



116 South Indiana, Bloomington, Indiana 47408

phone: 812-856-0229 | fax: 812.855.1828

admin@conservationlawcenter.org | conservationlawcenter.org

May 8, 2026

Julie Kendall
W. R. Grace & Co. – Conn.
5215 Kennedy Avenue
East Chicago, IN 46312
Julie.Kendall@grace.com

Re: Draft Pollutant Minimization Program Plan

Dear Ms. Kendall,

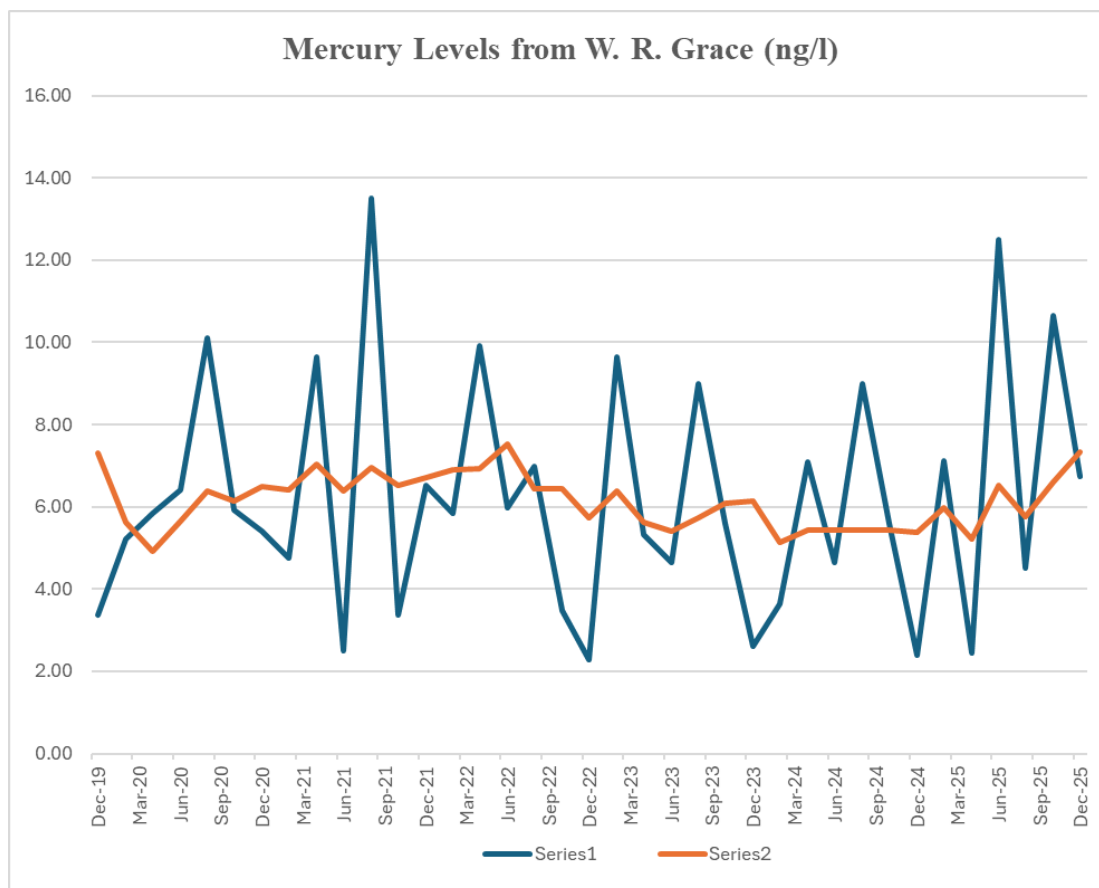
This letter provides comments from the Conservation Law Center, the Environmental Law & Policy Center, Green EC, Gary Advocates for Responsible Development, the University of Chicago Abrams Environmental Law Clinic, Environmental Advocacy Center at Northwestern Pritzker School of Law, Lori Locklear, and Akeeshea Daniels (collectively, “Commenters”) on W. R. Grace’s draft Pollutant Minimization Program Plan (“PMPPs”) noticed in the Northwest Indiana Times on April 8, 2026.

Collectively, the commenters are local residents and non-profit organizations that work to promote a healthier environment for all. We believe that federal and state regulations exist to ensure that businesses operate in a manner that does little harm to human health and the environment. And that equitable enforcement of those regulations ensures that businesses stand on equal footing and do not receive a competitive advantage by polluting the environment.

W. R. Grace discharges its wastewater into the Grand Calumet River, a recovering waterway that was once identified as one of the most polluted rivers in the world. The Grand Calumet River flows west through Gary and East Chicago where it turns north through the Indiana Harbor Ship Canal to Lake Michigan. Lake Michigan is an essential and irreplaceable natural resource for the entire region. It is the source of drinking water and recreation for millions of people. Residents who fish in Lake Michigan for recreation and food are advised to limit their consumption of fish due in part to the bioaccumulation of mercury in fish tissue.

W. R. Grace has never met the 1.3 ng/L Water Quality-Based Effluent Limitation for mercury. Now, W. R. Grace is requesting not only to renew its Streamlined Mercury Variance for the third time, but to increase its interim discharge limit for mercury from 7.8 ng/L to 12.5 ng/L. Indiana’s Streamlined Mercury Variance (“SMV”) was meant to be a temporary reprieve from water quality-based effluent limits while reduction measures were implemented – through a Pollutant Minimization Program – to lower mercury in the facility’s effluent. W. R. Grace’s draft PMPP elevates form over substance and appears to have done little to actually reduce the amount of mercury in its discharge. The Commenters take issue with two statements in the draft PMPP.

First, the PMPP states that “W. R. Grace has substantially reduced the mercury levels in the effluent of the East Chicago, Indiana facility.” *See* Draft PMPP at unnumbered page 9. This is important because “[a] PMPP must be revised if implementation of the original PMPP does not lead to demonstrable progress in minimizing the discharge of mercury[.]” 327 IAC 5-3.5-7. However, if this statement were true, W. R. Grace would not need to request an increase to its limit. Furthermore, the application materials fail to mention that W. R. Grace was in violation of its SMV mercury limit on an annualized basis between December 2016 and October 2019, skewing the trendline. IDEM issued multiple notices of violation and ultimately entered an Agreed Order in January 2020 requiring W. R. Grace to prepare and implement an approved Compliance Plan for achieving compliance with its mercury limit. A more accurate depiction of W. R. Grace’s mercury effluent measurements is shown below, and it identifies no significant continuous reduction. Recent discharges have consistently exceeded measured mercury in effluent from 2011-12 and 2014-15. More importantly, none of W. R. Grace’s bi-monthly measurements is below the Great Lakes Water Quality Guidance criterion of 1.3 ng/l.



Series 1 is recorded bi-monthly Hg measurements

Series 2 is 12-month rolling average

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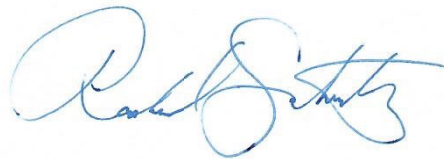
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Second, SMVs should be reserved for circumstances in which “the permittee demonstrates to the State that attaining the WQS is not feasible[.]” 40 C.F.R. Part 132, Appendix F, Procedure 2. The draft PMPP states that W. R. Grace “has not identified any economically feasible technology that could remove mercury to the PPT level at a daily average flow of 500,000 gallons.” However, this statement is unsupported and inconsistent with W. R. Grace’s Quarterly Compliance Plan Update, dated July 8, 2022, in which it described bench top testing of a membrane pilot unit filtration system to remove TSS and mercury from the acid used in the final pH adjustment in the wastewater treatment process. *See* IDEM VFC Doc #83342354. W. R. Grace reported the cost estimate for this treatment technology as between \$328,000 to \$970,000 depending on the rate of treatment required. *Id.* The commenters recommend that W.R. Grace install a membrane pilot unit filtration system or revise its draft PMPP to explain why neither this treatment technology nor the others W. R. Grace analyzed are feasible to reduce mercury in the effluent.

We ask that W. R. Grace redouble its efforts to eliminate mercury in its discharge. Eliminating the use of mercury-containing batteries, bulbs, and other materials is worthwhile, but cannot reasonably be expected to reduce mercury in the discharge from Outfall 003. The facility has operated under streamlined mercury variances for far too long already. W. R. Grace states that it knows the primary source of mercury in its waste stream. It should set forth a plan to achieve the established water quality limit for the Great Lakes rather than requesting a higher SMV limit.

Thank you for considering our comments.

Very truly yours,



Rachel Schwartz
Conservation Law Center

cc: Jerry Dittmer, Permits Branch Chief, OWQ IDEM