August 5, 2026

VIA ELECTRONIC MAIL

Donald McQuigg
IDEM, Office of Air Quality
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, Indiana 46204-2251
dmcquigg@idem.IN.gov

RE: Public Comments on O-N Minerals (Portage) Company LLC d/b/a Carmeuse Lime & Stone FESOP Renewal No. F127-50331-00038.

Dear Mr. McQuigg,

The Environmental Law & Policy Center, Just Transition NWI, Northern Lake County Environmental Partnership, Hoosier Environmental Council, Gary Advocates for Responsible Development, Conservation Law Center, and Faith in Place ("Commenters") respectfully submit the following comments on the above-referenced Draft Federally Enforceable State Operating Permit ("FESOP") renewal ("Draft Permit") issued by the Indiana Department of Environmental Management ("IDEM") to O-N Minerals (Portage) Company LLC d/b/a Carmeuse Lime & Stone ("Permittee"), for its operation of a stationary non-metallic minerals processing plant located at 165 Steel Drive, Portage, Indiana 46368 ("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.

Background

O-N Minerals operates a minerals processing plant that has the potential to emit ("PTE") 5,529.8 tons/year of particulate matter ("PM"), 5,144.0 tons/yr of PM10, and 3,845.4 tons/year of PM2.5.[1] PM is a dangerous pollutant that causes decreased lung function and increases rates of asthma, heart attacks, and premature death.[2] Particulate matter also causes reduced visibility and haze across the United States. Its emissions contribute to the Indiana Dunes National Park's

[1] Draft Permit, Appendix A to Technical Support Document ("TSD") at 1, pdf pg. 97.
[2] U.S. EPA, *Health and Environmental Effects of Particulate Matter (PM)*, available at https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm

rankings as among the top 10 National Parks with unhealthy air and hazy skies, due to the high concentrations of particulate matter, ozone, and other pollutants.[3]

Facilities that would otherwise be subject to the Title V major source program based on their PTE, can use a FESOP, also called a synthetic minor permit, to avoid Title V permitting by agreeing to limit criteria pollutant emissions below the Title V major source thresholds. All FESOPs must "assure compliance with all applicable requirements."[4] A FESOP must include "[m]onitoring and related record keeping and reporting requirements that assure that all reasonable information is provided to evaluate continuous compliance with the applicable requirements."[5] Specifically, all "[c]ompliance certification, testing, monitoring, reporting, and record keeping requirements [must be] sufficient to assure compliance with the terms and conditions of the FESOP."[6] Compliance certification must include "a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices."[7] As explained below, the Draft Permit fails to satisfy these requirements and must be revised.

Comment 1: IDEM must revise the Draft Permit to assure compliance with the emissions limits and Permit conditions.

A. Condition D.1.7 Broken or Failed Bag Detection

Condition D.1.7 requires the Permittee to shut down operation immediately when a single compartment baghouse fails. The Condition states that bag failure "can be indicated by a significant drop in the baghouse's pressure reading with abnormal visible emissions, by an opacity violation, or by other means such as gas temperature, flow rate, air infiltration, leaks, dust traces, or triboflows."[8] The Draft Permit currently only requires the Permittee to monitor for normal or abnormal visible emissions and for a daily pressure drop reading.[9] It is unclear whether the Permittee must also monitor for the other conditions listed in Condition D.1.7. Given the high PTE and that the Permittee is relying on the efficacy of the control device to stay below the Title V limits, the Permit must assure compliance with these emissions limits. Without having an adequate method for detecting baghouse failures, the Permittee will be unable to comply with the PM emissions limits set in Conditions D.1.1, D.1.2, and D.1.3. Further, the Permittee will be unable to comply with Condition D.1.7's requirement to immediately shut down operation when a bag failure occurs.

Proper monitoring requirements are crucial to assuring compliance with the PM limits. This is particularly important at this Facility, given that the Permittee was recently found to be

[3] Daniel Orozco, et al., Polluted Parks: How Air Pollution and Climate Change Continue to Harm America's National Parks, National Parks Conservation Association (NPCA), https://www.npca.org/reports/air-climate-report.
[4] 326 IAC 2-8-4(1).
[5] 326 IAC 2-8-4(3).
[6] 326 IAC 2-8-5.
[7] 326 IAC 2-8-5(1)(B).
[8] Draft Permit at 36, pdf pg. 38.
[9] *Id.*, Condition D.1.9, D.1.10 at 37, pdf pg. 39.

operating at a PM emissions rate of 24.58 lb/hr, 16 times over its emissions limit of 1.535 lb/hr.[10] Therefore, IDEM should identify whether the indicators listed in Condition D.1.7 are required monitoring requirements under the Permit, and if so, should provide the monitoring schedule for those other failure indicators.

B. Condition D.1.8 Cartridge Failure Detection

Condition D.1.8 requires that a "failed unit and the associated process shall be shut down immediately until the failed unit has been repaired or replaced."[11] The Facility contains multiple storage silo bins with cartridge filters.[12] These units are subject to PM emission limits in Condition D.1.1, D.1.2, and D.1.3.[13] However, the Draft Permit completely fails to identify how the Permittee shall monitor and determine whether any cartridge failure occurs. Without any monitoring requirements, the Draft Permit fails to assure compliance with Condition D.1.8's requirement to immediately shut down operation if a cartridge failure occurs. Further, if the Permittee is unable to detect a cartridge failure, it will be unable to comply with the PM emissions limits set in Conditions D.1.1, D.1.2, and D.1.3.[14] IDEM must revise the Draft Permit to include required monitoring to determine whether cartridge failure has occurred.

Comment 2: IDEM must revise the Draft Permit to accurately incorporate the NSPS requirements.

The New Source Performance Standards ("NSPS") are applicable requirements that must be incorporated into the Draft Permit. All terms and conditions in a FESOP "are enforceable by the U.S. EPA and citizens under the CAA."[15] Therefore, it is crucial that the Permit is written in a way that enables the Permittee, regulators, and the public to know what conditions apply and whether the Permittee is complying with those conditions.

In the Draft Permit, IDEM states that the Permittee "shall comply with the following provisions of 40 CFR Part 60, Subpart OOO" and then lists numerous sections of the CFR and the regulation's title in tables. The Draft Permit completely fails to state what actual standards apply

[10]Agreed Order, Commissioner of the Department of Environmental Management v. O-N Minerals (Portage) Company LLC, Case No. 2025-30989-A, available at https://ecm.idem.in.gov/cs/idcplg?IdcService=GET_FILE&dID=83973799&dDocName=83981917&Rendition=web&allowInterrupt=1&noSaveAs=1

[11] Draft Permit at 37, pdf pg. 39.

[12] *See* Section A.2 at 4–8, pdf pgs. 7–10. Unit 01-FPT-001, equipped with a cartridge filter for particulate matter control, exhausted through Stack 01-BNV-001; Unit 02-FPT-001, equipped with a cartridge filter for particulate matter control, exhausted through stack 02-BNV-001; Unit 03-FPT-001, equipped with a cartridge filter for particulate matter control, exhausted through Stack 03-BNV-001; unit 05-FPT-001 equipped with a cartridge filter for particulate matter control, exhausted through Stack 05-BNV-001; Unit 05-FPT-002, equipped with a cartridge filter for particulate matter control, exhausted through stack 05-BNV-002; Unit 02-FPT-002, equipped with a cartridge filter, identified as 02-BNV-002 and exhausted through Stack 02-BNV-002; 02-FPT-003 equipped with a cartridge filter, identified as 02-BNV-004, exhausted through Stack 02-BNV-02.

[13] Draft Permit at 32–35, pdf pgs. 34–37.

[14] *Id.*

[15] 326 IAC 2-8-6(b).

from the cited NSPS regulations, or even which subsection of the cited regulations applies. For example, the Draft Permit states that 40 C.F.R. § 60.674 applies. However, this regulation contains five different subparts, each with different monitoring requirements, determined based on characteristics of the affected Facility, which has 9 units subject to this subpart. This makes it infeasible for the public to determine what actual monitoring conditions within the regulation apply at which unit and whether the Permittee has complied. It is crucial that the Facility is applying the proper NSPS standards because as the Draft Permit notes, the "particulate emission limitations, work practices, and control technologies" included in 326 IAC 6-3-2 do not apply to the Facility because the NSPS regulations that do apply are more stringent.[16] IDEM must revise the Draft Permit to clearly state which NSPS standards apply to each unit to assure compliance with those standards.

Further, the emissions unit descriptions listed in the Draft Permit make it even more difficult for the Facility, IDEM, and the public to determine which NSPS standards apply. The applicability of many of the NSPS standards depends on the date by which "construction, modification, or reconstruction [of the unit] commenced."[17] More stringent standards apply to units that were constructed, modified, or reconstructed on or after April 22, 2008.[18] However, the Draft Permit describes each Mill at the Facility as "an affected facility because it is a grinding mill located at a fixed nonmetallic mineral processing plant with a rated capacity of greater than 25 tons per hour that was constructed, modified, or reconstructed after August 31, 1983."[19] Mills 7 and 8 were constructed in 2013 and are therefore subject to the more stringent NSPS standards.[20] Describing these units as being "constructed, modified, or reconstructed after August 31, 1983" when describing the NSPS applicability suggests that the units are only subject to the weaker NSPS standards rather than the more stringent standards for units constructed on or after April 22, 2008. IDEM should revise the Draft Permit to accurately describe Mills 7 and 8 as being "constructed, modified, or reconstructed on or after April 22, 2008" to ensure that the Facility is applying the correct NSPS standards.

Comment 3: IDEM must include the Preventive Maintenance Plan in the Final Permit.

IDEM must "assure compliance with all applicable requirements,"[21] which include, among other things, any requirements of a federally enforceable state implementation plan ("SIP") and any preconstruction requirements that are incorporated into the Permit.[22] The Draft Permit fails to include all applicable requirements because it does not include the Preventive Maintenance Plan ("PMP"). IDEM must include the PMP in the Permit for three reasons:

[16] TSD at 22, pdf pg. 91.
[17] *See*, *e.g.*, 40 C.F.R. § 60.674(c).
[18] *Id.*; *see also* Table 3 to Subpart OOO of 40 C.F.R. Part 60.
[19] *Id.* at 2–7, pdf pgs. 71–76.
[20] *Id.* at 6–7; pdf pgs. 75–76.
[21] 326 IAC 2-8-4(1).
[22] 326 IAC 2-7-1(6).

1. The Permittee is required to have and implement a PMP under regulations 326 IAC 1-6-3 and 326 IAC 2-8-4, included in in the federally-approved SIP, which makes it an applicable requirement. Because the Indiana SIP requires the Permittee to have and apply the PMP, IDEM must include it in the renewal Permit.

2. Conditions D.1.4 and D.2.3 require the Permittee to have and implement a PMP.[23] EPA has found that when "compliance with the approved [plan] is required" by the specific terms of a permit, "the plan must be included in the permit."[24]

3. The Permit must incorporate the PMP in order to make the provisions requiring compliance and implementation of the PMP enforceable as required by 326 IAC 2-8-6. Without including the specific requirements of the PMP in the Permit, Conditions D.1.4 and D.2.3 are unenforceable, because it is impossible for IDEM, EPA, and the public to determine whether the Permittee is complying with the requirements of the PMP, and, if not, to take appropriate enforcement action.

   Therefore, IDEM must revise the Draft Permit to include the PMP.

Conclusion

Without the above changes, the Draft Permit fails to assure compliance with Permit conditions and fails to adequately include all applicable requirements. IDEM should revise the Draft Permit to ensure it complies with the legal requirements for a FESOP. Thank you for considering these comments. Please feel free to reach out with any questions or if you need additional information.

Sincerely,

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

Ashley Williams
Executive Director
Just Transition Northwest Indiana

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

[23] Draft Permit at 35–36, pdf pgs. 37–39.
[24] *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/2015-09/documents/dpr_response2014.pdf ("Oak Creek Order"), 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 ("Columbia University Order"), at 27 (noting where a facility is subject to a plan, the permit must "properly incorporate that plan.").

David Van Gilder
Senior Policy and Legal Director
Hoosier Environmental Council

Dorreen Carey
President
Gary Advocates for Responsible Development (GARD)

Brian Sauder, Rev.
President and CEO
Faith in Place

Rachel M. Schwartz
Public Service Law Fellow
Conservation Law Center