
Fw: Cleveland-Cliffs comments on proposed air ordinance

From Margolius, David M <DMargolius@clevelandohio.gov>

Date Tue 4/22/2025 7:33 AM

To Yoka, Christina L. <cyoka@clevelandohio.gov>; Hearne, David <Dhearne@clevelandohio.gov>

As expected - working on setting up a meeting with them.

Let me know your thoughts in person later this week :)

David Margolius, MD

Director, Cleveland Department of Public Health

75 Erieview Plaza

Cleveland, Ohio 44114

Office Phone: 216-664-6790

Work Cell: 216-857-5680

www.clevelandhealth.org

From: Culp, Michael <MCulp@Clevelandohio.gov>

Sent: Monday, April 21, 2025 6:32 PM

To: Margolius, David M <DMargolius@clevelandohio.gov>

Subject: Fw: Cleveland-Cliffs comments on proposed air ordinance

From: Blaine Griffin <bgriffin@clevelandcitycouncil.org>

Sent: Monday, April 21, 2025 5:25 PM

To: Ediger, Anna P <Anna.Ediger@clevelandcliffs.com>

Cc: Conwell, Kevin <kconwell@clevelandcitycouncil.org>; Darryle Torbert <dtorbert@clevelandcitycouncil.org>; Davy, Bradford <bdavy@clevelandohio.gov>; Culp, Michael <MCulp@Clevelandohio.gov>; Titran, Joe <jtitran@clevelandcitycouncil.org>; Ibukun Ode-Martins <iodemartins@clevelandcitycouncil.org>; bsabin <bsabin@clevelandcitycouncil.org>

Subject: Re: Cleveland-Cliffs comments on proposed air ordinance

CAUTION: This email originated from outside of the City of Cleveland. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@clevelandohio.gov.

Hello Administration. Can we discuss these concerns before we move this legislation forward?

Sent from my iPhone

On Apr 18, 2025, at 5:11 PM, Ediger, Anna P <Anna.Ediger@clevelandcliffs.com> wrote:

Council President Griffin and Chair Conwell,

I am sharing comments from Cleveland-Cliffs regarding the proposed air ordinance pending before City Council. Cleveland-Cliffs employs approximately 2,300 individuals between the Cleveland Works steel

mill and our Corporate Headquarters in downtown Cleveland. This includes approximately 1,800 hourly workers at Cleveland Works represented by the USW Local 979. Founded in 1847, Cliffs has a longstanding presence in the Cleveland community.

Cleveland-Cliffs respectfully requests that the City Council consider the suggested amendments below that would create more clarity for permittees and alignment with certain provisions of state and federal law. We appreciate the goal to pass an ordinance that advances Cleveland as a leader in environmental health, while continuing to promote investment and economic development, and we believe these amendments are necessary to support the City's goal. Thank you for your consideration. We would be happy to answer any questions you may have.

State/Federal Alignment

-

Definitions

- Adopt the definitions in [Ohio Administrative Code rule 3745-15-01](#) and [3745-31-01](#) for a modification, major modification and significant emissions increase.
-
- Replace definition of “blast furnace” to align with [40 CFR section 63.7852](#) “Blast furnace” means a furnace used for the production of molten iron from iron ore and other iron bearing materials.

Permitting

- The City of Cleveland Division of Air Quality (CDAQ) is the permitting authority for the City of Cleveland and Cuyahoga County implementing OAC 3745-31 permitting requirements. The draft ordinance includes numerous redundant and conflicting permitting requirements to OAC 3745-31 that, unless amended, will cause confusion, permitting delays, adversely impact economic development, and likely overwhelm CDAQ resources to implement. We respectfully request the elimination of redundant and conflicting permitting requirements by referencing existing Ohio EPA permitting regulations aligned with Ohio Administrative Code rule 3745-31. This Chapter is currently being implemented by CDAQ and is the foundation for all permitting oversight for both new source installations and modifications to existing sources within the City of Cleveland and Cuyahoga County.
- Section 253.01(b) (Non-degradation policy) – To achieve a balance with economic development and non-degradation, we respectfully request alignment of the non-degradation policy in Section 253.01 (b) with Ohio EPA Engineering Guide 69 which ensures compliance with Ohio EPA's policy of not exceeding half of the available PSD increment for new sources.
- Section 257.01 (Application, what must be included, and approval required) – In an effort to eliminate redundancy, respectfully request adding to Section 257.01 “To the extent not already required pursuant to OAC 3745-31.”
- Section 257.01 (e) (Cumulative Impact Assessment) –We respectfully request the focus of the assessments in Section 257.01 (e) be directed towards significant new or major modifications that cause a significant increase in emissions pursuant to definitions and rules in OAC 3745-31. These changes will efficiently allocate CDAQ and permittee resources without unnecessarily delaying or impeding economic development.

Section 257.01 (e)(2), (3), (4) and (5) – We respectfully request including language to clarify these provisions are required for significant new or major modified sources that result in a significant increase in emissions pursuant to OAC 3745-31. As an example, see below redline recommendation to incorporate this clarification:

Section 257.01 (e)(5) All **significant** new or **major** modified sources that result in a **significant** increase of either criteria air pollutants or hazardous air pollutants **pursuant to OAC 3745-31**, that are located in the highest relative ranking (10) and that meet the criteria of either a synthetic minor, Federally enforceable permit to install and operate (FEPTIO), or Title V facility will be required to complete and submit a Health Impact Assessment prior to the issuance of a City permit to install.

- Section 261.01 (Exemptions, Specified; Compliance) – Respectfully request including a reference to OAC 3745-31-30 and OAC 3745-31-05 that exempts insignificant air emission sources (aka de minimis emission).

Utilize Ohio EPA form: Notification of Demolition and Renovation/Abatement

- Section 281.02(b)(5) requires that asbestos activity related to renovations and demolitions be on Ohio EPA's form entitled Notification of Demolition and Renovation/Abatement. Later, Section 281.02(b)(10) contains a list of 19 pieces of information for asbestos activity notifications. We recommend that Ohio EPA's form be used to ensure consistency across Cuyahoga County (for which CDAQ has jurisdiction) and that (b)(10) be deleted.

Appeals

- Section 255.03 broadly allows members of the general public who "claims an interest" in a matter to intervene. We recommend that intervention be available to those who "are so situated that the disposition of the matter by the Appeals Board may impair or impede [their] ability to protect an interest." This quoted language from the Ordinance would remain and reflects traditional standing in administrative and court proceedings at both the state and federal levels rather than anyone who "claims a broad interest."
- Variances: Section 259.08(a) and (c): It is unclear whether planned maintenance of equipment is eligible for a variance, and what "relative interest means." In addition, we request that the time for the Commissioner to decide on a variance be reduced from 90 days because variances are most often needed for unplanned events at the site when time is of the essence.

Additional Comments and Considerations

- The Cumulative Impact Assessment developed by the Commissioner/Director should be made available for public comment before it goes into effect.
- There should be a timeframe within which the City approves a Health Impact Analysis, such as 60 days. Currently, the Ordinance says that it will be reviewed in a reasonable amount of time which does not allow for certainty.
- Operators of vehicles should be responsible for anti-idling. Having a facility owner enact a work practice plan is burdensome when dozens of vehicles are moving around the site every hour. One suggestion is to have the owners of facilities put up signs reminding the vehicle operators of the anti-idling ordinance.
- Section 277.01(b) states that certain activities "constitute[s] a public nuisance." 277.01(c) states that "To determine whether an emission creates a public nuisance, the Division of Air Quality may consider but is not limited to the following [7] factors." Nuisance conditions are historically difficult to ascertain because they are based not only on health standards but on welfare standards, which are more subjective. It is appropriate to have the Division determine whether a nuisance exists given the 7 factors (plus more) that the Division may consider, so we propose that 277.01(b) be deleted
- What is the criteria to conclude a new facility would "disproportionately impact overburdened communities" with respect to Section 257.01 (F)?

ANIA EDIGER

Director – State and Local Government Relations

P 216.694.7439 M 216.278.8748 anna.ediger@clevelandcliffs.com

CLEVELAND-CLIFFS INC.

200 Public Square, Suite 3300, Cleveland, OH 44114-2544

P 216.694.5700 clevelandcliffs.com