

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA	)
and the MICHIGAN DEPARTMENT OF	)
ENVIRONMENT, GREAT LAKES,	)
AND ENERGY,	)
	)
Plaintiffs,	)
	)
v.	)
	)
CLEVELAND-CLIFFS STEEL	)
CORPORATION	)
(f/k/a AK STEEL CORPORATION),	)
	)
Defendant.	)
_____	)

**DECLARATION OF DANIEL SCHAUFELBERGER IN SUPPORT OF  
UNOPPOSED MOTION TO ENTER CONSENT DECREE**

I, Daniel Schaufelberger, declare and state as follows:

1. I am an environmental scientist employed by the U.S. Environmental Protection Agency Region 5 (EPA Region 5), Enforcement and Compliance Assurance Division. I have been an environmental scientist with EPA Region 5 since April 2003.

2. EPA Region 5 is a regional office of EPA, headquartered in Chicago.

3. I received a Bachelor of Science Degree in Meteorology from Northern Illinois University in May 1988, and a Master of Science Degree in

Atmospheric Sciences from the University of Illinois at Champaign-Urbana in May 1990.

4. In April 2003, I became an environmental scientist with EPA Region 5's Air Enforcement and Compliance Assurance Branch of the Enforcement and Compliance Assurance Division (previously within the Air and Radiation Division) responsible for supporting enforcement actions brought by EPA Region 5 for compliance with requirements of the Clean Air Act (CAA) and its implementing regulations. I still hold this position as of the date of this Declaration.

5. In the last 20 years, I have developed approximately 15 CAA enforcement cases involving iron and steel related facilities in Region 5 based, at least in part, on the results of inspections and information request analyses. This includes the CAA enforcement case related to the steel manufacturing facility owned and operated by Cleveland-Cliffs Steel Corporation (Cleveland-Cliffs), located at 4001 Miller Road, Wayne County, Michigan (the Facility).

6. The Facility uses an electrostatic precipitator (ESP) as the primary method to reduce opacity and to remove particulate matter (PM) and metals such as lead and manganese from Basic Oxygen Furnace (BOF) emissions.

7. In addition to conducting visible emissions observations, the Facility also has a Continuous Opacity Monitoring System (COMS) at the BOF ESP stack that measures opacity.

8. In 2019, Cleveland-Cliffs proposed addressing compliance issues under the 2015 Consent Decree by undertaking additional repairs to its ESP.

9. In December of 2019, the governments advised Cleveland-Cliffs that it disagreed with the approach proposed by Cleveland-Cliffs.

10. Cleveland-Cliffs thereafter invoked dispute resolution.

11. The parties negotiated a First Material Modification to Consent Decree in 2023 (Modification).

12. In August of 2023, Cleveland-Cliffs conducted a performance test under the Modification which indicated an exceedance of the manganese emission limit and compliance with the other limits in the Modification.

13. In September of 2023, the Facility retested manganese and other emissions and it passed for all the limits.

14. In November of 2023, the Facility again conducted emission tests and it passed for all the limits.

15. Since completion of the ESP Project, COMS data has shown a significant reduction in opacity exceedances with the latest report (4<sup>th</sup> quarter 2023) showing only seven total six-minute average events excluding steam.

16. The Modification is the product of arms-length negotiations that were conducted in good faith over more than three years. All parties negotiating the Modification had experienced legal and technical representatives who vigorously advocated their respective positions resulting in, at times, contentious negotiations.

17. During the negotiations before the Modification was lodged, representatives of the United States and the Michigan Department of Environment, Great Lakes and Energy consulted with Great Lakes Environmental Law Center attorney Nicholas Leonard on multiple occasions; Mr. Leonard later submitted the only comments received on this Modification.

18. During the public meeting held virtually on November 8, 2023, the governments explained the Modification, its genesis, and the public comment process, and answered questions from attendees.

19. I am making the statements in this declaration based on my personal knowledge gained through my education and professional experience in the field of environmental science, conducting environmental compliance and enforcement inspections, and knowledge I have gained from reviewing documents specifically related to this case. If called upon to testify, I will testify as to the facts set forth herein.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on the date shown:

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Daniel Schaufelberger