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VIA ELECTRONIC MAIL

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Re: Public Comments on Significant Source Modification No.: 127-50184-00116 and Significant Permit Modification No.: 127-50498-00116.

The Environmental Law & Policy Center ("ELPC"), along with Faith in Place, Gary Advocates for Responsible Development, Conservation Law Center, Northern Lake County Environmental Partnership, and Hoosier Environmental Council respectfully submit the following comments on the Draft Significant Source Modification No. 127-50184-00116 and the Draft Significant Permit Modification No. 127-50498-00116 ("Draft Permit") for Beemsterboer Slag Corporation ("Permittee"), contractor of Cleveland-Cliffs Steel LLC, for the stationary operations it conducts at 250 West US Highway 12, Burns Harbor, Indiana 46304. Beemsterboer Slag Corporation is a stationary material processing plant located in Burns Harbor, Indiana that emits substantial amounts of particulate matter ("PM").

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.

Comment 1: IDEM must take appropriate action in response to Beemsterboer's unlawful construction of emissions units without a proper permit and permit violations.

Under IDEM's regulations, a facility may not begin construction of emissions units which have a potential to emit greater than or equal to 25 tons per year of PM before receiving approval from IDEM.[1] As acknowledged in the Technical Support Document ("TSD"), Beemsterboer has already completed construction of and started operating a vessel loading operation unit with a maximum capacity of 17,520,000 tons per year of material processed and a Telesmith Coke Screening Operation with a maximum capacity of 2,321,400 tons per year.[2] These units have a

[1] 326 IAC 2-7-10.5(g)(4), (h)(2).
[2] TSD pg. 4, pdf pg. 62.

combined potential to emit 186.29 tons per year of PM.[3] Beemsterboer is now seeking a retroactive Significant Source Modification and Significant Permit Modification to cover these already unlawfully constructed units. IDEM states that it is "aware that equipment has been constructed prior to receipt of the proper permit … and will take appropriate action."[4] IDEM must take strong enforcement action to deter these violations from occurring in the future. Facilities cannot construct emissions units first and then seek permission later.

Further, Beemsterboer's unlawful construction of these emissions units also resulted in it violating its existing permit limit for the Coke Screening Operation of 1,752,000 tons per year. As Beemsterboer admitted in its correspondence with IDEM, its operation of these units "exceeded the 12-month limit at the end of April 2026" due to the unpermitted physical change that occurred in Fall of 2025.[5] IDEM did not note this permit violation in the enforcement issues section of the TSD. IDEM must also take appropriate enforcement action to address this violation of the throughput limit that resulted from the unlawful construction. This unlawful increase in throughput materials at the Coke Screening Operation would cause an unlawful increase in PM emissions in a community already overburdened with excess pollution. IDEM must take appropriate action to discourage Beemsterboer and other facilities in Indiana from adopting this "construct first, permit later" approach.

Comment 2: IDEM must clarify when wet suppression is required at the new emissions units.

A modification to a source that has the potential to emit PM, PM10, and PM2.5 at equal to or greater than 25 tons per year must receive a Significant Source Modification before construction can begin.[6] If a modification will cause a significant emissions increase, it is subject to the PSD requirements contained in 326 IAC 2-2.[7] IDEM claims that this Significant Source Modification is not subject to PSD because the Permittee has elected to take limits that will keep the increased PM emissions below the significance threshold of 25 tons of PM per year.[8] According to the potential to emit calculations in Appendix A of the TSD, IDEM assumed PM control rates of between 89.3 to 95.9% at the units to keep emissions below the PSD significance threshold.[9] These control rates are based on AP-42 11.19.2 and assume a moisture content above 1.5%, which is consistent with the material being wet from wet suppression.[10] The assumed control rates were also used to generate the emissions limits contained for these units in Condition D.2.1(g).[11]

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[3] *Id.* at 6, pdf pg. 64.
[4] *Id.* at 5, pdf pg. 63.
[5] *See* IDEM – Beemsterboer Slag Corp. Correspondence at pdf pg. 54, available at https://ecm.idem.in.gov/cs/idcplg?IdcService=GET_FILE&dID=83995498&dDocName=84003631&Rendition=web&allowInterrupt=1&noSaveAs=1.
[6] 326 IAC 2-7-10.5(g)(4).
[7] 326 IAC 2-2-2(d)(4).
[8] TSD pg. 7, pdf pg. 65; *see also* Condition D.2.1(g), Draft Permit pg. 38, pdf pg. 43.
[9] TSD App. A pg. 4, pdf pg. 100.
[10] *Id.*
[11] Draft Permit pg. 38, pdf pg. 43.

Consequently, the Permit for this modification must require Beemsterboer to use wet suppression to achieve at least a 1.5% moisture content at all times so that the emissions limits are met.

Despite this, the TSD states that "[b]ased on calculations, water suppression is not needed to comply with" the additional emission limits for these same units contained in Condition D.2.2. "[12] This statement is incorrect. First, the Draft Permit does not identify what "calculations" support this determination. IDEM's TSD must "set[] forth the legal and factual basis for a draft Part 70 permit conditions"[13] and merely stating its determination is "based on calculations" fall short of that requirement. Second, as explained above, IDEM's determination that the project will not result in a significant PM emissions increase, and is therefore not subject to PSD, is based on the assumption that wet suppression will be used at these units. Therefore, IDEM must clarify what it means by its statement in the TSD that "water suppression is not needed" at these units.

Comment 3: IDEM must include clear compliance determination and monitoring conditions to assure compliance with the PM limits at the new units.

Pursuant to 42 U.S.C § 7661c(a) and 40 C.F.R. § 70.6(a)(1), Title V Permits must include "enforceable emission limitations and standards," and other conditions that "are necessary to assure compliance with applicable requirements." Thus, in addition to emissions limits, IDEM must include all monitoring, recordkeeping, and reporting requirements to assure compliance with such limits and other applicable standards.[14] The Draft Permit fails to assure compliance with the PM emissions limits at the new vessel loading and Telesmith Coke Screening units.

In addition to the ambiguity in the TSD, the Draft Permit itself provides no clarity on when wet suppression is needed at these units. Condition D.2.5 only states that "the Permittee shall apply water or dust suppressant in a manner and at a frequency sufficient to ensure compliance with Conditions D.2.1."[15] This vague, circular, and unenforceable language combined with IDEM's statement in the TSD that "wet suppression is not needed" at these units is insufficient to assure compliance with the numeric PM emissions limits in Condition D.2.1(g). Further, the only monitoring requirement to ensure that the Permittee is properly applying wet suppression to achieve a numeric emissions limit is once-daily visible emissions notations to determine if emissions are normal or abnormal.[16] The Draft Permit does not explain how a determination that visible emissions are "normal" is sufficient to determine compliance with a numeric PM limit.

IDEM previously tried to justify these vague, circular compliance determination requirements and "normal vs. abnormal" visible emissions notations in Beemsterboer's East

[12] TSD p. 12, pdf pg. 70.
[13] 326 IAC 2-7-8(d)(1).
[14] 42 U.S.C. § 7661c(c); 40 C.F.R. § 70.3(a)(3).
[15] Draft Permit pg. 40, pdf pg. 45.
[16] Condition D.2.6, Draft Permit pg. 40, pdf pg. 45.

Chicago Facility's Title V permit by pointing to its Compliance Monitoring Guidance Document.[17] However, this document only confirms that IDEM has not implemented proper monitoring for the units at the Facility. Per IDEM's own guidance, "[i]f a source has taken a permit limit to stay under an applicable threshold (for a NESHAP or PSD, for example) and avoid an appliable requirement, more comprehensive or frequent monitoring may be warranted."[18] Here, IDEM's completely unclear direction to "apply water or dust suppressant in a manner and at a frequency sufficient to ensure compliance with Conditions D.2.1" and the requirement to determine if emissions are "normal or abnormal" is not a comprehensive requirement to determine compliance with a numeric limit. In fact, IDEM's guidance document states that for "periodic visible emissions notations … the level of confidence in assuring compliance with a PM10 emissions limitation may be low."[19] This shows that even per IDEM's own guidance, the Draft Permit fails to include sufficient comprehensive monitoring to assure compliance with these synthetic minor PM limits. Accordingly, IDEM must revise the Draft Permit to include clear requirements for when the Permittee must use wet suppression to maintain at least a 1.5% moisture rate and must include proper monitoring conditions that will achieve a higher level of confidence in assuring compliance with the PM emissions limits.

Conclusion

We urge IDEM to take appropriate action to address Beemsterboer's unlawful construction of these new units before receiving a proper permit and its violations of its existing permit. Further, IDEM must ensure that the Significant Permit Modification properly assures compliance with the PM emissions limits for these new units.

Sincerely,

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[17] *See* Beemsterboer East Chicago Title V Final Permit, pdf pg. 77–78, available at https://ecm.idem.in.gov/cs/idcplg?IdcService=GET_FILE&dID=83998919&dDocName=84007054&Rendition=web&allowInterrupt=1&noSaveAs=1.
[18] IDEM, Compliance Monitoring Guidance, pg. 5, available at https://www.in.gov/idem/airpermit/resources/guidance-materials-and-resources/.
[19] *Id.* at 8.

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