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**VIA ELECTRONIC MAIL**

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**Re: Comments on Part 70 Administrative Operating Permit for Central Teaming Company, Inc. – contractor of U.S. Steel Corporation – Gary Works in Lake County Part 70 Administrative Operating Permit Renewal No.: T089-49448-00172**

## I. Introduction

The Environmental Law & Policy Center ("ELPC") along with Conservation Law Center, Just Transition Northwest Indiana, Gary Advocates for Responsible Development, and Abrams Environmental Law Clinic respectfully submit the following comments on the above-referenced Draft Part 70 Operating Permit renewal ("Draft Renewal Permit") issued by the Indiana Department of Environmental Management ("IDEM") for the Central Teaming Company, Inc. facility to continue operation of material handling, screening, and blending operations.

ELPC is the Midwest's leading environmental legal and policy advocacy organization. Its mission is to ensure that all people have healthy clean air to breathe, safe clean water to drink, and can live in communities without toxic threats, especially in the Great Lakes region. As part of this work, ELPC focuses on industrial pollution along the Indiana lakeshore, seeking to make industry comply with the environmental regulations to reduce pollution and improve the landscape where people live, work, and play. We appreciate the opportunity to make these comments.

## II. Comment 1: The Draft Renewal Permit fails to include sufficient monitoring requirements to ensure compliance with PM emissions limits.

The Clean Air Act ("CAA") requires that each Title V permit "shall set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions."[1] As the relevant permitting authority, IDEM has the responsibility "to ensure that the [T]itle v permit 'set[s] forth' monitoring to assure compliance with all applicable requirements."[2] For a limit to be enforceable as a practical matter, a permit must clearly specify how emissions will be measured or determined for purposes of demonstrating

[1] 42 U.S.C. § 7661c(c); see also 40 C.F.R. § 70.6(c)(1).
[2] 42 U.S.C. § 7661c(c).

compliance with the limit.[3] This requires every emission limit to be (a) "accompanied by terms and conditions that require a source to ***effectively constrain*** its operations so as to not exceed the relevant emissions threshold… whether by restricting emissions directly or through restricting specific operating parameters," and (b) supported by monitoring, recordkeeping, and reporting requirements "***sufficient to enable regulators and citizens to determine whether the limit has been exceeded*** and, if so, to take appropriate enforcement action."[4] The draft permit, as written, does not have sufficient monitoring requirements to assure compliance with emissions limits for PM across multiple emissions units.

*A. Section D.1 Emissions Unit: Miscellaneous Material Handling and Material Blending*

This emissions unit contains a material handling operation, petroleum coke handling operation, pile blend handling operation, transfer operation of loading materials, and a material hauling operation.[5] Pursuant to 326 IAC 6.8-1-2(a), particulate matter (PM) emissions from the screeners and conveyors at this emissions unit are limited to 0.03 grain per dry standard cubic foot of exhaust air.[6] The monitoring requirements for this limit simply direct an employee to make "visible emissions notations" of the operations "once per day during normal daylight operations" and note whether those emissions appear to be "normal or abnormal."[7] This vague monitoring framework denoting normal or abnormal emissions is insufficient to assure compliance with the limit of .03 grain per dry standard cubic foot of exhaust air.

First, IDEM has not provided a tangible definition of what "normal" or "abnormal" emissions constitute. The permit defines normal as "those conditions prevailing, or expected to prevail, eighty percent (80%) of the time the process is in operation."[8] Describing "normal" as "prevailing conditions" is simply swapping one vague term for another and provides no clear baseline for the compliant condition the permit term is purportedly relying upon. Second, assuming the trained employees are proficient in distinguishing "normal" from "abnormal," the facility has not provided any reliable calculations that "normal" emissions would indicate a PM concentration below the required limit. The Draft Renewal Permit notes that emissions from material handling and blending are based upon emission factors from AP-42 Ch. 11-19-2.2. [9] This is an insufficient means of compliance. EPA specifically notes that "[u]se of these factors as source-specific permit limits and/or as emission regulation compliance determinations is **NOT** recommended by EPA."[10]

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[3] *See, e.g.*, *In the Matter of Hu Honua Bioenergy Facility, Pepeekeo, HI* (Feb. 7, 2014), https://www.epa.gov/sites/default/files/2015-08/documents/hu_honua_decision2011.pdf ("Hu Honua Order"), at 10.
[4] *In the Matter of Orange Recycling and Ethanol Production Facility, Pencor-Masada Oxynol, LLC*, (Apr. 8, 2002), https://www.epa.gov/sites/default/files/2015-08/documents/masada-2_decision2001.pdf ("Pencor-Masada Order"), at 7 (emphasis added).
[5] Part 70 Operating Permit Renewal No. T089-49448-00172, Central Teaming Company, Inc. – contractor of U.S. Steel Corporation – Gary Works in Lake County, (November 25, 2025) at 31, Sec. D.1 ("Draft Renewal Permit"), available at https://ecm.idem.in.gov/cs/idcplg?IdcService=GET_FILE&dID=83893768&dDocName=83897827&Rendition=web&allowInterrupt=1&noSaveAs=1.
[6] *See Id*. at 31, Sec. D.1.1.
[7] *See Id*. at 32, Sec. D.1.4.
[8] *See Id*.
[9] *See* Draft Renewal Permit, Appendix A: Emissions Calculations TSD at 4.
[10] U.S. Envtl. Prot. Agency, What is An AP-42 Emission Factor? (Sept. 2024), at 2 available at https://www.epa.gov/system/files/documents/2024-01/introduction_2024.pdf (emphasis in original).

The use of these emission factors in this way makes compliance merely an algebraic equation that cannot result in an exceedance.

The monitoring technique, at minimum, must be able to demonstrate to regulators and citizens whether the limit has been exceeded.[11] Here, the monitoring technique is so vague that it does not even provide the underlying methodology for making "visible notations." There is no verifiable way for IDEM or citizens to determine whether "normal" emissions constitute a concentration below the limit, especially where the permit terms fail to quantify or even qualitatively describe in a meaningfully way what "normal" constitutes.

To ensure the monitoring technique is "sufficient to enable regulators and citizens to determine whether the limit has been exceeded,"[12] the source must update its monitoring technique to provide more reliable indicators of compliance. Commentors recommend the source follow EPA guidance for best practices and implement EPA Method 22 to install fenceline PM monitors and gauge actual PM concentrations.[13] This will ensure the source has reliable data to ensure compliance with the 0.03 grain per dry standard cubic foot limit.

### *B. D.2 Emissions Unit Description: Screening and Conveying Operations*

This emissions unit contains one flue dust or sludge screening plant, one flue dust or sludge conveyor stacker, one coke screening plant, one miscellaneous screening portable screener, one miscellaneous portable screening plant, and one backup scale screening plant encompassing two scale screening conveyors and one scale screening stacker conveyor.[14] Pursuant to 326 IAC 6.8-1-2(a), PM emissions from the screeners and conveyors at this emission unit shall not exceed 0.03 grain per dry standard cubic foot of exhaust air.[15] Additionally, PM emissions from the stationary internal combustion engine are subject to the same limit under the same standard.[16] The monitoring requirements for this emissions unit use the same "normal vs. abnormal" approach used for emissions unit D.1.[17] These monitoring requirements are equally deficient for the reasons stated above. Commenters incorporate all arguments set forth in Section I(A) of this comment and apply them to emissions unit D.2 in the same manner.

## III. Comment 2: The Fugitive Dust Plan is Insufficient to Fulfill Compliance Determination Requirements

Sections D.1.3 and D.2.6 lay out the Compliance Determination Requirements for the material handling, blending, screening and conveying operations emissions units. Those provisions state that dust suppression will be "used as control for the fugitive particulate emissions from the

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[11] *See Pencor-Masada Order* at 7.
[12] *Id*.
[13] *See* U.S. Envtl. Prot. Agency, Fugitive Dust Control Measures and Best Practices, (Jan. 2022), at 3, available at https://www.epa.gov/system/files/documents/2022-02/fugitive-dust-control-best-practices.pdf.
[14] *See* Draft Renewal Permit at 33, Sec. D.2.
[15] *See Id*. at 35, Sec. D.2.1(a).
[16] *See Id*. at Sec. D.2.1(b).
[17] *See Id*. at 37, D.2.7(a) (where the monitoring requirement notes that "[v]isible emission notations of the flue dust, coke, miscellaneous, scale, scrap and oversize screens, screeners, stackers and conveyors shall be performed once per day during normal daylight operations. A trained employee shall record whether emissions are normal or abnormal.")

screening, conveying, blending and transferring [units and] shall be applied as necessary to control fugitive dust, ***according to the attached Fugitive Dust Control Plan***."[18]

Section C.5 lays out source wide fugitive particulate matter emissions limits as follows:

> (a) The average instantaneous opacity of fugitive particulate emissions from a paved road shall not exceed ten percent (10%).
>
> (b) The average instantaneous opacity of fugitive particulate emissions from an unpaved road shall not exceed ten percent (10%).
>
> (c) The opacity of fugitive particulate emissions from exposed areas shall not exceed ten percent (10%) on a six (6) minute average.
>
> (d) The opacity of fugitive particulate emissions from continuous transfer of material onto and out of storage piles shall not exceed ten percent (10%) on a three (3) minute average.
>
> (e) The opacity of fugitive particulate emissions from storage piles shall not exceed ten percent (10%) on a six (6) minute average
>
> (f) There shall be a zero (0) percent frequency of visible emission observations of a material during the inplant transportation of material by truck or rail at any time.
>
> (g) The opacity of fugitive particulate emissions from the inplant transportation of material by front end loaders and skip hoists shall not exceed ten percent (10%).
>
> (h) Material processing facilities shall include the following:
>
> (1) There shall be a zero (0) percent frequency of visible emission observations from a building enclosing all or part of the material processing equipment, except from a vent in the building.
>
> (2) The PM10 emissions from building vents shall not exceed twenty-two thousandths (0.022) grains per dry standard cubic foot and ten percent (10%) opacity.
>
> (3) The PM10 stack emissions from a material processing facility shall not exceed twenty-two thousandths (0.022) grains per dry standard cubic foot and ten percent (10%) opacity.
>
> (4) The opacity of fugitive particulate emissions from the material processing facilities, except a crusher at which a capture system is not used, shall not exceed ten percent (10%) opacity.
>
> (5) The opacity of fugitive particulate emissions from a crusher at which a capture system is not used shall not exceed fifteen percent (15%).

[18] *See Id*. at 32, Sec. D.1.3. and 36, Sec. D.2.6. (emphasis added).

(i) The opacity of particulate emissions from dust handling equipment shall not exceed ten percent (10%).

(j) Material transfer limits shall be as follows:

(1) The average instantaneous opacity of fugitive particulate emissions from batch transfer shall not exceed ten percent (10%).

(2) Where adequate wetting of the material for fugitive particulate emissions control is prohibitive to further processing or reuse of the material, the opacity shall not exceed ten percent (10%), three (3) minute average.

(3) Slag and kish handling activities at integrated iron and steel plants shall comply with the following particulate emissions limits:

(A) The opacity of fugitive particulate emissions from transfer from pots and trucks into pits shall not exceed twenty percent (20%) on a six (6) minute average.

(B) The opacity of fugitive particulate emissions from transfer from pits into front end loaders and from transfer from front end loaders into trucks shall comply with the fugitive particulate emission limits in 326 IAC 6.8-10-3(9).

(k) Any facility or operation not specified in 326 IAC 6.8-10-3 shall meet a twenty percent (20%), three (3) minute average opacity standard.[19]

Section C.5 notes that the above limits are to be ***achieved by compliance with the Fugitive Dust Control Plan***.[20] As explained below, the Fugitive Dust Control Plan is deficient in multiple facets and must be amended to ensure compliance with the opacity limits in Section C.5 and the PM emissions limits in Sections D.1 and D.2..

*A. The Fugitive Dust Plan Map is Deficient in Violation of State Regulations*

Pursuant to 326 IAC 6.8-10-4(3)(c), Fugitive Dust Control Plans must contain a map showing the following: "(i) Unpaved roads, (ii) Paved roads, (iii) Parking lots, (iv) Storage piles, (v) Material processing facilities, (vi) ***Dust handling equipment***, (vii) ***Material transfer points***, [and] (viii) Waste disposal and reclamation sites."[21] The Draft Renewal Permit contains a low-fidelity map which does not denote the location of dust handling equipment.[22] The Fugitive Dust Control Plan in a separate section notes that the facility has "(3) scraper-type water wagons" to control dust.[23] Because this is the dust handling equipment used to comply with the Fugitive Dust Control Plan, the equipment must be included in the plan's map as required by IAC 6.8-10-4(3)(c). Similarly, the map contains no depiction of the material transfer points. The plan's map must be updated to include these as well to attain compliance with IAC 6.8-10-4(3)(c).

[19] *Id*. at 21-22, Sec. C.5.
[20] *See Id*. at 22 (emphasis added).
[21] 326 Ind. Admin. Code 6.8-10-4(3)(C) (2024) (emphasis added).
[22] *See* Draft Renewal Permit, Attachment A – Fugitive Dust Control Plan.
[23] *Id*.

Pursuant to 326 IAC 6.8-10-4(3)(D)(ii), the Fugitive Dust Control Plan must provide "[a] description of each storage pile, including the following: (AA) [t]he type of material in the pile, (BB) [i]ts moisture content, (CC) [t]he silt content, (DD) [t]he throughput, [and] (EE) [t]he equipment used to load onto and load out of the storage piles."[24] As written, however, the Fugitive Dust Control Plan, simply denotes the storage piles as "A Blend Pile," "B Blend Pile," and oddly "B Blend Pile" again.[25] This fails to comply with 326 IAC 6.8-10-4(3)(D)(ii) for at least two reasons. First, the plan must be updated to clarify that the third blend pile is in fact a separate blend pile because the map currently depicts two separate blend piles with the same name – "B Blend Pile."[26] Second, the plan must be updated to provide the required information listed in 326 IAC 6.8-10-4(3)(D)(ii) (e.g., material type, moisture content, etc.). The current plan does not describe any of those items.[27] As will be explained below, this information is crucial for the source to determine effectiveness of control measures. The Fugitive Dust Control Plan must be updated to include this information to comply with 326 IAC 6.8-10-4(3)(D)(ii).

*B. The Fugitive Dust Plan Does Not Provide Sufficient Data to Ensure Effectiveness of Control Measures of the Fugitive Dust Control Plan in Violation of State Regulations.*

Pursuant to 326 IAC 6.8-10-4(3)(E), the Fugitive Dust Control Plan must provide a "description of the proposed control measures and practices that the source will employ to achieve compliance with the emission limitations and ***data that prove its effectiveness***."[28] The Fugitive Dust Control Plan, as written, provides a description of the areas watered to control dust; for example, the plan notes that "[t]he fugitive dust in the #3 Sinter Plant blending area is controlled by spraying the unpaved areas with water and by reducing the fall distance of material transfer during screening and loading operations."[29] While the Fugitive Dust Control Plan provides these types of brief descriptions, the plan does not include any data or analyses to ensure these measures are effective.

To ensure effectiveness, these methods must allow the emissions units in Sections D.1 and D.2 of the Draft Renewal Permit to achieve the PM emissions limit of 0.03 grain per dry standard cubic foot of exhaust air because these emissions units are relying on the Fugitive Dust Plan as the means to ensure compliance.[30] Similarly, to ensure effectiveness, the Fugitive Dust Plan must provide sufficient measures to achieve the various opacity requirements in the source-wide Fugitive Particulate Matter Emissions limits in Section C.5 because the mechanism for compliance there is again the Fugitive Dust Control Plan.[31] The facility must conduct analyses to gather data and adequately show that the Fugitive Dust Control Plan is effective.

326 IAC 6.8-10-4(5) directs the source to "consult… Control of Open Sources of Fugitive Dust, U.S. EPA, September 1988" to determine whether the control measures in place are

[24] 326 Ind. Admin. Code 6.8-10-4(3)(D)(ii).
[25] Draft Renewal Permit, Attachment A – Fugitive Dust Control Plan.
[26] *Id*.
[27] *See Id*.
[28] *Id* at 6.8-10-4(3)(E) (emphasis added).
[29] Draft Renewal Permit, Attachment A – Fugitive Dust Control Plan.
[30] *See Id*. at 32, Sec. D.1.3 and 36, Sec. D.2.6 (where the Draft Renewal Permit lists the Fugitive Dust Control Plan as the Compliance Determination Requirement.)
[31] *Id*. at 22, Sec. C.5 (where the Draft Renewal Permit notes that "[t]he Permitee shall achieve these limits by controlling fugitive particulate matter emissions according to the attached Fugitive Dust Control Plan.")

effective.[32] The source must use this EPA guide to provide real data to ensure effectiveness of the control measures. For example, this EPA guide provides equations to estimate emissions from the operations covered by the Fugitive Dust Plan.[33] These equations have tangible inputs including: "E = emission factor, k = particle size multiplier (dimensionless), U = mean wind speed, m/s (mph), [and] M = material moisture content, percent" that allow for a meaningful estimate of the true PM fugitive emissions.[34] As mentioned above, these factors, including "material moisture content," are crucial in calculating estimated emissions; therefore, it is necessary (pursuant to 326 IAC 6.8-10-4(3)(D)(ii)) for such factors to be listed in the Fugitive Dust Control Plan as a precursor to conduct the data analysis in the EPA guide.

To ensure effectiveness of the Fugitive Dust Plan and to comply with 326 IAC 6.8-10-4(5), the source must conduct these analyses in the EPA guide to provide data for the underlying control measures and update the Fugitive Dust Control Plan accordingly.

## IV. Commentors' Requests

In summary, commentors request the following:

- The source must update its monitoring technique to ensure it is sufficient to enable regulators and citizens to determine whether PM limits have been exceeded.
    - Commentors recommend the source follow EPA guidance for best practices and implement EPA Method 22 to install fenceline PM monitors and gauge actual PM concentrations.
- The source must update its Fugitive Dust Control Plan map to include Dust handling equipment and material transfer points to comply with IAC 6.8-10-4(3)(c).
- The source must update its Fugitive Dust Control Plan map to clarify naming of the blend piles.
- The source must update its Fugitive Dust Control Plan map to provide the required information listed in 326 IAC 6.8-10-4(3)(D)(ii) (e.g., material type, moisture content, etc.).
- The source must conduct EPA approved analyses to generate data to prove the effectiveness of the underlying fugitive dust control measures and update the Fugitive Dust Control Plan accordingly to comply with 326 IAC 6.8-10-4(5).

Respectfully Submitted,

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[32] *See* 326 Ind. Admin. Code 6.8-10-4(5)(ii).
[33] U.S. Envtl. Prot. Agency, EPA/450-388-308., Control of Open Fugitive Dust Sources: Final Report (1988), at 4-1 available at https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=91010T54.TXT.
[34] *See Id*. at 4-3, Sec. 4.1.1.

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