

May 8, 2024

**BY EMAIL ONLY**

Mr. Jeff Workman  
Indiana Department of Environmental Management  
Hazardous Waste Permit Section  
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**Re: Comments on Modified Closure Plan for Fuel Recovery Shed at Summit, Incorporated  
6901 W. Chicago Avenue, Gary, Lake County, Indiana  
Docket No.: RCRA-05-2014-0006, IDEM Permit No. INR000142257**

To Indiana Department of Environmental Management:

Gary Advocates for Responsible Development (“GARD”) submits these comments to the Indiana Department of Environmental Management (“IDEM”) on the Modified Closure Plan for the Fuel Recovery Shed at the Summit auto shredder facility in Gary. Given the history of Summit’s operations and its blatant refusal to comply with prior orders, we believe that any closure plan of only part of the facility is incomplete, and that any plan that relies on Summit to comply will be futile.

GARD is an Indiana non-profit corporation whose mission is to promote economic development in the City of Gary that prioritizes environmental justice, community health, and protection of our neighborhoods and natural resources. GARD partners with other organizations to advance sustainable development opportunities and takes action to oppose projects and permits that are not protective of community health and the environment. Situated along the shores of Lake Michigan among globally rare dune-and-swale ecosystems, with new plans and opportunities for community revitalization and sustainable economic development, Gary has a bright future if it can rid itself of businesses that are more parasite than producer.

For too many years, Gary has been viewed as a dumping ground for the wastes of polluting business and industry. Landfills, secondary smelters, Superfund sites, junkyards, auto shredders, and so-called “recycling” facilities are littered throughout the 50 square miles of the City of Gary. With limited resources, the city has been overwhelmed by the growth of uncontrolled/illegal waste sites and non-compliance of existing waste handling businesses. And, as an additional by-product, Gary has come to be viewed as a dumping ground for anything – resulting in routine midnight dumping that further drains local government revenue and staffing resources to clean up, monitor, and enforce.

Summit is exactly the type of business that Gary needs to rid itself of. No doubt, Summit will point to the environmental benefits of its recycling business. But it ignores the fact that it is conducting this business within a city of 68,000 people with little or no pollution controls on its operations. Its property holds mountains of automotive shredder residue (“ASR”) which contains plastics, rubber, wood, paper, textile, leather or glass and may include lead, zinc, cadmium, and hazardous constituents. If Summit actually cared about protecting and promoting Gary, it would have removed these mountains years ago and installed a comprehensive control train, the industry standard for metal shredding facilities, shown to reduce pollutants by as much as 98%. But it hasn’t and it won’t. Instead it routinely violates its permits and repeatedly breaks promises to clean up its act. Based on this history of failures and false promises, GARD opposes any closure plan that relies on Summit to complete.

The mere fact that this closure plan is a requirement of a federal court order should tell you that Summit cannot be relied upon to clean up its property. The pending motion to hold Summit and Mr. Coulopoulos in contempt of court for violating the default judgment is further proof. In opposition to the motion for contempt, Summit relies on its tired efforts to redirect the issue by claiming that it is providing good jobs and support for the steel industry and that the contamination on its property was caused by others – without addressing its own failures.

Giving Summit until 2030 to complete any work is only delaying the inevitable. Based on its history, Summit will continue to ignore court orders, agency directives, its own settlement agreements, and any “plan” requiring Summit to clean up its property. IDEM does not need to wait until 2030 to confirm this – it need only look to the filings before the Indiana Office of Environmental Adjudication in Cause No. 23-S-E-5253. In that petition for review and request for stay, Summit argues that it should not be liable for cleaning up its property that may have been contaminated by prior operators. Moreover, Summit argues that its 2023 settlement agreement with IDEM does not require it to do anything until March 29, 2030.

Aside from calling attention to the snail’s-pace schedule in the Modified Closure Plan, and Summit’s decades long record of non-compliance, GARD does not believe there is a community benefit to providing technical comments on the Plan because the Summit property is an immediate environmental and safety hazard to the surrounding area and needs to be cleaned up now. Unfortunately, Summit cannot be trusted to do this work.

We request that the state and federal authorities cease the charade of serial penalties and piecemeal clean up orders that have enabled Summit to continue operation without compliance and instead move to immediate closure. As such, GARD opposes the Modified Closure Plan that allows this scofflaw facility to continue operations indefinitely.

Thank you for considering GARD’s recommendations.

Mr. Jeff Workman

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Respectfully submitted,



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President

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