



February 11, 2026

VIA ELECTRONIC MAIL

Aasim Noveer
IDEM Office of Air Quality
100 North Senate Avenue, Room 13W
Indianapolis, IN 46204-2251
ANoveer@idem.IN.gov

RE: Public Comments on the Renewal of Part 70 Operating Permit No. 089-49296-00239.

Dear Mr. Noveer,

The Environmental Law & Policy, Hoosier Environmental Council, Abrams Environmental Law Clinic, Conservation Law Center, Gary Advocates for Responsible Development, Just Transition Northwest Indiana, Faith in Place, Indiana Conservation Votes, and Northern Lake County Environmental Partnership (collectively, “Commenters”) respectfully submit the following comments on the Draft Title V Part 70 Operating Permit renewal No. 089-49296-00239 (“Draft Permit”) issued by the Indiana Department of Environmental Management (“IDEM”) to Buckeye Terminals, LLC (“Permittee”) for its petroleum bulk terminal, known as the Hammond Terminal, located at 2400 Michigan Street, Hammond, IN 46320 (“Facility”).

Commenters are non-profit organizations that work to promote a healthier environment for all. Commenters advocate for vigorous enforcement of federal and state environmental laws to protect public health and ensure that businesses do not receive a competitive advantage by polluting the environment. We appreciate the opportunity to submit these comments. Please let us know if you have any questions or if you would like to meet to discuss any of the issues raised.

Buckeye Terminals, LLC operates multiple plants throughout northwest Indiana. The Hammond Terminal consists of one tank truck loading facility, one railcar loading facility, fourteen petroleum liquid storage tanks, and nine distillate storage tanks.¹ The Facility is located in Lake County, Indiana which is in non-attainment for the 8-hour ozone standard. The Facility has the uncontrolled potential to emit over 7,700 tons per year of VOC, a precursor to ozone, and the potential to emit 320 tons per year of Hazardous Air Pollutants (“HAPs”). It is essential that the permit contains proper emissions limits and adequately assures compliance with those limits.

¹ Two of the liquid petroleum storage tanks, D-91 and D-92, are reported to be “permanently out of service,” but continue to be permitted by IDEM. *See* IDEM OAQ Inspection Report, Oct. 10, 2024, at 5 (VFC #83713333).

I. The Draft Permit Fails to Assure Compliance with and Include Proper Monitoring, Recordkeeping, and Reporting Requirements for Multiple Emissions Limits.

Title V permits must assure compliance with all federally enforceable requirements that apply to each major source of air pollution and thus are the primary method for enforcing and assuring compliance with the pollution control requirements of the Clean Air Act.² One primary purpose of Title V is to “enable the source, States, EPA, and the public to understand better the requirements to which the source is subject, and whether the source is meeting those requirements,” thereby increasing source accountability and improving enforcement of Clean Air Act requirements.³ When issuing a Permit, IDEM must ensure that the permit has sufficient monitoring, record keeping, and reporting requirements to “assure compliance with the permit terms and conditions.”⁴ The Draft Permit fails to do this because the compliance determination, monitoring, recordkeeping, and reporting requirements for multiple emissions limits are deficient and fail to adequately assure compliance with the emissions limits.

A. VOC Emissions Limits in Condition D.1.2

The Draft Permit fails to contain recordkeeping and reporting requirements for Conditions D.1.2(a) and (c)’s numeric emissions limits for VOC for crude oil and gasoline and distillate.⁵ Condition D.1.11 only requires the Permittee to maintain monthly throughput records of crude oil, gasoline, and distillate to document compliance with the throughput limits set in Conditions D.1.2(b) and D.1.2(d).⁶ The Draft Permit fails to demonstrate how compliance with the throughput limits in Conditions D.1.2(b) and D.1.2(d) would assure compliance with the numeric emissions limits in D.1.2(a) and D.1.2(c). So, only having compliance assurance for the throughput limits is insufficient. Similarly, Condition D.1.12 only requires the Permittee to report those throughput records quarterly to document compliance with Conditions D.1.2(b) and D.1.2(d).⁷ Conditions D.1.11 and D.1.12 fail to contain any recordkeeping or reporting requirement to document compliance with the numeric emissions limits set in Conditions D.1.2(a) and D.1.2(c). IDEM must revise the Draft Permit to include these requirements.

B. HAP Emissions Limits in Condition D.1.4

The Draft Permit fails to contain adequate compliance determination requirements to determine whether the Facility is complying with the HAP emissions limits set in Condition D.1.4. Condition D.1.4 establishes the following numeric emissions limits for two vapor combustion units (“VCUs”), VCU2 and/or VCU3, controlling crude oil and gasoline loading at Railcar Loading

² 57 Fed. Reg. 32250, 32258 (July 21, 1992).

³ *Id.* at 32251.

⁴ 42 U.S.C. § 7661c(c).

⁵ Draft Permit at 34 (pdf pg. 36).

⁶ Draft Permit at 38-39 (pdf pg. 40-41).

⁷ Draft Permit at 39 (pdf pg. 41).

Rack (LR2) for six specific HAPs and Total HAPs in order to render the source an area source of HAP emissions under Section 112 of the Clean Air Act.⁸

HAP(i)	Emissions Limit (tons per 12 consecutive month period)
Total HAPs	3.76
2,2,4-TMP	0.64
Benzene	0.37
Ethylbenzene	0.09
Hexane	1.28
Toluene	1.01
Xylenes	1.01

First, the Draft Permit fails to establish adequate testing requirements to assure compliance with the emissions limits in Condition D.1.4. Condition D.1.8 only requires that the Permittee “perform VOC and Benzene testing of the VCU2 and VCU3 at least once every five (5) years . . . utilizing methods as approved by the Commissioner.”⁹ Condition D.1.4 sets numeric emissions limits for six HAPs and Total HAPs and requires the Vapor Combustion Units VCU2 and VCU3 to have a HAP control efficiency greater or equal to 97% when loading crude oil or gasoline. The current testing requirements do not assure compliance with these limits. The Draft Permit fails to explain how testing for Benzene every five years will determine whether the HAP control efficiency for VCU2 and VCU3 is greater or equal to 97.0% or whether the numeric emissions limits for the other five HAPs are being met.

Second, Condition D.1.9 contains two methods to determine “[c]ompliance with the monthly HAP emissions limitations in Condition D.1.4.”¹⁰ But Condition D.1.4 sets emissions limits only for the LR2 loading crude oil and gasoline. As explained below, both methods described in D.1.9 calculate the total HAPs emitted by the LR2 for both crude oil and gasoline *and* distillate loading, and Condition D.1.9(b) includes HAP emissions from the Truck Loading Rack (041) as well. Condition D.1.9 therefore fails to require the Permittee to calculate, record, or report whether the emissions limit set in Condition D.1.4 – emissions from crude oil and gasoline at LR2 – is being met.

Under the method in D.1.9(a), the Permittee should calculate the monthly HAP emissions using a compliance determination equation that uses the total crude oil, gasoline, and distillate loaded, which it says shall be used to determine compliance with the monthly HAP emissions limitations in Condition D.1.4.¹¹ But, Condition D.1.4 only sets HAP limits for “Crude Oil and

⁸ Draft Permit at 35-36 (pdf pg. 37-38).

⁹ Draft Permit at 36 (pdf pg. 38).

¹⁰ Draft Permit at 36 (pdf pg. 38).

¹¹ Draft Permit at 35-36 (pdf pg. 37-38).

Gasoline loaded at the Railcar Loading Facility (LR2);” HAPs emissions from distillate loading is not included in the limit. Since Condition D.1.9(a) calculates HAP emissions associated with crude oil, gasoline, *and* distillate, it would not actually show compliance with Condition D.1.4. IDEM should revise the compliance determination equation in Condition D.1.9(a) to require the Permittee to separately record the HAPs emissions associated with just crude oil and gasoline at LR2 to actually determine whether the Permittee is complying with Condition D.1.4.

The compliance determination method in D.1.9(b) similarly fails to actually determine compliance with Condition D.1.4. Under this method, if three conditions are met, then the calculated HAP values shall be as follows:

HAP(i)	Calculated HAP(i)
Total HAPs	5.89
2,2,4-TMP	0.70
Benzene	0.73
Ethylbenzene	0.24
Hexane	1.30
Toluene	2.02
Xylenes	0.86

The first issue with this condition is that the table provided in the Draft Permit fails to provide units. Based on the quarterly reporting sheet provided later in the Draft Permit,¹² it appears that the units should be tons per twelve-month period. IDEM must revise the Draft Permit to include the units, especially given that Condition D.1.9(a) defines the same variable of HAP(i) in units of tons per month but Condition D.1.9(b) likely defines it in units of tons per twelve-month period.

The second issue is that these calculated HAP values are higher than the emissions limits set in Condition D.1.4 and Condition D.1.9(b) fails to explain how these values were calculated. By reviewing the TSD to the Draft Permit, it appears that these values are the limited and controlled HAP emissions associated with crude oil, gasoline, and distillate emissions associated with LR2 and the HAP emissions from distillate emissions from the truck loading rack (041).¹³ So, Condition D.1.9(b) also fails to determine whether the HAP emissions limits set in Condition D.1.4, which include only HAP emissions from crude oil and gasoline loading at LR2 are being met.

The Draft Permit also fails to include proper recordkeeping and reporting requirements for the emissions limits in Condition D.1.4. The Permittee must record and report the emissions value calculated in Condition D.1.9 to show compliance with Condition D.1.4.¹⁴ Since the value calculated in Condition D.1.9 does not actually correspond to the emission limit set by Condition

¹² Draft Permit at 65 (pdf pg. 67).

¹³ App. A. to TSD at 6 (pdf pg. 178). The tank truck loading terminal is reported to have not been used since approximately 2016 but is maintained for future use. *See* IDEM OAQ Inspection Report, June 14, 2018, at 3 (VFC # 82584917); IDEM OAQ Inspection Report, Oct. 10, 2024, at 3 (VFC #83713333).

¹⁴ Condition D.1.11, D.1.12, Draft Permit at 38-39 (pdf pg. 40-41).

D.1.4, the Draft Permit fails to contain adequate recordkeeping and reporting requirements for Condition D.1.4. IDEM must revise the Draft Permit so that the compliance determination methods used in Condition D.1.9 actually determine compliance with Condition D.1.4 and revise the recordkeeping and reporting requirements in Condition D.1.11 and D.1.12 to require the Permittee to record and report the proper HAP emissions estimates.

Finally, the lack of proper testing requirements also directly relates to the Draft Permit's failure to have proper recordkeeping and reporting requirements. As explained above, the Permittee can assume the HAP emissions are those set forth in Condition D.1.9(b) if three conditions are met. One of these conditions is that VCU2 and VCU3 have a HAP control efficiency greater or equal to 97.0%. The quarterly reports contained in the Draft Permit call for the Permittee to record VCU2 and VCU3's control efficiency "This Month,"¹⁵ but since the Draft Permit only requires testing of the VCUs' performance every five years, there is no way for the Permittee to have an accurate calculation for the VCUs' monthly control efficiency. IDEM should revise the Draft Permit to include adequate recordkeeping and reporting requirements.

C. VOC Emissions Limits in Condition D.2.1

The Draft Permit fails to contain an adequate compliance determination requirement to determine whether the Facility is complying with the VOC limit set in Condition D.2.1. Condition D.2.1 establishes a VOC emissions limit of 25.50 tons per twelve months for tanks D-1, D-8F, D-50, and D-55 to render the Emissions Offset requirement of 326 IAC 2-3 not applicable.¹⁶ The compliance determination requirement contained in Condition D.2.5 states only that "[i]n order to determine compliance with the VOC emissions limits in Condition D.2.1, the VOC emissions from tanks D-1, D-8F, D-50, and D-55 shall be calculated using AP-42 or equivalent."¹⁷ AP-42 contains multiple different emission factors; simply stating that emissions should be calculated "using AP-42" without providing the actual compliance determination equation or emission factors from AP-42 that should be used is not sufficient. As written, the Draft Permit fails to instruct the Permittee on how it should calculate emissions from these tanks and therefore fails to allow the source, State, EPA, or public to know whether the emissions limit is being met. Condition D.2.1 establishes a synthetic minor limit to avoid the Emissions Offset requirements of 326 IAC 2-3,¹⁸ so it is crucial that the permit "assures reasonable compliance" with that limit. IDEM must revise the Draft Permit to include an actual compliance determination calculation that clearly identifies what emissions factors from AP-42 should be used to calculate the VOC emissions and the calculations the Permittee must perform to estimate emissions.

¹⁵ Draft Permit at 66 (pdf pg. 68).

¹⁶ Draft Permit at 41 (pdf pg. 43).

¹⁷ Draft Permit at 43 (pdf. pg. 45).

¹⁸ Draft Permit at 41 (pdf pg. 43).

D. Particulate Matter Limitations for Lake County in Condition D.4.1

Condition D.4.1 states that “[p]ursuant to 326 IAC 6.8-1-2(a), particulate emissions from the natural gas-fired combustion units, the cutting or the welding operation shall not exceed 0.03 gr/dscf, each.”¹⁹ But the Draft Permit fails to include any monitoring, recordkeeping, or reporting requirements that would assure the Permittee’s compliance with this emissions limit. The only recordkeeping and reporting requirement contained in Section D.4 is for the cold cleaner degreaser solvent,²⁰ which is irrelevant to the natural gas-fired combustion units and their particulate matter emissions. IDEM must revise the Draft Permit to include monitoring, recordkeeping, and reporting requirements for Condition D.4.1.

II. IDEM Must Require the Permittee to Include a Revised Fugitive Dust Plan that Complies with the Requirements of 326 IAC 6.8-10-4.

The Facility is subject to the Fugitive Particulate Matter emissions limits set forth in 326 IAC 6.8-10-3.²¹ The Permittee intends to “achieve these limits by controlling fugitive particulate matter emissions limits according to the attached Fugitive Dust Control Plan.”²² 326 IAC 6.8-10-4 sets forth required elements for a Control Plan. The Permittee’s one-page Fugitive Dust Control Plan, included as attachment A of the Draft Permit, fails to contain most of these required elements and is therefore deficient.²³

A Fugitive Dust Control Plan must contain a map showing the location of unpaved roads, paved roads, parking lots, and other sources of fugitive dust.²⁴ The Permittee’s Plan does not contain any map of the facility. Because the Permittee’s Plan failed to contain a map, it similarly fails to fulfill the requirement to provide a “full description of the facilities on the map” including information about road lengths and widths, average daily traffic, and other data necessary to estimate PM emissions.²⁵ It only describes the Facility in broad terms, stating “[t]he facility is largely capped with asphalt or with secondary containment minimizing sources of fugitive dust. Fugitive dust sources consist mainly of paved and unpaved roadways.”²⁶ This is insufficient and fails to provide the detail required by 326 IAC 6.8-10-4(3)(D).

A Fugitive Dust Control Plan must also contain 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*.”²⁷ The Permittee’s Plan contains five methods of

¹⁹ Draft Permit at 49 (pdf pg. 51).

²⁰ Condition D.4.5, D.4.6, Draft Permit at 50-51 (pdf pg. 52-53).

²¹ 326 IAC 6.8-10-1(2)(E) (specifically naming Buckeye Terminals, LLC as being subject to the rule); *see also* Draft Permit at 20-22 (pdf pg. 22-24).

²² Draft Permit at 22 (pdf pg. 24).

²³ Fugitive Dust Control Plan, Attachment A to Draft Permit (pdf pg. 71).

²⁴ 326 IAC 6.8-10-4(3)(C).

²⁵ 326 IAC 6.8-10-4(3)(D).

²⁶ Fugitive Dust Control Plan, Attachment A to Draft Permit (pdf pg. 71).

²⁷ 326 IAC 6.8-10-4(3)(E) (emphasis added).

dust control that it says “will be performed as needed” which means “the frequency or quantity of application necessary to minimize visible particulate matter emissions.”²⁸ The Permittee is required to ensure that the instantaneous opacity of fugitive particulate emissions from paved and unpaved roads does not exceed 10%.²⁹ The Plan fails to include any data or analyses to ensure that these measures are effective. Appendix A to the Technical Support Document (“TSD”) contains an estimate of the uncontrolled and controlled fugitive dust emissions from paved and unpaved roads, but the controlled emissions estimate is based solely on an unsupported assumption that the control measures outlined in the Fugitive Dust Control Plan will achieve 50% dust control efficiency.³⁰ The Draft Permit does not support its 50% control efficiency assumption or even assert that a 50% control efficiency would meet the requirement to keep the opacity below 10% as required by the Condition C.5. Therefore, the Permittee’s Plan fails to provide data that proves the effectiveness of the proposed control measures as required by 326 IAC 6.8-10-4(3)(E).

Finally, 326 IAC 6.8-10-4(4) requires a source to keep documentation to show compliance with its control measures and practices such as a map showing the location of all emissions sources controlled, records of each application of water or chemical solution to roadways, and a log recording incidents when control measures were not used and a statement of explanation.³¹ Neither the Permittee’s Plan nor the Draft Permit contain this requirement. IDEM must revise the Draft Permit and require the Permittee to submit a revised Fugitive Dust Control Plan that meets the requirements of 326 IAC 6.8-10-4 to assure compliance with the fugitive dust emissions limits set forth in Condition C.5.³²

III. IDEM Must Include Required Plans in the Permit.

The Draft Permit includes several plans that the Facility is required to implement or comply with by the terms of the Permit, but aside from the Fugitive Dust Control Plan contained in Attachment A,³³ the plans themselves are not contained in the Permit. As EPA has explained, when “compliance with the approved [plan] is required” by the specific terms of a permit, the content of the plan is information necessary to impose an applicable requirement and “the plan must be included in the permit” under 40 C.F.R. § 70.6(a)(1).³⁴ In addition, to the extent the plans are required under the Indiana SIP, they are also applicable requirements that must be included in the

²⁸ Fugitive Dust Control Plan, Attachment A to Draft Permit (pdf pg. 71).

²⁹ Condition C.5(a), (b), Draft Permit at 20 (pdf pg. 22).

³⁰ Appendix A to the Technical Support Document (“TSD”) at 14-15 (pdf pg. 186-87).

³¹ 326 IAC 6.8-10-4(4).

³² Draft Permit at 20 (pdf pg. 22).

³³ Fugitive Dust Control Plan, Attachment A to Draft Permit (pdf pg. 71).

³⁴ In the Matter of WE Energies Oak Creek Power Plant, Permit No. 241007690-P-10 (June 12, 2009), https://www.epa.gov/sites/default/files/2015-08/documents/oak_creek_decision2007.pdf, at 26. *See also* In the Matter of Columbia University, Pet. NO. II-2000-08 (Dec. 16, 2002), https://www.epa.gov/sites/default/files/2015-08/documents/columbia_university_decision2000.pdf, at 27 (noting where a facility is subject to a plan, the permit must “properly incorporate that plan”).

Permit.³⁵ Accordingly, IDEM must revise the Draft Permit to include the following plans either as text in the Permit or attachments to it:

A. Preventive Maintenance Plans

The Draft Permit requires the Permittee to prepare and implement multiple preventive maintenance plans (“PMPs”) but fails to include any of the PMPs as attachments. These PMPs contain applicable requirements and therefore must be included. Condition B.10 of the Draft Permit establishes a general requirement that “[t]he Permittee shall implement the PMPs” that are required by multiple additional conditions throughout the permit and requires implementation of the PMPs within 90 days of the permit issuance or initial start-up.³⁶ The Facility has been operating for more than 90 days, so the PMPs should be in place. The Permittee is also required to have a PMP under the Indiana SIP.³⁷ Finally, the Draft Permit states that these PMPs can be used to satisfy the federal applicable requirements of 40 C.F.R. Part 60/63 for an Operation, Maintenance, and Monitoring plan.³⁸ Accordingly, the PMPs required by the Draft Permit are applicable requirements that must be included in the Permit.

The following conditions in the Draft Permit require the Permittee to have PMPs, therefore all of these PMPs must be included in the Permit:

- Condition D.1.6 requires a PMP for the Railcar Loading Facility, LR2, and two vapor combustion units, VCU2 and VCU3.³⁹
- Condition D.2.4 requires a PMP for the petroleum liquid storage tanks, identified as tank Nos.: D-1, D-2, D-3, D-08F, D-12S, D-50, D55, D-72, D-73, D-80, D-83, D-85, D-91, and D-92 and their control devices.⁴⁰
- Condition D.4.4 requires a PMP for the Natural gas-fired combustion sources with heat input equal to or less than ten million BTU per hour and the degreasing operations that do not exceed 145 gallons per 12 months and any control devices.⁴¹

IDEM must revise the permit to include these PMPs.

B. Compliance Assurance Monitoring Plan

The Draft Permit fails to include and assure compliance with all applicable requirements because it fails to include the Compliance Assurance Monitoring (“CAM”) plan, which is required under the Draft Permit. CAM requirements apply to any emissions unit (1) subject to an emissions

³⁵ 40 C.F.R. §§ 70.2 (definition of applicable requirement at (1)) and 70.6(a)(1) (permits must include terms to comply with applicable requirements).

³⁶ Draft Permit at 13 (pdf pg. 15).

³⁷ 55 Fed. Reg. 18604 (May 3, 1990) (SIP approval).

³⁸ Draft Permit at 14 (pdf pg. 16).

³⁹ Draft Permit at 36 (pdf pg. 38).

⁴⁰ Draft Permit at 43 (pdf pg. 45).

⁴¹ Draft Permit at 50 (pdf pg. 52).

limitation or standard for the pollutant; (2) that uses a control device to comply with that emissions limitation or standard; and (3) has “potential pre-control device emissions” equal to or greater than the major source threshold for the regulated pollutant.⁴²

The TSD identifies the Railcar Loading Rack (LR2) as subject to CAM for seven different pollutants, VOC and six HAPs.⁴³ The Draft Permit states that a “CAM plan was submitted as part of a previous permit application and the Compliance Determination and Monitoring Requirements section includes a detailed description of CAM requirements.”⁴⁴ This is insufficient; a document in an unknown previous application is not properly within the permit record. IDEM should revise the Draft Permit to include the CAM plan as an applicable requirement.

IV. IDEM Must Revise the Permit to Include Specific NSPS and NESHAP Requirements Rather than Only Citing the Applicable Regulations.

Title V permits should “enable the source, States, EPA, and the public to understand better the requirements to which the source is subject, and whether the source is meeting those requirements.”⁴⁵ Further, the permit must “specify and reference the origin and authority for each term and condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.”⁴⁶

Section E of the Draft Permit, which contains the applicable New Source Performance Standards (“NSPS”) and National Emission Standards for Hazardous Air Pollutants (“NESHAP”) requirements, fails to meet these requirements. The Draft Permit states only that the Permittee “shall comply with the following provisions” of 40 C.F.R. Part 60, Subpart Kb,⁴⁷ and 40 C.F.R. Part 63, Subpart BBBBBB,⁴⁸ and 40 C.F.R. Part 60, Subpart XX⁴⁹ and then lists numerous sections from the Code of Federal Regulations (C.F.R.) and the regulation’s title in tables. These citations alone are insufficient to enable the public to understand applicable requirements and do not identify the “origin and authority” for any of the terms and conditions contained in Section E.

This method of incorporating NSPS and NESHAP requirements makes it difficult to determine whether the Draft Permit contains the proper requirements. For example, Condition E.2.2 states that the Facility is subject to 40 C.F.R. § 63.11087 and § 63.11087(c) says that a facility “must comply with the applicable testing and monitoring requirements in 40 C.F.R. § 63.11092(f).” But, Condition E.2.2 states that the Facility is subject to only 40 C.F.R. § 63.11092(e), not (f). Condition 40 C.F.R. § 63.11092(e) states that it is applicable to “each owner or operator of a bulk gasoline terminal subject to emissions standards in item 1(c) of Table 2.” But,

⁴² 40 C.F.R. § 64.2(a).

⁴³ TSD at 16 (pdf pg. 151).

⁴⁴ TSD at 17 (pdf pg. 152).

⁴⁵ 57 Fed. Reg. 32251 (July 21, 1992).

⁴⁶ 40 C.F.R. § 70.6(a)(1)(i).

⁴⁷ Condition E.1.2, Draft Permit at 53 (pdf pg. 55).

⁴⁸ Condition E.2.2, Draft Permit at 56 (pdf pg. 58).

⁴⁹ Condition E.3.2, Draft Permit at 58 (pdf pg. 60).

Table 2 is not listed as an applicable requirement, meaning it is possible that the Draft Permit has incorrectly stated that 40 C.F.R. § 63.11092(e) applies. 40 C.F.R. § 63.11092(f) applies to terminals subject to emissions standards in Table 1 and Condition E.2.2 lists Table 1 as an applicable requirement, so it is possible that Condition E.2.2 incorrectly omitted 40 C.F.R. § 63.11092(f) as an applicable requirement. This confusion and potential mistake would have been avoided if IDEM actually listed the relevant regulatory requirement in the body of the permit, rather than just including the citation. IDEM must revise the permit to include the actual NSPS and NESHAP requirements which would enable the public to understand the applicable requirements and adequately identify the “origin and authority” for the terms and conditions contained in Section E.

Conclusion

We urge IDEM to revise the permit as outlined in the above sections and produce a final permit consistent with Indiana regulations and the requirements of the Title V permit program.

/s/ Elise Zaniker

Elise Zaniker
Associate Attorney
Environmental Law & Policy Center
35 E Wacker Drive, Suite 1600
Chicago, IL 60601
ezaniker@elpc.org

Brian Sauder, Rev.
President and CEO
Faith in Place

Megan Robertson
Executive Director
Indiana Conservation Voters

David Van Gilder
Senior Policy and Legal Director
Hoosier Environmental Council

Julie Peller, PhD
Professor of Chemistry
Northern Lake County Environmental
Partnership

Mark N. Templeton
Director
Abrams Environmental Law Clinic

Michael J. Zoeller
Senior Attorney
Conservation Law Center

Dorreen Carey
President
Gary Advocates for Responsible
Development (GARD)

Ashley Williams
Executive Director
Just Transition Northwest Indiana