that your disclosures on this form are true, complete, and correct to the best of your knowledge and belief. In addition to this form, you have attached a copy of your written disclosure to your agency appointing authority and ethics officer.

Signature of state officer, employee or special state appointee

*Hala Kassis Kuss*

Date signed (month, day, year)

3-10-2021

Printed full name of state officer, employee or special state appointee

Hala Kassis Kuss

**FOR ETHICS OFFICER USE ONLY**

Your signature below affirms that you have reviewed this disclosure form and that it is true, complete, and correct to the best of your knowledge and belief. You also attest that your agency has implemented the screen described above.

Signature of ethics officer

*Kathleen Mills*

Date signed (month, day, year)

3-10-21

Printed full name of ethics officer

Kathleen Mills

**From:** Kuss, Hala

**Sent:** Wednesday, March 10, 2021 8:00 AM

**To:** PIGOTT, BRUNO <BPIGOTT@idem.IN.gov>

**Cc:** Lugar, Robert G <RLugar@idem.IN.gov>; Wickard, Julia <JWickard@idem.IN.gov>; MILLS, KATHLEEN <KMILLS@idem.IN.gov>

**Subject:** Notice Under IC 4-2-6-9

Good morning,

Hope you are well. As we verbally discussed, I was offered and have accepted an attorney position with US EPA Region 5. This serves as written notice pursuant to IC 4-2-6-9 of this employment offer and my acceptance of it.

I am working with Kathy Mills to put a screening protocol in place. Although not necessarily required due to the alignment of IDEM and US EPA goals, the screening protocol will call for a cessation of my involvement in any litigation cases to which US EPA is a party and will establish oversight of my review of work produced by my two direct reports whose positions are funded through federal grants administered by US EPA.

I also want to mention that, while I do not expect my duties with US EPA to encompass any particular matters with which I have been involved on behalf of IDEM, out of an abundance of caution, I am giving consideration to seeking a waiver.

Please let me know if you have any questions. Thank you for all of your support!

Hala

Hala Kuss, Director

*Northwest Regional Office*

Indiana Department of Environmental Management

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**COVID-19 Resources:**

- **Indiana State Dept. of Health (ISDH) COVID-19 Call Center:** Call 877-826-0011 (available 8:00 am-6:00 pm daily).
- **Anthem NurseLine:** Call 800-337-4770 or visit the [Anthem NurseLine](#) online for a FREE symptom screening. Available to anyone with an Anthem health plan (this includes State of IN employees)
- **Anthem Employee Assistance Program (EAP):** Available to full-time state employees and their household members regardless of health plan participation. Call 800-223-7723 or visit [anthemeap.com](http://anthemeap.com) (enter State of Indiana) for crisis counseling, help finding child/elder care, legal/financial consultation and much more.

**Protocol to Screen  
IDEM employee Hala Kuss  
From certain matters regarding the US Environmental Protection Agency.**

Ms. Hala Kuss is the Director of the Indiana Department of Environmental Management's ("IDEM") Northwest Regional Office ("NWRO"). She has accepted employment, to begin in mid-April, as an attorney in the US EPA Region 5 Office of Regional Counsel. Region 5 serves a multi-state area that includes Indiana, Illinois, Michigan, Wisconsin, and Minnesota. It is her understanding that her duties in that position will primarily consist of representing US EPA in administrative and environmental enforcement related matters. Her duties could also include providing legal advice to US EPA staff on issues not pertaining to administrative and enforcement matters.

In her current capacity as Director, Ms. Kuss oversees five direct reports including two programs managers. The two programs managers oversee what is referred to as "The Lake Michigan Programs". Some of the project work done in furtherance of the Lake Michigan programs' goals is funded through non-competitive grants administered by US EPA. The programs positions are fully federally funded through the non-competitive grants. However, the compensation associated with these positions, both with regard to salary and benefits, is exclusively determined by IDEM and the State Personnel Department ("SPD"). Additionally, a percentage of time Director Kuss spends overseeing the positions is eligible to be coded to these non-competitive grants. However, her salary and benefits are exclusively determined by IDEM/SPD and are in no way are dependent upon the availability of these non-competitive grants from US EPA.

During the course of executing her duties, Director Kuss has participated in two water litigation matters which IDEM brought in conjunction with the US EPA. In the first matter, she substantially participated in identifying and addressing National Pollution Discharge Elimination Systems ("NPDES") permit noncompliance issues at the former ArcelorMittal Burns Harbor facility (now Cleveland Cliffs Burns Harbor) in Burns Harbor, Porter County Indiana. Her participation included assisting with investigating and documenting the noncompliance issues and currently serving on the joint state and federal case team that is handling the enforcement case.

In the second water litigation matter, she participated to a limited degree in identifying and addressing NPDES permit noncompliance issues at the US Steel Midwest facility in Portage, Porter Count, Indiana. The noncompliance issues are the subject of a pending enforcement action against the company being brought jointly by IDEM and US EPA. Her participation has included aiding in the initial response to a hexavalent chromium release and providing input to

the case team when requested. (This screening protocol will not include a separate case against US Steel Midwest for NPDES permit violations in which US EPA is not involved.)

In addition, Director Kuss has had limited involvement in litigation brought by US EPA against BP in Whiting, Lake County, Indiana for violations of its Title V air permit. The litigation was resolved several years ago through entry of a Consent Decree. Director Kuss' involvement has been limited to attending meetings, on occasion, during which the status of BP's compliance with the Consent Decree has been discussed, and serving as an intermediate reviewer of enforcement referrals to US EPA for alleged violations of the Consent Decree initiated by the IDEM air inspector with inspection responsibilities for the BP Whiting facility based on his inspection findings and/or his reviews of deviation reports submitted by BP.

Lastly, Director Kuss has had limited involvement in litigation cases brought jointly by IDEM and US EPA against ArcelorMittal Indiana Harbor (now Cleveland Cliffs Indiana Harbor) in East Chicago, Lake County, Indiana, ArcelorMittal Burns Harbor (now Cleveland Cliffs Burns Harbor) in Portage, Porter County, Indiana, and Coke Energy/Indiana Harbor Coal & Coke in East Chicago, Lake County for violations of their respective Title V air permits. These litigation cases have been resolved through entry of Consent Decrees. Director Kuss participated in some Consent Decree discussions. In addition, she serves as an intermediate reviewer of enforcement referrals to US EPA for alleged Title V air permit violations initiated by the IDEM air inspectors with inspection responsibilities for these facilities, based on their inspection findings and/or their reviews of deviation reports submitted by these facilities.

This is an unusual screening protocol in that the basic goals of IDEM and US EPA in the matters listed are aligned. However, out of an abundance of precaution, IDEM is instituting the following screening protocol for the duration of Director Kuss' employment at IDEM. (Director Kuss has already informed management and her staff of her new employment opportunity.)

1. Director Kuss will recuse herself from the litigation matters detailed in the preceding paragraphs. She will not attend any meetings regarding those issues nor will she engage in any discussions regarding those matters. She will inform other IDEM personnel handling the litigation matters of her recusal. She also will not access any documents relating to the above referenced litigation matters that are not already a matter of public record.
2. Deputy Assistant Commissioner Robert Lugar is her direct supervisor. He will not assign to Director Kuss any further enforcement or litigation matters in which US EPA is involved.
3. IDEM does not believe it is in its best interests to totally remove Director Kuss from her involvement with the supervision and oversight of the Lake Michigan Programs.

However, the following steps will be taken to limit and provide oversight regarding her involvement in those programs.

- a. Deputy Assistant Commissioner for the Office of Program Support, Robert Lugar, will review any advice Director Kuss gives regarding the Lake Michigan Lakewide Action & Management Program, the Grand Calumet River Remedial Action Plan Program, the Lake Michigan Beach Monitoring and Notification Program (other than mentioned in 3b.) and the Clean Marina Program. Any decisions that may need to be made regarding the programs will only be made in consultation with DAC Lugar.
  - b. Currently, the beach coordinator for the Lake Michigan Beach Monitoring and Notification Program is drafting annual agreements with regional beaches regarding beach monitoring. All comments made by Director Kuss in her review of the agreements will also be reviewed by IDEM Office Legal Counsel attorney (and Chief Ethics Officer) Kathleen Mills.
4. Director Kuss shall immediately inform her supervisor and the IDEM Chief Ethics Officer if any provision of this screening protocol is violated.
  5. Director Kuss shall follow IC 4-2-6-9(b) and file a written disclosure statement with the State Ethics Commission.

*Hala K Kuss*

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Hala Kuss  
Director NWRO  
IDEM

3-10-2021

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Date

*Robert G. Lugar*

\_\_\_\_\_  
Robert G. Lugar  
Deputy Assistant Commissioner OPS  
IDEM

3/10/21

\_\_\_\_\_  
Date

*Kathleen Mills*

\_\_\_\_\_  
Kathleen Mills  
Chief Ethics Officer  
IDEM

3-10-2021

\_\_\_\_\_  
Date