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Re: Public Comments on National Material Processing,
Part 70 Operating Permit Renewal No. T089-49346-00384

Dear Mr. Belt:

The Conservation Law Center, the Environmental Law & Policy Center, Indiana Conservation Voters, Just Transition Northwest Indiana, the University of Chicago Abrams Environmental Law Clinic, Gary Advocates for Responsible Development, the Northern Lake County Environmental Partnership, and Green EC (collectively, "Commenters") respectfully submit the following comments on the Draft Part 70 Operating Permit Renewal ("Draft Permit") issued by the Indiana Department of Environmental Management ("IDEM") to National Material Processing for its steel coil pickling and cutting facility at 4506 West Cline Avenue in East Chicago, Indiana ("Facility"). We appreciate the opportunity to submit these public comments and thank you for your attention in advance. Please let us know if you have any questions or if you believe a meeting would be valuable.

Commenters are non-profit and community-based organizations that share a commitment to improving local environmental quality. Our organizations include concerned residents of northern Lake County, along with other advocates who work alongside them. Commenters support vigorous enforcement of federal and state environmental laws to protect public health and ensure businesses do not receive a competitive advantage by polluting the environment.

Background and Summary of Comments

This Draft Permit concerns the steel pickling and cutting operation of National Material Processing. "Pickling" refers to a process of washing metal coils in hydrogen chloride baths before finishing them with a protective coating. IDEM's Technical Support Document for the Draft Permit estimates that operations at National Material Process have the potential to emit

over 287 tons/year each of particulate matter and hydrogen chloride in the absence of any restrictions or pollution control devices.[1]

Commenters' interest in this Draft Permit arises from the health risks associated with these emissions and the Facility's proximity to sensitive locations. The Agency for Toxic Substances and Disease Registry describes hydrogen chloride as "irritating and corrosive to any tissue it contacts[,]" with potential respiratory, eye, and skin effects from both high levels of exposure and long-term low-level exposure.[2] Likewise, U.S. EPA identifies numerous health impacts of particulate matter, which can include respiratory, lung, and heart problems.[3] Notably, National Material Processing abuts a residential neighborhood and is just 0.3 miles from Joseph L. Block Middle School, 0.4 miles from Washington Elementary School, and 0.7 miles from St. Catherine Hospital.[4]

Title V of the Clean Air Act requires each Part 70 Operating Permit to "include enforceable limitations and standards," a compliance schedule, monitoring and reporting requirements, and "other such conditions as are necessary to assure compliance with applicable requirements[.]"[5] Likewise, federal regulations require that sources "shall have a permit to operate that assures compliance by the source with all applicable requirements[,]"[6] and Indiana regulations instruct that Part 70 permits shall include conditions "that assure compliance with all applicable requirements[.]"[7]

Commenters believe that the Draft Permit falls short of these state and federal minimums. First, the Draft Permit's description of the Facility contains several unexplained assumptions, raising questions about whether all applicable requirements have been identified. Second, the Draft Permit omits, without adequate justification, federal standards relevant to the Facility's steel coating operation. Third, the Draft Permit fails to meet, and in some places contradicts, the National Emission Standard for Hazardous Air Pollutants ("NESHAP") requirements applicable to the Facility's steel pickling operation. Fourth, the Draft Permit lacks the monitoring and testing requirements needed to ensure compliance with emission limitations. Finally, the Draft

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[1] *See* Technical Support Document to Draft Part 70 Operating Permit Renewal for National Material Processing at 3, VFC no. 83874955 [hereinafter Technical Support Document].
[2] Agency for Toxic Substances and Disease Registry, CAS #7647-01-0, Hydrogen Chloride ToxFAQs (2022) https://www.atsdr.cdc.gov/toxfaqs/tfacts173.pdf.
[3] *Health and Environmental Effects of Particulate Matter*, U.S. EPA (May 23, 2025), https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm.
[4] https://earth.google.com/ (search for "4506 Cline Ave., East Chicago, IN"; then click ruler icon; then click and drag pinpoints to measure distances to Joseph L. Block Middle School, Washington Elementary, and St. Catherine Hospital) (last visited Oct. 28, 2025).
[5] Clean Air Act, 42 U.S.C. § 7661(c).
[6] 40 C.F.R. § 70.1 (2005).
[7] 326 I.A.C. 2-7-5.

Permit contains contradictions and ambiguities that create confusion about the Facility's obligations.

Comment 1: The Technical Support Document and Source Summary Should Provide Clear, Accurate Information About the Facility and Its Emissions

The final permit should clearly and accurately explain the Facility's emissions to facilitate understanding and confidence that the final permit incorporates all applicable requirements. Indiana regulations require IDEM to "[p]rovide a technical support document that sets forth the legal and factual basis" for a draft Part 70 operating permit.[8] Errors and omissions in the Technical Support Document and the Draft Permit's Source Summary (Section A) obscure IDEM's rationale in issuing the draft operating permit and suggest the permit may not reflect appropriate regulatory standards. Specifically, Commenters have concerns about the Draft Permit's estimation of the control efficiency of the Facility's primary emission control device; its method for calculating the Facility's potential emissions after permit issuance; its assessment of emissions from ancillary processes; and other apparent errors and inconsistencies in the Technical Support Document.

a) <u>The Emissions Calculations Rely on Questionable Assumptions About the Facility's Emission Control Device</u>

The Technical Support Document's emissions calculations rely on the questionable assumption that the facility's wet scrubber operates with 99.7% control efficiency for hydrogen chloride and particulate matter.[9]

The wet scrubber is the only pollution control device mentioned in the Draft Permit's Source Summary (Section A). It operates to control particulate matter[10] and hydrogen chloride[11] emissions from the coil steel pickling line, which includes the wash tank, pickling tanks, rinse tank, roll oil coating operation, and roll soap coating operation. In its emissions calculations, the Technical Support Document presumes the wet scrubber operates with a control efficiency of 99.7%, based on testing from January 6, 2010.[12]

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[8] 326 I.A.C. 2-7-8.

[9] *See* Technical Support Document app. A at 3, VFC no. 83874955.

[10] *See* Draft Part 70 Operating Permit Renewal for National Material Processing at ¶ D.1.5 ("In order to comply with Conditions D.1.1 and D.1.2, the wet scrubber for particulate control shall be in operation and control emissions from the coil steel pickling line at all times the coil steel pickling line is in operation."), VFC no. 83874955 [hereinafter Draft Permit].

[11] *See* Draft Permit at ¶ E.1.2 (incorporating by reference 40 C.F.R. § 63.1157, which states, "No owner or operator of an existing affected continuous or batch pickling line at a steel pickling facility shall cause or allow to be discharged into the atmosphere from the affected pickling line… HCl at a mass emission rate that corresponds to a collection efficiency of less than 97 percent.").

[12] *See* Technical Support Document app. A at 3.

The Draft Permit lacks details about the wet scrubber to support the control efficiency estimate. The U.S. EPA Clean Air Technology Center lists 8 types of wet scrubbers,[13] whose achievable removal efficiencies vary by the type of scrubber as well as the type and size of particle. Ideally, the permit would provide the type, brand, model, and age of the wet scrubber to provide a point of reference for the control efficiency and to allow greater insight into the appropriate testing and maintenance methods.

Furthermore, testing from 2010 does not ameliorate these concerns because, even if the same scrubber is still in use, its efficacy may have declined over the past 15 years. In August 2025, the U.S. EPA issued a Finding of Violation to the Facility.[14] The Facility's own records from May 17, 2021, to April 3, 2023, showed fifty daily checks in which the make-up water flow rate of the wet scrubbers fell below 1.5 gallons/minute, the minimum threshold set in the Operation, Inspection, and Maintenance Plan.[15] The Facility did not document a response step on any of these occasions. Furthermore, the facility either failed to produce records or failed to record the required monitoring results for 77 days in the same period, so the wet scrubber may have been operating with a low flow rate even more frequently. Persistent flow rate issues could reduce the wet scrubber's control efficiency.[16]

An overly generous assumption about the wet scrubber's control efficiency could underestimate the Facility's actual emissions. Commenters recommend that the Final Permit include more information about the wet scrubber, including its type, brand, model, and age. Commenters also recommend that IDEM require the Facility to perform a new efficiency test and that IDEM use those results for this permitting process, given the 15-year interval and the documented operating issues since the 2010 test.

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[13] Clean Air Technology Center, *Clean Air Technology Center Products*, U.S. EPA (Oct. 7, 2025), https://www.epa.gov/catc/clean-air-technology-center-products (listing fact sheets for condensation scrubbers, fiber-bed scrubbers, impingement-plate/tray-tower scrubbers, mechanically-aided scrubbers, orifice scrubbers, packed-bed/packed-tower wet scrubbers, spray-chamber/spray-tower wet scrubbers, and venturi scrubbers, all described as "part of the group of air pollution controls collectively referred to as 'wet scrubbers.'").

[14] *See* Letter from Nathan Frank, U.S. EPA Region 5, to David Susler, National Material Processing (August 8, 2025), VFC no. 83861889.

[15] *See* U.S. EPA Region 5, Finding of Violation (August 8, 2025) at ¶ 55, VFC no. 83861889.

[16] *See* Ohio Environmental Protection Agency, Ohio EPA's Operation and Maintenance O&M Guidelines for Air Pollution Control Equipment (Feb. 1993), § 9.2.3 ("Liquid flow rates are important because the liquid-to-gas ratio has a direct impact on the driving forces for particulate collection and absorption in wet scrubbers.").

b) The Technical Support Document's "Potential to Emit After Issuance" Calculations Lack Clarity and Neglect Emissions Limits

The Technical Support Document's accounting of the Facility's Potential to Emit HAPs suggests that IDEM has not factored in all Draft Permit Conditions that limit the Facility's hydrogen chloride and particulate matter emissions.

40 CFR § 63.1157, incorporated by reference in Draft Permit Condition E.1.2, establishes emission standards for steel pickling at existing sources. It prohibits sources from emitting gases with hydrogen chloride in a concentration greater than 18 ppmv. It also prohibits sources from emitting hydrogen chloride at a mass emission rate that corresponds to less than 97% collection efficiency.

The Technical Support Document's discussion of the Facility's potential hydrogen chloride emissions does not account for these numeric limits. The Technical Support Document contains three "Potential to Emit after Issuance" tables.[17] None of these tables factors in any emission controls for the "Single HAP" category. While the Addendum to Appendix A of the Technical Support Document provides an estimate for the "Controlled PTE" of hydrogen chloride based on the purported efficiency of the wet scrubber, this controlled emission rate is not reflected in any of the "Potential to Emit after Issuance" tables.

Likewise, Draft Permit Conditions D.1.1 and D.1.2 require the Facility to limit particulate matter emissions to 22.6 lb/hr and 0.3 grains per dry standard cubic foot of exhaust air, respectively. However, the Technical Support Document's "Potential to Emit after Issuance" tables appear to account only for Draft Permit Condition D.1.1 and not Draft Permit Condition D.1.2.[18] While the Addendum to Appendix A of the Technical Support Document converts Condition D.1.2 to an hourly limit of 2.04 lb/hr,[19] this limit is not reflected in the "Potential to Emit after Issuance" tables.

Commenters would expect "Potential to Emit After Issuance" to reflect all physical and legal limits on the Facility's emissions. Commenters recommend that IDEM revise the Draft Permit and supporting record to ensure they clearly account for all emission limitations. In addition, Commenters request that IDEM explain its method for calculating "Potential to Emit After Issuance".

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[17] *See* Technical Support Document at 5, Appendix A at 1, and Appendix A at 2.
[18] *See* Technical Support Document at 5 (listing "Total PTE" for PM, PM10, and PM2.5 as 99.25 tons/yr, 99.74 tons/yr, and 99.74 tons/yr, respectively); Technical Support Document Appendix A at 1 (listing the coil steel pickling line's PM, PM10, and PM2.5 emissions as 98.99 tons/yr).
[19] *See* Technical Support Document Appendix A at 3 (listing "326 IAC 6.8-1-2 PM Allowable Emissions" as 2.04 lb/hr).

c) The Draft Permit Does Not Adequately Explain Emissions from Ancillary Processes

The Draft Permit fails to support IDEM's emissions estimates for the Facility processes ancillary to steel pickling. The Draft Permit concludes, without sufficient basis, that steel cutting produces no emissions, that acid storage vessel emissions are controlled by the wet scrubber, and that the roll coating operation has the potential to emit 20.32 tons of VOC/year.

First, the Draft Permit does not address potential particulate matter or other emissions from steel cutting. The Draft Permit describes the facility as a "coil steel pickling *and steel cutting* operation".[20] However, the Source Summary in the Draft Permit does not explain how or where cutting takes place.[21] The Technical Support Document includes a table of emissions calculations for "Welding and Thermal Cutting", and this table's "Methodology" section references "plasma cutting" and "cutting" emission factors.[22] However, a closer examination of the table suggests that the calculations only include emissions from welding (based on the rate of electrode consumption) and not emissions from the cutting operations.

Second, the Draft Permit does not adequately explain emissions calculations associated with the hydrochloric acid storage vessels and spent acid storage vessels. The Technical Support Document assumes a control efficiency of 99.7%, "based on scrubber control efficiency for the pickling operation."[23] However, the Source Summary does not indicate that these units vent to the scrubber.

Third, the Draft Permit offers little support for its VOC emissions estimate from the roll oil coating process. The Technical Support Document assumes the coating material contains 1.86 lbs. VOC/gallon and has a usage rate of 2.50 gallons/hour. However, in a recent Finding of Violation, U.S. EPA noted that the Facility had failed to maintain manufacturer information pertaining to VOC content and had failed to document its coating usage.[24] The Technical Support Document does not explain why it relied on 1.86 lbs. VOC/gallon or 2.50 gallons/hour, and whether it has recently verified these metrics with the Facility.

The final permit should clearly describe the cutting, acid storage, and roll oil coating operations and provide a reliable account of their emissions. Commenters request that IDEM revisit its assessment of these ancillary processes, fully explain the factual basis and reasoning behind its emissions calculations, and revise the Draft Permit as necessary.

[20] Draft Permit at ¶ A.1 (emphasis added).
[21] *See* Draft Permit § A.
[22] Technical Support Document app. A at 6.
[23] Technical Support Document app. A at 3.
[24] *See* U.S. EPA Region 5, Finding of Violation (August 8, 2025) at ¶ 55, VFC no. 83861889

d) The Technical Support Document Contains Other Apparent Errors and Inaccuracies

Commenters identified five additional apparent errors in the Technical Support document.

1. The table showing "Uncontrolled Potential to Emit" on page 2 of Appendix A to the Technical Support Document indicates the Facility may emit 288.01 tons/year of hydrogen chloride whereas the "Potential to Emit After Issuance" table on the same page attributes 288.01 tons/year of emissions to n-Hexane. N-Hexane is not mentioned elsewhere in the permit. IDEM must clarify whether this is a clerical error or include the necessary analysis of and terms regarding the Facility's n-Hexane emissions.

2. The Technical Support Document and Technical Support Document Appendix provide inconsistent numbers for the Facility's potential to emit HAPs, as documented in the table below. The final permit and supporting record should reflect consistent and accurate figures.

		Uncontrolled PTE (ton/yr)	PTE After Issuance (ton/yr)
TSD pp. 4-5	Single HAP	288.18	288.18
	Total HAPs	287.15	99.25
TSD App. A p. 1	Total HAPs	288.18	288.18
TSD App. A p. 2	Single HAP	288.01	288.01
	Total HAPs	288.18	288.18

3. Page 4 of the Technical Support Document suggests that the Facility's potential to emit a "Single HAP" exceeds "Total HAPs" for both uncontrolled emissions, and potential to emit after permit issuance. Commenters request that IDEM clarify how it calculated Total HAPs.

4. The Technical Support Document describes "PTE After Issuance" for Total HAPs as 99.25 tons/year. It is not clear to Commenters how IDEM reached this number or that it correctly reflects restrictions imposed by the Draft Permit's conditions. If 99.25 tons/year is the correct figure, Commenters request that IDEM explain its reasoning and ensure that adequate controls and enforceable monitoring provisions are in place and reflected in the permit.

5. The Technical Support Document indicates the Facility has "[n]o enforcement actions pending", despite a U.S. EPA Finding of Violation from August 25, 2025, as discussed above.[25] Commenters request that IDEM explain its reasons for excluding mention of the Finding of Violation from the Technical Support Document.

[25] *See* n. 15, *infra*.

Comment 2: The Final Permit Should Incorporate All Federal Regulations Applicable to the Facility's Steel Coating Operation

a) The Draft Permit May Mistakenly Conclude that the NESHAP for Surface Coating of Metal Coil Does Not Apply

The Draft Permit provides little explanation for the determination that the Facility's roll coating operations do not trigger the NESHAP for surface coating of metal coil.

U.S. EPA promulgated specific regulations for major sources of HAPs engaged in surface coating of metal coil in 40 C.F.R. Part 63, Subpart SSSS.[26] 40 C.F.R. § 63.5110 defines "coating" as "material applied onto or impregnated into a substrate for decorative, protective, or functional purposes." Coating materials "include, but are not limited to, paints, varnishes, sealants, inks, adhesives, maskants, and temporary coatings."[27] However, "[d]ecorative, protective, or functional materials that consist only of solvents, protective oils, acids, bases, or any combination of these substances are not considered coatings for the purposes of this subpart."[28]

The Draft Permit states that the steel pickling line includes a "roll oil coating operation" and a "roll soap coating operation."[29] However, the Technical Support Document asserts that the NESHAP for surface coating of metal coil does not apply, because the coating "consists only of protective oils" which does not meet the definition of "coating" under 40 C.F.R. § 63.5110.[30]

First, nothing in the permit record indicates that "soap coating" is a protective oil. In addition, recent documents from inspection and enforcement activities raise questions about the accuracy of the protective oils-only assertion. U.S. EPA's August 2025 Finding of Violation references "Iron Guard" coating in connection with the Facility's roll oil coating process.[31] Likewise, a recent IDEM inspection noted the Facility uses "Miller brand Chemical Iron Guard #2100 coating[.]"[32] Commenters lack complete information about this product, but a web search identified a water-based acrylic enamel for metal substrates sold under the name "Iron Guard." Industrial suppliers describe that product as a "high gloss, 100% acrylic, waterborne, corrosion

[26] 40 C.F.R. Part 63, Subpart SSSS National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.
[27] 40 C.F.R. § 63.5110.
[28] *Id*.
[29] Draft Permit at ¶¶ A.2(a)(4) and A.2(a)(5).
[30] Technical Support Document at 8.
[31] *See* U.S. EPA Region 5, Finding of Violation (August 8, 2025) at ¶ 62, VFC no. 83861889
[32] IDEM Office of Air Quality, Field Inspection Report for National Material Processing (July 2, 2025) at 3, VFC no. 83831957.

resistant coating[.]"[33] Product specifications online do not suggest that the product "consists only of protective oils."

If the applicability of Subpart SSSS turns on the definition of "coating" in 40 C.F.R. § 63.5110, and thus on the specific properties and purpose of the material used, IDEM must confirm the coating materials used at the Facility before it can issue a final permit. Therefore, IDEM should clarify whether it has recently confirmed what material the Facility uses. Whether the facility uses Iron Guard or another material, IDEM should either further explain its determination that the material does not fall within the definition of "coating" under 40 C.F.R. Part 63, Subpart SSSS or revise the Draft Permit to include the appropriate NESHAP requirements.

b) The Draft Permit Mistakenly Concludes that the New Source Performance Standard for Metal Coil Surface Coating Does Not Apply.

The Draft Permit provides little explanation for the determination that the Facility's roll coating operations does not trigger the New Source Performance Standard (NSPS) for metal coil surface coating.

U.S. EPA promulgated specific regulations for metal coil surface coating operations in 40 C.F.R. Part 60, Subpart TT. Subpart TT defines "metal coil surface coating operation" as "the application system used to apply an organic coating to the surface of any continuous metal strip with thickness of 0.15 millimeter (mm) (0.006 in.) or more that is packaged in a roll or coil." Both prime coat and finish coat operations constructed, modified, or reconstructed after January 5, 1981, must adhere to Subpart TT. 40 C.F.R. § 60.461 defines "prime coat" and "finish coat" operations as "the coating application station, curing oven, and quench station used to apply and dry or cure the initial [final] coating(s) on the surface of metal coil." The definition of "finish coat operation" further specifies that "[w]here only a single coating is applied to the metal coil, that coating is considered a finish coat."[34]

The Technical Support Document indicates that the Facility need not adhere to Subpart TT because it does not contain a "prime coat operation" or a "finish coat operation".[35] In explanation, the Technical Support Document points out that "[t]he coil steel pickling line only applies a rust preventative oil" and "does not have a flashoff area or curing oven."[36]

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[33] *See Iron Guard Water-Based Acrylic Enamel*, Krylon Industrial, https://www.krylon.com/en/industrial/products/mro-coatings/iron-guard-water-based-acrylic-enamel (last visited Oct. 28, 2025); *Sprayon K11006951*, Applied Industrial Technologies, https://www.applied.com/c-brands/c-krylon-products-group/c-sprayon/k11006951/Iron-Guard-Water-Based-Acrylic-Enamel/p/101925733?srsltid=AfmBOoojKM-bMsyYc4LeWww3b5w07hjfrU_5-FFL4OhKxtes-fIkYoOO (last visited Oct. 28, 2025).
[34] 40 C.F.R. § 60.461.
[35] Technical Support Document at 6.
[36] *Id.*

This interpretation contradicts the text and logic of Subpart TT. The "finish coat operation" and "prime coat operation" definitions make no exception for rust preventive coatings, and they do not mention "flashoff areas". In addition, the plain language of these definitions does not suggest that prime or finish coat operations must have curing ovens, but rather that any curing ovens should be considered part of the operation. A contrary interpretation would undermine the overall coherence of Subpart TT, which provides a clear definition of "metal coil surface coating operation". IDEM's interpretation would create a subcategory of surface coating operations that have neither a prime coat nor a finish coat operation, a contradiction in terms.

A previous U.S. EPA Applicability Determination supports Commenters' interpretation. In 1988, the U.S. EPA Region 5 Air Compliance Chief addressed an inquiry about a facility that lacked a flash off area and curing oven and sought to control emissions on the coating applicator only.[37] Rather than excusing the facility from Subpart TT because it lacked a curing oven, the Air Compliance Chief indicated that the facility's performance test had improperly discounted VOCs "resulting from the subsequent evaporation or organic solvents in the coating."[38]

The language of 40 C.F.R. § 60.461 together with the U.S. EPA Applicability Determination suggest that the Facility must adhere to Subpart TT. Commenters request that IDEM re-evaluate the applicability of this subpart. If the final permit does not require compliance with Subpart TT, Commenters request that IDEM explain its reasoning in greater detail.

Comment 3: The Draft Permit Contradicts or Omits Several NESHAP Emission Limitations and Monitoring Requirements Applicable to the Steel Pickling Operation

The Draft Permit identifies two NESHAPs applicable to the Facility: Subpart CCC (Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants) and Subpart DDDDD (Industrial, Commercial, and Institutional Boilers and Process Heaters). The Draft Permit incorporates by reference applicable provisions of Subparts CCC and DDDDD, but Commenters believe that the Draft Permit does not fully reflect the substance of the requirements of these subparts.

a) <u>The Draft Permit Fails to Incorporate an Operation and Maintenance Plan, as Required by the NESHAP for Steel Pickling</u>

The Draft Permit does not incorporate an Operating and Maintenance Plan for the wet scrubber, as required by 40 C.F.R. § 63.1160.

[37] NSPS Applicability to Coil Coating Operations, Control Number NR41 (U.S. EPA Sept. 19, 1988).
[38] *Id.*

Subpart CCC requires the owner or operator of a steel pickling operation to prepare and implement "an operation and maintenance plan for each emission control device," which "shall be incorporated by reference into the source's title V permit."[39]

The Draft Permit incorporates 40 C.F.R. § 63.1160 by reference (Permit Condition E.1.2) and includes a copy of the entirety of 40 C.F.R. Part 63, Subpart CCC in Attachment A, but the Draft Permit does not otherwise discuss or incorporate the facility-specific operation and maintenance plan required by Subpart CCC. While the Facility must develop a "Preventative Maintenance Plan" (Permit Conditions D.2.3 and D.1.4), that plan need only satisfy the requirements of 326 I.A.C. 1-6-3 (Permit Condition B.10), not the more extensive and tailored NESHAP requirements contained in 40 C.F.R. § 63.1160(b)(i)-(vii). Furthermore, even if IDEM intended for the Preventative Maintenance Plan to fulfill the Subpart CCC operation and maintenance plan requirements, the Draft Permit does not appear to incorporate the Preventative Maintenance Plan into the title V permit, as is required for operation and maintenance plans under Subpart CCC.

The differences between the Preventative Maintenance Plan and an operation and maintenance plan suggest that the former is not a substitute for the latter, and the failure to include the source-specific operation and management plan in the Draft Permit means that the requirements of 40 C.F.R. § 63.1160 are not met. The NESHAP Subpart CCC requirements are applicable requirements that must be included in this title V operating permit. Therefore, IDEM must require a source-specific operation and management plan and incorporate that plan in the final permit.

b) <u>The Draft Permit Enumerates Maintenance and Monitoring Requirements That Contradict Applicable NESHAP Standards</u>

Several monitoring and maintenance requirements described in the Draft Permit differ from the minimums set forth in the NESHAP for the facility and its operation and maintenance plan.

As noted above, Subpart CCC requires owners or operators to prepare an operation and maintenance plan, which must be incorporated into the title V permit.[40] Subpart CCC also specifies several of the provisions facilities must include in that plan, if they use a scrubber. These provisions include:

- Monitoring and recording the pressure drop across the scrubber **once per shift**,[41]

[39] 40 C.F.R. § 63.1160(b)(1) (2012); *see* Draft Permit, Attach. A at 5.
[40] *See* 40 C.F.R. § 63.1160 (2012).
[41] *See id.* at § 63.1160(b)(1)(i).

- Taking corrective action **within 1 working** day of detection of an operating problem,[42] and
- Inspecting each scrubber **once every 3 months** and conducting maintenance of liquid delivery devices, internal components, droplet eliminator, heat exchanger elements, and damper settings.[43]

Subpart CCC enumerates additional monitoring requirements in 40 C.F.R. § 63.1162, which are incorporated by reference in the Condition E.1.2 and are included in Attachment A. If the owner or operator of a steel pickling facility elects to use a wet scrubber, they must "install, operate, and maintain systems for the measurement and recording of the scrubber makeup water flow rate and, if required, recirculation water flow."[44] Flow rates "must be **monitored continuously** and recorded **at least once per shift** while the scrubber is operating."[45]

The Facility uses a wet scrubber, so the above-referenced obligations from 40 C.F.R. § 63.1162 and 40 C.F.R. § 63.1160 should apply. Indeed, the Draft Permit incorporates these provisions by reference in Section E and includes them in Attachment A. However, the Draft Permit's explicit maintenance and monitoring requirements are tailored to the general standards of 40 C.F.R. Part 64 rather than the specific NESHAP of 40 C.F.R. Part 63. They are inconsistent with the minimums described above, as detailed in the following table:

Requirement	**NESHAP Frequency**	**Draft Permit Frequency**
Monitor and record pressure drop across scrubber	Once per shift *40 CFR § 63.1160(b)(1)(i)*	Once per day *Condition D.1.9*
Inspect scrubber	Once every 3 months *40 CFR § 63.1160(b)(1)(iv)*	As specified in the Preventive Maintenance Plan *Condition B.10(a)(2)*
Take corrective action in response to an operating problem	Within 1 day *40 CFR § 63.1160(b)(1)(vi)*	If related to flow rate, as expeditiously as practicable in accordance with good air pollution control practices *Condition D.1.8(d); C.12*
Monitor flow rate of wet scrubber	Continuously *40 CFR § 63.1162*	Once per day *Condition D.1.8(a)*
Record flow rate of wet scrubber	Once per shift *40 CFR § 63.1162*	Once per day *Condition D.1.8(a)*

[42] *See id.* at § 63.1160(b)(1)(vi).
[43] *See id.* at § 63.1160(b)(1)(iv).
[44] 40 C.F.R. § 63.1162.
[45] 40 C.F.R. § 63.1162 (emphasis added).

The Draft Permit cannot assure compliance with applicable requirements if it contains conditions that do not match NESHAP minimum maintenance and monitoring requirements. Commenters therefore request that IDEM revise the Draft Permit to ensure it satisfies each of the applicable NESHAP maintenance and monitoring requirements. By incorporating provisions of 40 C.F.R. Part 63 by reference, IDEM may have intended the public and the Facility to understand that the stricter standard should prevail. If so, Commenters recommend that the permit writer instead provide the permittee with a clear and explicit set of compliance monitoring requirements to avoid confusion and noncompliance with federal regulations.

c) The Draft Permit Suggests the Facility May Not Currently Meet Standards for Hydrogen Chloride Storage Vessels

The Draft Permit raises questions about whether the Facility has the required pollution control systems for hydrogen chloride storage vessels.

The NESHAP for steel pickling facilities includes requirements specific to hydrogen chloride storage vessels. Subpart CCC states that the owner or operator of an affected vessel "shall provide and operate, except during loading and unloading of acid, a closed-vent system for each vessel."[46] Furthermore, loading and unloading requires either the use of enclosed lines or a local fume capture system ventilated through an air pollution control device.[47]

The Draft Permit provides little detail about the Facility's hydrochloric acid storage vessels. The Facility employs two hydrochloric acid storage vessels with a maximum capacity of 24,100 gallons each, and three spent acid storage vessels with a combined maximum capacity of 33,000 gallons.[48] As noted above, the Technical Support Document presumes a control efficiency of 99.7% for the vessels, "based on scrubber control efficiency for the pickling operation[.]"[49] However, while the Draft Permit's Source Summary (Section A) specifies that the pickling tanks are controlled by a wet scrubber, it does not mention an emissions control device or exhaust system for the vessels.[50] The Draft Permit also makes no mention of the tanks' loading and unloading system.

The Draft Permit raises questions about whether the Facility has the infrastructure needed to comply with the Subpart CCC requirements for hydrochloric acid storage vessels. Commenters therefore request that IDEM clarify the emissions control systems in place to address the emissions from the vessels, including during loading and unloading.

[46] 40 C.F.R. § 63.1159(b).
[47] *Id.*
[48] Draft Permit at ¶ A.2.
[49] Technical Support Document app. A at 4.
[50] Draft Permit at ¶ A.2.

Comment 4: The Draft Permit Lacks Monitoring Requirements Adequate to Ensure Compliance with Its Emission Limitations

Each Part 70 permit must include "monitoring and related record keeping and reporting requirements, which assure that all reasonable information is provided to evaluate continuous compliance with the applicable requirements."[51] These monitoring requirements help give practical effect to emissions limitations, but the Draft Permit currently lacks monitoring requirements that could provide credible information about the Facility's emissions.

a) The Draft Permit Lacks Monitoring Requirements Specific to Source-Wide Opacity and Fugitive Dust Emission Limitations

The Draft Permit imposes opacity and fugitive dust emission limitations, but it does not include monitoring or recordkeeping conditions sufficient to assure compliance with those limitations.

As noted above, Part 70 permits must require monitoring that generates "all reasonable information… to evaluate continuous compliance[.]"[52] Even if an applicable emission standard does not specify periodic testing or monitoring, "[a]t a minimum," the permit must contain "such periodic monitoring specifications sufficient to yield reliable data from the relevant time period that are representative of the source's compliance[.]"[53]

The Draft Permit contains source-wide opacity and fugitive dust limitations but does not include any "periodic monitoring specifications" that would ensure these conditions' practical effect. Emission opacity must not exceed 20% in any single six-minute averaging period, and it must not exceed 60% for more than a cumulative total of 15 minutes, based on continuous monitoring or Method 9.[54] The Draft Permit also prohibits fugitive dust from crossing the property boundaries in a manner that would violate 326 I.A.C. 6-4.[55] However, the Draft Permit includes no monitoring schedule or recordkeeping requirements to effectuate these limitations. While the Emissions Unit Operation Conditions require visible emission notations of the stack exhaust,[56] those notations assess the normalcy of emissions and do not address compliance with the specific fugitive dust or opacity permit limitations.

Without further specifications, the Facility and IDEM will lack any data to demonstrate the Facility's compliance with these limitations. Commenters respectfully request that IDEM impose a monitoring plan that will reliably reflect compliance with opacity and fugitive dust limitations.

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[51] 326 I.A.C. 2-7-5.
[52] *Id.*
[53] 326 I.A.C. 2-7-5(3)(A).
[54] *See* Draft Permit ¶ C.1(a) and (b).
[55] *See* Draft Permit ¶ C.4.
[56] *See* Draft Permit ¶ D.1.7.

b) The Visible Emissions Monitoring Requirements Do Little to Ensure the Emissions Unit Will Comply with Emission Limitations

The Draft Permit imposes numeric limits on particulate matter emissions but relies on vague visible emissions monitoring requirements as a principal strategy to assure compliance.

Part 70 Operating Permits must require monitoring sufficient to assure "all reasonable information is provided to evaluate continuous compliance with the applicable requirements[.]"[57] For certain emissions, including for the coil steel pickling line's particulate matter emissions,[58] 40 C.F.R. Part 64 also requires owners or operators to develop a Compliance Assurance Monitoring plan. That plan must establish "[s]pecifications that provide for obtaining data that are representative of the emissions or parameters being monitored[,]"[59] as well as "appropriate range(s) or designated condition(s) for the selected indicator(s)[.]"[60]

The Draft Permit's monitoring conditions fall short of these state and federal monitoring requirements. The Draft Permit limits particulate matter emissions based on pounds per hour and grams per dry standard cubic foot. However, the monitoring conditions, which incorporate the Compliance Assurance Monitoring plan, rely on "Visible Emissions Notations" as the only daily, output-based indicator of compliance.[61] For the following four reasons, this methodology is unclear and poorly suited to evaluating compliance with numeric limits.

First, the monitoring centers on an employee's opinion of whether emissions look "normal". This approach will not provide assurance of compliance with emission limits, because whether stack emissions look "normal" says little about pounds of particulate matter per hour or grams of particulate matter per dry standard cubic foot. Identifying a gradual degradation of pollution control equipment would prove particularly challenging.

Second, the definition of "normal" ("those conditions prevailing, or expected to prevail, eighty percent (80%) of the time the process is in operation, not counting startup or shut down time") fails to provide a reasonable or workable "range[] or designated condition[] for the selected indicator[]".[62] It suggests the Facility is expected to calculate a distribution of all conditions for some undefined period and then recognize on sight when emissions fall outside the middle 80% of the distribution. It is unclear how this calculation would work, how an employee could make the comparison with the naked eye, or why 80% is the appropriate benchmark. In addition, a process that is or has been degrading over time may produce emissions that appear normal within this definition, even if out of compliance with the applicable limits.

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[57] 326 I.A.C. 2-7-5(3).
[58] Technical Support Document at 8-9.
[59] 40 C.F.R. § 64.3(b).
[60] 40 C.F.R. § 64.3(a).
[61] Draft Permit at ¶ D.1.6.
[62] 40 C.F.R. § 64.3(a).

Third, the monitoring must be conducted by a "trained employee[,]" defined as someone "who has worked at the plant at least (1) month and has been trained in the appearance and characteristics of normal visible emissions for that specific process."[63] One month of employment and unspecified training would not qualify an employee to evaluate emissions to the level needed to assure compliance with specific numeric emission limitations.

Fourth, the Draft Permit does not specify the duration or timing of the observation. A mere glance at a convenient time of day may satisfy the condition but would not yield data "representative of the emissions or parameters being monitored"[64] or allow for evaluation of "continuous" compliance with emission limits.[65]

Because the Visible Emission Notations conditions fall short of state and federal requirements, Commenters recommend that IDEM revise the Draft Permit to include a more reliable, quantitative method for assessing emissions. If the visible emissions monitoring remains in place, Commenters request that IDEM revise the Draft Permit to specify the method for calculating the prevailing conditions distribution, the duration of each observation, and the training that the "trained employee" must undergo.

Comment 4: Permit Conditions Stated Generically or Hypothetically Create Confusion About the Facility's Obligations

A title V permit serves as a communication device, informing the permittee, the public, and regulators of the permittee's obligations under state and federal law. Quotations or references to applicable provisions, without any tailoring or explanation of how they apply to the permittee, are a missed opportunity. At best, this style makes the permit less accessible to the reader. At worst, it obscures the facility's obligations and creates opportunities for noncompliance.

a) <u>The Final Permit Should Exclude References to Irrelevant Requirements and Exceptions to Requirements</u>

The Draft Permit's references to inapplicable requirements and exceptions creates confusion about the Facility's obligations. Irrelevant provisions may impair a Facility's understanding of how to comply with its obligations.

First, Section C includes conditions on open burning, incineration, and asbestos abatement projects. Yet, the Source Summary and Technical Support Document do not reference any burning, incineration, or asbestos abatement activities. IDEM should remove these provisions from the Draft Permit or explain in the record how they may apply.

[63] Draft Permit at ¶ D.1.7(d).
[64] 40 C.F.R. § 64.3(b).
[65] 326 I.A.C. 2-7-5(3).

Second, Section C states that opacity limitations apply "except as provided" in the Indiana Administrative Code, and "unless otherwise stated in this permit[.]"[66] The Draft Permit does not indicate whether IDEM has identified any applicable exceptions or any other permit conditions that may override the opacity limitations stated. IDEM should revise the Permit to remove this ambiguity.

Third, Condition D.1.10 refers to Section B Emergency Provisions, even though the emergency provisions have been removed from Section B in accordance with recent changes to the Indiana Administrative Code. IDEM must revise the Draft Permit to exclude this obsolete reference.

b) The Final Permit Must Clarify Which NESHAP Standards Apply to the Facility's Industrial Boilers

Section E of the Draft Permit incorporates applicable NESHAP requirements only by reference to specific sections of the Code of Federal Regulations, and Attachments A and B include copies of 40 C.F.R. Part 63, Subparts CCC and DDDDD, respectively. This drafting style is difficult to decipher in general, and in the context of the Subpart DDDDD requirements for the Facility's industrial boilers, even a reader who cross-checks all citations would lack the information needed to parse which standards apply.

40 C.F.R. Part 63 Subpart DDDDD establishes a suite of regulatory requirements and instructs owners or operators to adhere to each limit or standard "that applies to your boiler or process heater."[67] Those limits and standards, listed in the Subpart DDDDD Tables, vary based on unit "subcategory" and other features.[68] Subpart DDDDD also sets compliance deadlines that vary based on the unit's history.[69]

The Draft Permit does not provide enough information to determine which standards apply. It incorporates Table 3 of Subpart DDDDD, which establishes Work Practice Standards that vary depending on the boiler's subcategory and whether the unit uses a "continuous oxygen trim system". However, the Draft Permit does not specify whether the Facility has oxygen trim systems. It also provides conflicting information about the boilers' subcategory, describing them as "gas-fired,"[70] but also incorporating 40 C.F.R. 63.7499(q) by reference, which defines the subcategory of "units designed to burn liquid fuel."[71]

Adding to this confusion, Condition E.2.2 incorporates regulations addressing output-based emission standards that seem to be inapplicable. If that is the case, it is unclear what

[66] Draft Permit ¶ C.1.
[67] 40 C.F.R. §§ 63.7500(a)(1) and 63.7500(a)(2).
[68] *See* Tables 1-4 and 11-15 of Subpart DDDDD.
[69] 40 C.F.R. § 63.7495(a)-(h).
[70] Section E.2, Emission Unit Description (a).
[71] *See* Draft Permit ¶ E.2.2(5); 40 C.F.R. 63.7499(q)).

meaning these regulations carry for the Facility. The following list summarizes the points of confusion that Commenters are able to identify:

- 40 CFR §§ 63.7510(b) and 63.7555 (incorporated in Conditions E.2.2(8) and (14)) cross reference Tables 1, 2, and 11-15, which address various emission limits for boilers and process heaters. Commenters understand these tables to be inapplicable because they apply only to new or reconstructed units or to units with a heat input capacity of at least 10 mmbtu/hr.

- 40 CFR § 63.7540(a)(1) (incorporated in Condition E.2.2(12)) cross references Table 4, which Commenters understand as inapplicable because its operating limits apply to those units addressed in Tables 1, 2, or 11-15.

- 40 CFR §§ 63.7505(c) and 63.7530 (incorporated in Conditions E.2.2(7) and (10)) address how to demonstrate initial and ongoing compliance with "applicable emission limits[.]" The relevance of these regulations is unclear, given the ambiguity surrounding which, if any, of Subpart DDDDD's output-based emission limits apply to the Facility.

Finally, the Draft Permit does not clearly indicate the compliance deadline. Condition E.2.2(4) incorporates 40 C.F.R. § 63.7495(b), which applies to existing boilers, but also 40 C.F.R. § 63.7495(h), which applies to existing boilers that switch fuels or undergo a physical change resulting in the applicability of a different subcategory. The Draft Permit does not explain whether such a change has taken place, making it impossible for the Facility, IDEM, or the public to determine the appropriate compliance deadline.

Because of this confusion, Commenters recommend that IDEM revise Section E by describing and tailoring the applicable standards in the body of the permit. At minimum, Commenters request that IDEM clarify the Facility's Subpart DDDDD subcategory; the applicable row of Table 3; the applicable output-based emissions standards (if any); and the deadline for compliance.

Conclusion

The above changes will help to ensure that the final permit communicates clear terms to the Facility and the public, provides for the monitoring needed to support emission limitations, and includes all applicable state and federal requirements.

Thank you for your consideration of these comments. Please do not hesitate to contact us with any questions or if additional information is needed.

Sincerely,

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