ENVIRONMENTAL LAW & POLICY CENTER

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VIA ELECTRONIC MAIL
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RE: Comments on the Significant Revision to a Federally Enforceable State Operating Permit for Midwest Aerospace, LLC - Significant Permit Revision No.: 089-49982-00713

Introduction

The Environmental Law & Policy Center along with Gary Advocates for Responsible Development, Just Transition Northwest Indiana, Green EC, Conservation Law Center, and the Northern Lake County Environmental Partnership respectfully submit the following comments on the above-referenced Significant Revision to the Federally Enforceable State Operating Permit ("Draft FESOP") issued by the Indiana Department of Environmental Management ("IDEM") for Midwest Aerospace, LLC to approve construction of an electric aluminum melting operation and a natural gas-fired magnesium melting operation and to alter other significant provisions of the FESOP.

ELPC is a a non-profit environmental legal and policy advocacy organization. Its mission is to ensure that all people have healthy clean air to breathe, safe clean water to drink, and can live in communities without toxic threats, especially in the Great Lakes region. As part of this work, ELPC focuses on industrial pollution along the Indiana lakeshore, seeking to make industry comply with environmental regulations to reduce pollution and improve the landscape where people live, work, and play. We appreciate the opportunity to make these comments.

I. Comment I: The draft FESOP fails to include sufficient monitoring requirements to ensure compliance with underlying particulate matter and hazardous air pollution emissions limits.

For a limit to be enforceable as a practical matter, a permit must clearly specify how emissions will be measured or determined for purposes of demonstrating compliance with the limit.[1] This requires every emission limit to be (a) "accompanied by terms and conditions that require a source to effectively constrain its operations so as to not exceed the relevant emissions threshold… whether by restricting emissions directly or through restricting specific operating parameters," and (b) supported by monitoring, recordkeeping, and reporting requirements "sufficient to enable

[1] *See, e.g.*, *In the Matter of Hu Honua Bioenergy Facility, Pepeekeo, HI* (Feb. 7, 2014), https://www.epa.gov/sites/default/files/2015-08/documents/hu_honua_decision2011.pdf ("Hu Honua Order"), at 10.

regulators and citizens to determine whether the limit has been exceeded."[2] Under Indiana law 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."[3] Those applicable requirements include "emissions limitations and standards."[4]

a. *Aluminum Shakeout Operation, Magnesium Shakeout Operation, and the Aluminum Grinding and Tooling Operation*.

The following emissions units are subject to the 0.03 grain per dry standard cubic foot (dscf) particulate matter emissions limit in Section D.1.4. of the Draft FESOP: (1) Aluminum Shakeout Operation, (2) Magnesium Shakeout Operation, (3) and the Aluminum Grinding and Tooling Operation.[5] The Aluminum Shakeout Operation's control device is a baghouse,[6] the Magnesium Shakeout Operation's control device is also a baghouse,[7] and the Aluminum Grinding and Tooling Operation's control device is wet collection.[8] Furthermore, Section, D.1.6(a) requires that "the dust collectors, bin vent filters, scrubbers, and baghouses, for particulate control, shall be in operation and control emissions from [the above mentioned emissions units] … at all times"[9] to avoid application of PSD requirements and to render the source an area source of HAP emissions under Section 112 of the CAA thus rendering the requirements of 326 IAC 2-7 not applicable. Therefore, proper monitoring for these emissions units is necessary to meet three separate applicable requirements: the particulate matter emissions limit pursuant to Section D.1.4., the avoidance of PSD requirements pursuant to Section D.1.1, and the avoidance of HAP requirements pursuant to Section D.1.3.

Despite this, the draft FESOP contains no monitoring requirements to ensure that the Aluminum Shakeout Operation baghouse, the Magnesium Shakeout Operation baghouse, and the Aluminum Grinding and Tooling Operation wet suppression control devices are operating properly to assure compliance with the underlying particulate matter emissions limits pursuant to D.1.4 and D.1.1. and the HAP emissions limits pursuant to D.1.3.[10] This is especially important now because the proposed significant revision will increase the Aluminum Shakeout particulate matter throughput from 200 to 400 tpy[11] and the Magnesium Shakeout Operation throughput from 200 to 275 tpy.[12] For example, Section D.1.8. requires parametric pressure drop monitoring for only the

[2] *In the Matter of Orange Recycling and Ethanol Production Facility, Pencor-Masada Oxynol, LLC*, (Apr. 8, 2002), https://www.epa.gov/sites/default/files/2015-08/documents/masada-2_decision2001.pdf ("Pencor-Masada Order"), at 7 (emphasis added).
[3] 326 IAC 2-8-4(3).
[4] 326 IAC 2-8-4(1).
[5] Draft Federally Enforceable Source Operating Permit, Significant Permit Revision No.: 089-49982-00713, Midwest Aerospace, LLC, (June 10, 2026) at Sec. D.1.4 ("Draft FESOP").
[6] *Id*. at D.1(a).
[7] *Id*. at D.1(c).
[8] *Id*.
[9] *Id*. at D.1.6(a) (This section incorporates the PSD and HAP requirements by stating "to assure compliance with Conditions D.1.1(b), (c), and D.1.3." This section also lists the Aluminum Shakeout operation, Magnesium Shakeout Operation, and the Aluminum Grinding and Tooling Operation in the table below the operative language.)
[10] Note that Sec. D.1.1 and Sec. D.1.3 contain language incorporating "all other emissions units" clarifying that these emissions units are relevant to achieving the appropriate PM emissions to avoid PSD and the appropriate HAP emissions to avoid HAP requirements pursuant to 326 IAC 2-7.
[11] Draft FESOP, TSD at 22.
[12] *Id*. TSD at 23.

Sand Mixer for Air Set Mold Machine (ASM04 & ASM05) emissions unit, but does not apply the same monitoring requirements to the baghouses associated with the Aluminum Shakeout Operation or the Magnesium Shakeout Operation. The monitoring for the Aluminum and Magnesium Shakeout Operations and the wet suppression control devices at the Aluminum Grinding and Tooling Operation is wholly insufficient to assure compliance with the underlying PM and HAP emissions limits.

To remedy this problem, IDEM must include sufficient monitoring, in the form of daily pressure drop readings, to ensure that the baghouses in the Aluminum and Magnesium Shakeout operations are operating properly and achieving the underlying emissions limits for PM and HAPs. IDEM must include sufficient monitoring to ensure that the wet suppression control device in the Aluminum Grinding and Tooling Operation is operating properly and achieving the underlying emissions limits for PM and HAPs.

b. Sand Mixer for SO2 Core Making

The Sand Mixer for SO2 Core Making emissions unit has a PM emissions limit of .14 lbs/hr, a PM10 emissions limit of .14 lbs/hr, and a PM2.5 emissions limit of .14 lbs/hr with a baghouse control device.[13] All of these emissions limits are crucial to ensuring the facility renders PSD requirements not applicable.[14] The previous iteration of the permit included daily baghouse pressure drop monitoring for this emissions unit but the Draft FESOP strikes that requirement.[15] Removing monitoring here is especially improper given that this precise emissions unit has a "pending enforcement action for 326 IAC 2-8-4 failed stack tests."[16]

IDEM states that "[p]ressure drop monitoring was removed for the sand mixer for SO2 Core Making… since this operation is subject to quarterly baghouse inspections, and this unit exhausts indoors."[17] This rationale is irrational and insufficient. First, quarterly baghouse inspections alone are insufficient to determine whether the baghouse is operating properly on a day-to-day basis and therefore meeting its underlying *hourly* limit. Indiana Law requires FESOPs to include "periodic monitoring specifications sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the FESOP."[18] These "monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement."[19] The applicable requirement here is an *hourly* PM emissions limit which forms the basis of the source's avoidance of PSD. Simply requiring quarterly inspections is far outside the realm of the relevant hourly time period.

Second, simply because the emissions unit exhausts indoors does not exempt it from monitoring. The emissions still vent to ambient air eventually. This is self-evident from IDEM's own analysis which includes emissions from the unit in its Potential to Emit calculations.[20]

[13] Draft FESOP at D.1.1(c).
[14] *Id*. at D.1.1.
[15] Draft FESOP, TSD at 32.
[16] *Id*. TSD at 5.
[17] *Id*. TSD at 21.
[18] 326 IAC 2-8-4(3)(A)(2).
[19] *Id*.
[20] Draft FESOP, TSD at 1-2.

The Sand Mixer for SO2 Core Making emissions unit has specific numeric PM emissions limits that are crucial to avoiding PSD requirements. IDEM must reinstate daily pressure drop monitoring for the baghouse to assure compliance with these underlying limits.

c. The Failed Baghouse Provision Does Not Constitute Sufficient Monitoring

Insofar as IDEM is relying on Section D.1.12 to assure compliance for the emissions units with baghouses mentioned above, that is insufficient because there is simply no monitoring mechanism to detect whether a baghouse has failed in the first place. Furthermore, notification of bag failure does not ensure that the baghouse was operating efficiently enough to achieve underlying emissions limits. Section D.1.12 notes that failed baghouses will be replaced and that "[b]ag 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."[21] While these monitoring methods may indicate baghouse failure, there is no corresponding monitoring requirement to deploy these methods. The baghouse replacement requirement in Section D.1.12 does not cure the previously discussed deficiencies.

II. The Significant Permit Revision Alters the Draft FESOP to Avoid Enforcement of a Clear Permit Violation for Aluminum Furnaces 1 and 2.

Proposed Change 10 notes that "Condition D.1.6 was revised to remove the particulate control from the aluminum melting furnaces #1 and #2 *since the baghouse was never constructed*."[22] Section D.1.6, in the prior iteration of this permit, includes the Aluminum Melting Furnaces #1 and #2 as applicable emissions units which must ensure baghouses are operated "at all times" to assure compliance with the associated PM requirements in D.1.1(b), (c), and the HAP requirements in D.1.3.[23] Proposed Change 10 acknowledges that no such baghouse was ever constructed and therefore could not have been operating to assure compliance with the underlying PM and HAP emissions limits. This indicates that the permittee has been operating without a control device in violation of its own permit. IDEM may not simply remove a permit term to avoid enforcement of prior violations of that permit term. This is an urgent enforcement issue that IDEM must promptly remedy before any approval of a significant modification.

a. *Monitoring at Aluminum Furnaces 1 through 3 is insufficient to ensure compliance with PM emissions limits.*

Furthermore, the previous permit term which required the baghouse to operate at all times was necessary to assure compliance with underlying PM emissions limits and should be re-integrated into the permit. The Draft FESOP removes the baghouse requirement and instead relies on flux throughput limits and a recordkeeping requirement to meet underlying PM emissions limits.[24] These permit terms are integral to avoid application of PSD requirements.[25] Throughput limitations and recordkeeping alone are insufficient to determine compliance with the underlying emissions limit here. There is no corresponding testing requirement to verify that the flux throughput limits are sufficient to assure compliance with the underlying objective to avoid PSD requirements.

[21] Draft FESOP at D.1.12.
[22] Draft FESOP, TSD at 20 (emphasis added).
[23] *Id*. TSD at 31.
[24] Draft FESOP at D.1.1(d), (f) and D.1.14(b).
[25] *See id*.

Commentors request that IDEM reinstate the baghouse requirement and add Aluminum Furnaces 1 through 3 as emissions units under Section D.1.8. This will ensure the baghouse undergoes daily parametric pressure-drop monitoring to verify efficiency of the control measure. Furthermore, commentors request that IDEM integrate a testing requirement for the Aluminum Furnaces operation to ensure that the flux throughput limits are meeting the expected efficiency associated with the emissions factor used to calculate PTE.

b. *Monitoring at Aluminum Furnaces 1 through 3 is insufficient to ensure compliance with HAP emissions limits.*

These same emissions units utilize flux throughput limits and a recordkeeping requirement to meet HAP limits and avoid application of more stringent HAP requirements under 326 IAC 2-7.[26] For the same reasons mentioned above, this is insufficient to assure compliance. This is especially concerning for two reasons. First, the facility is extremely close to the 10tpy threshold for HCl, which would trigger more strict HAP requirements. If the emissions factors are correct and the emissions units operate at the assumed efficiency, the facility will emit 9.84tpy of HCl.[27] This is a razor thin margin for which IDEM cannot rely solely on throughput limits and recordkeeping. Second, there is no associated testing requirement because IDEM "has determined that testing of the electric aluminum furnaces' fluxing operation and the NG magnesium furnaces' fluxing operations is not required at this time to determine compliance with the PM, PM10, PM2.5, HCl, and HF emission limits."[28] At minimum, IDEM must integrate a testing requirement to ensure that these emissions units are operating at an efficiency where the associated emissions factors combined with the throughput limitations would be reflective of the actual emissions and the calculated PTE.

III. Monitoring requirements at NG Magnesium Furnaces 1 through 5 are insufficient.

Commentors incorporate all arguments made in Section II(a) above and request that, at minimum, IDEM institute testing requirements to ensure that the NG Magnesium Furnaces 1 through 5 are operating at an efficiency where the associated emissions factors combined with the throughput limitations would reflect actual emissions and ensure that underlying emissions limits are met for PM and HAPs.

IV. Conclusion

The commentors request the following:

- That IDEM require daily pressure drop monitoring at the baghouses in the Aluminum and Magnesium Shakeout operations.

- That IDEM include sufficient monitoring of the wet suppression control devices at the Aluminum Grinding and Tooling Operation.

- That IDEM reinstate daily pressure drop monitoring for the baghouse at the Sand Mixer for SO2 Core Making emissions unit.

[26] Draft FESOP at D.1.3 and D.1.14.
[27] Draft FESOP, TSD, Appendix. A at 3.
[28] Draft FESOP, TSD at 19.

- That IDEM take prompt enforcement action against Midwest Aerospace, LLC for failing to construct, and operate, the baghouse for Aluminum Melting Furnaces #1 and #2.

- That IDEM reinstate the baghouse requirement for Aluminum Furnaces 1 through 3 and list such emissions units under Section D.1.8.

- That IDEM integrate testing requirements to ensure Aluminum Furnaces 1 through 3 are operating at an efficiency where the associated emissions factors combined with the throughput limitations reflect assumed PTE calculations for PM and HAPs.

- That IDEM integrate testing requirements to ensure Magnesium Furnaces 1 through 5 are operating at an efficiency where the associated emissions factors combined with the throughput limitations reflect assumed PTE calculations for PM and HAPs.

Respectfully Submitted,

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