

Under Trump, the EPA has cut back on enforcement of clean water laws in the Great Lakes region

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Two months after President Donald Trump took office, U.S. Steel

dumped a plume of cancer-causing metal into a Lake Michigan tributary 20 miles away from a Chicago drinking water intake.

The company reported another spill of hexavalent chromium six months later, around the same time public interest lawyers dug up records documenting scores of other clean water violations at the Northwest Indiana steel mill.

Yet Trump appointees at the U.S. Environmental Protection Agency declined to punish the company, rebuffing career staff who confirmed U.S. Steel had repeatedly, and illegally, released harmful pollution into the region's chief source of drinking water.

"It makes me want to weep," said Susan MiHalo, who has lived in nearby Ogden Dunes for more than 30 years and chairs the town's environmental advisory board. "In the back of my mind I'm always worried they are dumping pollution into the lake and nobody is going to tell us about it."

The lack of enforcement against one of the biggest polluters on the Great Lakes marked an early example of the Trump administration's more lenient approach to policing industrial pollution.

Well before the administration suspended a range of EPA enforcement activities during the COVID-19 pandemic, the downturn under Trump has been striking.

In Illinois, Indiana and the four other Midwest states surrounding the Great Lakes, the number of water pollution cases filed by the EPA has declined during each of the past three years, according to a new analysis of agency records by the nonprofit Environmental Law and Policy Center.

The president's political hires also have purged dozens of career employees from the agency.

"Tough but fair enforcement requires knowledgeable, experienced staff with the backing of EPA headquarters in Washington," said Howard Learner, the center's executive director. "Without a strong expectation of environmental law enforcement, facilities are more likely to violate the law and avoid accountability."

Trump's EPA administrators, first Scott Pruitt and now Andrew Wheeler, have led the president's rollbacks of clean air and water protections. But they have insisted their anti-regulatory agenda hasn't affected the agency's enforcement priorities.

"I am proud of our accomplishments, and I know that none of it would be possible without our talented and dedicated EPA career staff," Wheeler, a former coal industry lobbyist who served as assistant administrator under Pruitt, said during his January 2019 confirmation hearing.

In a statement Monday, the EPA said cleaning up the Great Lakes remains a priority. "EPA's enforcement program is concerned with outcomes, not outputs. We don't set quotas for enforcement cases," the statement said.

The agency's own numbers document the decline in environmental cops on the beat and the drop in cases against polluters.

Last year the EPA filed 208 water cases in Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin, compared to 319 during President Barack Obama's last full year in office, agency records show.

At the same time, the number of chronic violators in the heavily

industrialized states has skyrocketed under Trump, who as a candidate vowed to abolish the EPA.

Another Northwest Indiana steel mill, ArcelorMittal's Burns Harbor complex, is among 209 facilities across the region on the agency's high-priority list of companies in "significant noncompliance" with the Clean Water Act.

Others include municipal sewage plants that have failed to prevent the release of untreated human and industrial waste into the Great Lakes, the source of drinking water for 30 million people in the United States and Canada.

During Obama's last year in office, 125 facilities were on the same high-priority list. (Michigan isn't included on the list because of data-sharing problems between the state and EPA.)

EPA documents show the enforcement decline coincided with policies adopted by the Trump administration at the behest of industry lobbyists, in particular those representing oil, gas and corporate agriculture interests.

The slowdown became more apparent as Trump appointees reduced the size of the EPA. There are now 940 career staff at the Chicago-based regional office, which for most of the agency's history has been an aggressive enforcer of clean air and water laws.

In December 2015, there were 1,103 employees assigned to the Chicago office.

Pruitt required even routine requests for information by the EPA to be cleared by political appointees in Washington. Under previous administrations, led by both Democrats and Republicans, regional EPA

offices like the one based in Chicago were given wide latitude to investigate polluters.

"It's a maxim in environmental protection that the polluter pays," said Mary Gade, who led the Chicago office during Republican President George W. Bush's administration. "During the Trump administration, the public pays."

There are exceptions in almost every administration.

Gade cracked down on Indiana's attempts to relax clean water regulations for U.S. Steel's Gary Works and the BP oil refinery in Whiting, but Bush aides fired her after she took on Dow Chemical's legacy of toxic pollution dumped into Michigan rivers. President Bill Clinton vowed as a candidate to take action against an Ohio hazardous waste incinerator near an elementary school; the Democrat's administration largely failed to follow up after taking office.

Today current and former EPA employees say morale at the agency's regional offices is the lowest in memory. Among other things, they described a staff with deep knowledge of local pollution problems blocked repeatedly by political appointees who are reluctant to move forward with cases, even when the evidence is overwhelming.

"This is all part of their move to neuter the agency for their friends in the oil and gas and steel industries," said Nicole Cantello, an EPA lawyer who has worked in the Chicago office for nearly three decades.

Cantello spoke with the Chicago Tribune because she is protected as president of the local union of EPA employees.

Often it takes outside pressure from nonprofit groups, including Learner's team of lawyers, before the EPA takes action.

For instance, the agency announced a settlement with U.S. Steel over the 2017 chromium spills only after a threatened lawsuit from the Abrams Environmental Law Clinic at the University of Chicago.

Lawyers from the clinic and the city of Chicago are still in [federal court](#) seeking tougher penalties than the \$900,000 in fines Pittsburgh-based U.S. Steel agreed to pay.

EPA officials have yet to take action against ArcelorMittal for dumping fish-killing ammonia and cyanide into a Lake Michigan tributary last year. Instead, it took a threatened lawsuit from Learner's group before Indiana officials began scrutinizing the steel mill more aggressively.

Pruitt and Wheeler have said it is up to states to decide which environment and public health initiatives should be a priority. At the same time, the Trump White House has proposed deep cuts in federal grants that account for a large share of the funding for state environmental programs.

"A lot of happy talk about 'cooperative federalism' isn't going to fix this problem, especially coming from an administration that spends most of its time trying to unravel environmental laws that it should be enforcing," said Eric Schaeffer, a former top EPA enforcement official who leads the nonprofit Environmental Integrity Project.

Like the EPA, many state environmental agencies have fewer employees with less money to do their jobs than a decade ago. In Illinois alone, the inflation-adjusted budget for the state EPA declined 25% between 2008 and 2018, records show.

But water pollution remains a problem across the nation, exacerbated by climate change that federal and state agencies largely aren't equipped to address.

MiHalo, the Ogden Dunes resident, said it has been difficult to watch the responses to pollution spills at the region's steel mills. By her count, Lake Michigan beaches in the area have been closed and the local [water intake](#) shut off at least three times since 2017, compared to once during the previous three decades.

"Without the threat of citizen enforcement (of the Clean Water Act) in our back pocket, these companies likely would just keep polluting the lake," MiHalo said. "We've been taught to remain eternally vigilant by people who fought years ago to hold the steel mills and other industries accountable. That's just as true today as it was then."

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