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BY EMAIL ONLY

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IDEM, Office of Air Quality
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100 North Senate Avenue, Room 13W
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Re: Silgan Containers Part 70 Operating Permit Renewal, No. T089-49667-00202

Dear Ms. Neuzerling:

The Conservation Law Center, Just Transition Northwest Indiana, Gary Advocates for Responsible Development, the Northern Lake County Environmental Partnership, Green EC, and the Environmental Law & Policy Center (collectively “Commenters”) submit the following comments regarding the draft Part 70 Operating Permit (“Draft Permit”) for Silgan Containers Manufacturing Corporation (“Silgan”) at 2501 165th Street in Hammond, Indiana. We appreciate the opportunity to submit these public comments and thank you for your attention in advance.

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

Silgan Containers operates just one metal coil coating line, but the materials used in metal coating create the potential for significant emissions of Volatile Organic Compounds (VOCs) and Hazardous Air Pollutants (HAPs). VOCs are a precursor to ozone, which can cause or exacerbate a range of respiratory illnesses, and Lake County is already in serious nonattainment with U.S. EPA’s 8-hour ozone standard.¹ Hazardous Air Pollutants are known to cause cancer and other serious health effects, which may be immunological, neurological, reproductive, developmental, or respiratory.²

¹ U.S. EPA, Air and Radiation, *Ozone and Your Health*, PA-456/F-09-001 (Feb. 2009), https://www.epa.gov/sites/default/files/2015-06/documents/ozone_and_your_health.pdf.

² U.S. EPA, *What are Hazardous Air Pollutants?* (Nov. 2025), <https://www.epa.gov/haps/what-are-hazardous-air-pollutants>.

In broad strokes, Silgan relies on a two-pronged system to limit VOCs and HAPs. First, Silgan controls emission with a pollution control device, a Regenerative Thermal Oxidizer called “RTO2.” Second, Silgan tracks and controls the chemical composition and quantities of coating materials that it uses. Each of these prongs must function correctly for Silgan to stay within emissions limits and protect air quality in Hammond. The comments below largely focus on changes to the Draft Permit that would help ensure the proper function of this two-pronged system.

Comments

Comment 1. IDEM Must Clarify How Silgan Will Calculate HAP Emissions

U.S. EPA has developed comprehensive regulations to control the emission of HAPs associated with the Surface Coating of Metal Coil (40 CFR Part 63, Subpart SSSS) and the Surface Coating of Metal Cans (40 CFR Part 63, Subpart KKKK). Silgan avoids these comprehensive regulations by committing to keeping its total HAP emissions and highest single HAP emissions below major source thresholds, limits that are incorporated in Draft Permit Condition D.1.4. Therefore, the accurate calculation of HAP emissions is essential not only to ensure compliance with Condition D.1.4 but also to ensure that Silgan is not avoiding applicable federal regulations.

The Draft Permit requires Silgan to estimate its HAP emissions as a function of (1) the HAPs going into the process and (2) the overall control efficiency of RTO2.³ Silgan can identify the quantity of HAPs input based on the composition and quantity of the coating products that it uses. However, the Draft Permit contains ambiguities about what value Silgan should use for its overall control efficiency, and about which HAP Silgan must evaluate when calculating its single HAP emissions.

These ambiguities mean that the Compliance Determination Requirements in Section D.1 fail to adequately evaluate Silgan’s compliance with HAP emissions limitations, as required by state and federal law. Part 70 Operating Permits must include “enforceable limitations and standards,” as well as monitoring and reporting conditions needed to “assure compliance” with applicable requirements.⁴ They must require monitoring sufficient to assure “all reasonable information is provided to evaluate continuous compliance with the applicable requirements[.]”⁵ Commenters therefore suggest the revisions below.

a. **The Permit Should Clarify Which HAP Silgan Must Use as the Reference Point for Overall Control Efficiency**

Draft Permit Condition D.1.10 provides that “[t]he overall HAP control efficiency shall be based on the HAP used at the source that has the lowest destruction efficiency, as estimated by the manufacturer and approved by IDEM.” However, the Draft Permit and TSD do not

³ See Draft Permit Condition D.1.10.

⁴ Clean Air Act, 42 U.S.C. § 7661(c); 326 I.A.C. 2-7-5.

⁵ 326 I.A.C. 2-7-5(3).

specify which HAP has the lowest destruction efficiency or provide the process by which Silgan must establish that information.

Commenters understand based on correspondence with Ms. Neuzerling that naphthalene is the HAP with the lowest destruction efficiency, and that the RTO2 achieved a destruction efficiency of 85.7% in its first stack test on February 11, 2026. Stack tests from before 2026 (when Silgan used a different Regenerative Thermal Oxidizer) also highlighted naphthalene as a HAP of interest. However, neither the Draft Permit nor the TSD identifies naphthalene as the HAP with the lowest destruction efficiency or provides any further detail about when or how Silgan submitted this information to IDEM for approval.

Furthermore, Silgan can change (and has changed) its operations over time, so the permit should not only identify the relevant HAP, but also set out a clear process for establishing that reference point should operations change. Commenters do not know whether Silgan is inappropriately relying on naphthalene based on information about the previous Regenerative Thermal Oxidizer (OX1), or whether the new Regenerative Thermal Oxidizer (RTO2) shares this feature with the previous one. Commenters do not know whether Silgan uses coating products with the same composition as always, or whether a new coating product may contain a HAP with an even lower destruction efficiency than naphthalene.

Commenters request that IDEM:

1. Add a permit condition describing the process and timeframe by which Silgan must submit the information to IDEM, with specific provisions addressing changes in coating product or pollution control equipment.
 2. Include information in the TSD about the HAP currently known to have the lowest destruction efficiency.
- b. The Permit Should Clarify When Silgan May Assume a 98% Control Efficiency and When It Must Use a Control Efficiency Based on the Most Recent Stack Test

Draft Permit Condition D.1.10 indicates that control efficiency for the purposes of Silgan's HAP emissions calculations shall equal "98% or the % overall HAP control efficiency from the most recent valid stack test." However, the Draft Permit does not specify how Silgan should choose between those options.

Historically, Silgan's Quarterly Reports have not indicated which metric Silgan is using for its single and total HAP emissions calculations. The Quarterly Reports state: "The oxidizer shall have a minimum control efficiency of 98%[,]" which suggests Silgan may have been assuming 98% control efficiency in its calculations.⁶ However, naphthalene—which commenters understand should have served as the reference point—had a control efficiency of 85.7% and 79.19% in stack tests from 2026 and 2022, respectively.

⁶ See, e.g., Silgan Containers Manufacturing Corporation, Quarterly Deviation, Single HAP, Total HAPs Report from 2023 4th Quarter, 2025 1st Quarter, 2026 1st Quarter (VFC nos. 83583890, 83800836, 83962184).

Commenters recommend that IDEM:

1. Redraft Condition D.1.10 to clearly require Silgan to use the lower of the two numbers to assure compliance with Condition D.1.4 and to ensure Silgan does not exceed major source emissions thresholds. At the very least, Silgan must rely on the stack test if the stack test shows that RTO2 is not achieving 98% control efficiency.
2. Require Silgan to indicate which metric it is relying on in its Quarterly Reports.

c. IDEM Should Clarify Which HAP Silgan Must Use for its “Single HAP” Calculations

Major sources include stationary sources that emit or have the potential to emit “10 tons per year or more of *any* hazardous air pollutant.”⁷ Accordingly, Draft Permit Condition D.1.4 requires Silgan to ensure that “[t]he single HAP emissions from the Coil Coating Line shall not exceed 9.0 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.” However, the Draft Permit does not specify that Silgan must use the single-highest source-wide HAP to demonstrate compliance with this condition. Any HAP that exceeds the “major source” threshold would trigger relevant NESHAPs.

Additionally, the TSD and Silgan’s application materials contain conflicting information about which is the highest source-wide HAP. Specifically:

1. The “Potential to Emit” charts on pages 5 and 6 of the TSD state that **xylene** is the single highest source-wide HAP for both uncontrolled emissions and emissions after issuance.
2. The “Emissions Calculations: VOC and HAPs from Surface Coating Operation” on page 3 of Appendix A to the TSD states that **toluene** is the single highest source-wide HAP, while xylene is only the worst-case HAP for the inside coating.
3. The “Uncontrolled Potential to Emit HAPs” chart on page 2 of Appendix A to the TSD shows that Silgan has the potential to emit **isophorone, methyl isobutyl ketone, and toluene** in quantities much higher than xylene (for toluene, by a factor of more than 14).
4. The Safety Data Sheets Silgan submitted in support of its renewal application show that Silgan’s outer coating products contain HAPs other than xylene in higher amounts than xylene, as a percentage of total weight (including **toluene, isophorone, and methyl isobutyl ketone**).

In practice, Silgan’s highest single HAP may be xylene despite the contrary PTE numbers, for example, if Silgan uses significantly more inside coating than outside coating. However, Commenters could not find such an explanation in the Draft Permit or TSD.

Commenters recommend that IDEM:

1. Modify Permit Condition D.1.4 to specify that the “single HAP emission” refers to the single highest source-wide HAP over the past 12 months.

⁷ 40 CFR 63.2 (emphasis added).

2. Require Silgan to certify in its Quarterly Report that it has calculated the amount of inside and outside coating used over the past 12 months and has confirmed the identity of the highest source-wide HAP.
3. Explain the inconsistencies in the TSD, TSD Appendix A, and Safety Data Sheets and correct the TSD and Appendix A as appropriate.

Comment 2. IDEM Should Clarify the Applicability of 40 C.F.R. Part 64, and Silgan's Compliance Assurance Monitoring (CAM) Plan Should Be Updated, Corrected, and Included in the Permit Record

a. IDEM Should Clarify the Applicability of CAM Requirements

As the TSD indicates, Silgan must conduct Compliance Assurance Monitoring (CAM) for its Coil Coater, because that unit has the potential to emit more than 100 tons/year of VOCs, more than 10 tons/year of a single HAP, and more than 25 tons/year of total HAPs. The Draft Permit includes several conditions applicable to “units subject to CAM.”⁸ However, nowhere does the Draft Permit itself indicate which units fall into that category. Commenters request that IDEM include a permit condition making it clear that 40 C.F.R. Part 64 applies to the Coil Coater, and that the conditions applicable to “units subject to CAM” apply to this unit.

b. IDEM Should Include Silgan's Proposed CAM Plan in the Permit Record

Federal regulations require that the permitting authority's rationale for any proposed permit conditions be clear and documented in the permit record.⁹ Likewise, Indiana regulations require IDEM to “[p]rovide a technical support document that sets forth the legal and factual bases” for the final permit.¹⁰ For emissions units subject to CAM, permittees must design, and get approved, a monitoring program using the criteria outlined in 40 C.F.R. § 64.3, which is commonly called a CAM Plan. This plan serves as the basis for several permit conditions.¹¹

The TSD indicates that a CAM plan was “submitted as part of a prior permit application,” but does not offer that plan as part of the permit record, indicate when the plan was submitted, or instruct members of the public where to find it. As Silgan's CAM plan serves as the basis for several permit conditions, it should be part of the permit record.

⁸ See, e.g., Conditions 3.8 (“For monitoring required by CAM...”); 3.12 (“Upon detecting an excursion or exceedance, subject to CAM”); 3.17 (“the Permittee shall submit CAM reports”).

⁹ 40 C.F.R. § 70.7(a)(5) (“The permitting authority shall provide a statement that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions”).

¹⁰ 326 I.A.C. 2-7-8.

¹¹ 40 C.F.R. § 64.6 (“If the permitting authority approves the proposed monitoring, the permitting authority shall establish one or more permit terms or conditions that specify the required monitoring in accordance with § 70.6(a)(3)(i) of this chapter.”).

c. Silgan Must Update the CAM Plan

The TSD indicates that a CAM plan was submitted with a previous application, but not with the current renewal application.¹² Commenters located in IDEM's Virtual File Cabinet scans from 2020 and 2025 of Silgan's Form FED-03, whose purpose "is to obtain detailed information about the monitoring protocol that is proposed to satisfy the federal requirements for Compliance Assurance Monitoring (CAM) under 40 CFR Part 64."¹³ The forms are substantially similar, except that the 2020 submittal appends the required Form CE-06 (Control Equipment Application: Organics – Flare/Oxidizer/Incinerator).

Whether IDEM relied on the 2020 or 2025 submission in issuing this Draft Permit, either version requires an update. The Regenerative Thermal Oxidizer (OX1) installed in 2007 and described in these submittals no longer exists. Commenters do not know whether the same monitoring determination method, indicator ranges, monitoring performance criteria, operational parameters, or pollutant concentrations described in previous Forms FED-03 and CE-06 apply to the new Regenerative Thermal Oxidizer, RTO2.

Commenters recommend that IDEM require Silgan to update its CAM plan so that it accurately describes the equipment at the facility and so that its monitoring protocol will ensure the proper function of RTO2. IDEM must update monitoring conditions as appropriate.

4. Silgan Must Correct Errors and Omissions in Prior Submittals

To the extent that IDEM relied upon the 2020 Forms FED-03 and CE-06 as the CAM plan "submitted as part of a prior permit application," Silgan must revise these forms because they contain errors and omissions.

First, Silgan indicates on Form FED-03 that CAM is required for HAPs but does not indicate CAM is required for VOCs. To avoid any confusion, Silgan should clearly indicate that CAM is required for VOCs as well.

Second, Draft Permit Condition D.1.12 requires duct pressure/ampereage monitoring to ensure the proper function of RTO2. However, Part D of Form CE-01 does not list duct pressure or ampereage monitoring among the Monitoring, Record Keeping, and Testing Procedures. To avoid any confusion, Silgan should clearly indicate all applicable monitoring procedures.

Third, the Draft Permit requires Silgan to utilize the HAP with the lowest DRE as the basis for control efficiency in its HAP emissions calculations. If that HAP is naphthalene, Silgan's stack tests must evaluate naphthalene emissions (and they have). However, in Form CE-

¹² See TSD to Draft Permit at 10.

¹³ Timothy White, Silgan Containers Manufacturing Corporation to IDEM, Office of Air Quality (Nov. 10, 2020) (VFC no. 83072970) at 20-24; Megan Bingenheimer, Silgan Containers Manufacturing Corporation to IDEM, Office of Air Quality (Oct. 10, 2025) (VFC no. 83887761) at 11-13.

01, Silgan lists only xylene as the only pollutant tested. To avoid any confusion, Silgan should clearly indicate all pollutants subject to stack testing.

Commenters recommend that IDEM ensure Silgan corrects this information before issuing a final permit. To the extent that any of the points above do not require correction, Commenter's ask that IDEM explain why not.

Comment 3. The Final Permit Should Accurately Reflect Current Operations at the Facility

The Draft Permit does not reflect changes at the facility from the past several years. Recent inspection reports indicate that Silgan removed its diesel fuel-fired compression ignition emergency generator in 2019 and removed one of its degreasers in 2021.¹⁴

Commenters request that IDEM:

1. Update section A.3(d) and A.3(l), which suggest the units are still on-site and in use.
2. Update Section E.1, which sets conditions for a unit that may no longer exist.
3. Verify with Silgan that neither of these units have been replaced and that no other aspect of the facility description requires an update.

More generally, Commenters respectfully encourage IDEM's permit writers to review recent inspection reports when drafting permits, if they do not already do so. Inspectors' on-the-ground perspective about how the facility works could improve permits' relevance to the source and legibility to the source, the public, and future inspectors.

Conclusion

Commenters recognize that Silgan is not a large facility relative to others in the region, but the materials it uses create a high potential for significant VOC and HAP emissions. Particularly given the environmental health challenges area residents already face, both IDEM and Silgan must take care to ensure Silgan's pollution control device functions properly and its emissions stay within applicable limits.

Thank you for your consideration of these comments.

Sincerely,



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¹⁴ See Inspection Report from Oct. 22, 2024 inspection, conducted by Mr. Kevin Davis (VFC no. 83716683).