



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

100 N. Senate Avenue • Indianapolis, IN 46204  
(800) 451-6027 • (317) 232-8603 • [www.idem.IN.gov](http://www.idem.IN.gov)

Eric J. Holcomb  
Governor

Brian C. Rockensuess  
Commissioner

May 13, 2024

## NOTICE OF DECISION

The Commissioner of the Indiana Department of Environmental Management (IDEM) has issued a Hazardous Waste Management Operating Permit Renewal to SABIC Innovative Plastics, Mt. Vernon, LLC, located in Mt. Vernon, Indiana, EPA ID # IND006376362. The permit will allow SABIC to continue to operate a hazardous waste treatment facility.

Copies of documents pertaining to the Hazardous Waste Permit are available for public viewing via IDEM's Virtual File Cabinet (VFC). To view these documents, go to [www.in.gov/idem/legal/public-records/virtual-file-cabinet/](http://www.in.gov/idem/legal/public-records/virtual-file-cabinet/). VFC permit Content IDs are:

Permit Conditions 83637363

Permit Attachments:

A 83637166    B 83637169    C 83637171    D 83637173    F 83637174  
G 83637175    H 83637176    I 83637356    J 83637177

A Response to Comments has been prepared for comments received during the public comment period. The Response to Comments is enclosed for your information.

Any aggrieved party has the right to appeal this decision pursuant to IC 4-21.5-3-7 (see enclosure). The Petition for Administrative Review and the Petition for Stay must be submitted to the Office of Environmental Adjudication within 15 days of your receipt of this notice.

If you have questions regarding this notice, please contact Ms. Paula Bansch at (317) 232-3243 or [pbansch@idem.IN.gov](mailto:pbansch@idem.IN.gov).

Sincerely,

Donald W. Stilz, Chief  
Hazardous Waste Permit Section  
Permits Branch  
Office of Land Quality

PJB/gjo  
Enclosures



Visit [on.IN.gov/survey](http://on.IN.gov/survey) or scan the QR code to provide feedback.

*We appreciate your input!*



RESPONSE TO COMMENTS  
RCRA DRAFT PERMIT RENEWAL  
SABIC INNOVATIVE PLASTICS, MT. VERNON, LLC  
MT. VERNON, INDIANA  
IND006376362

INTRODUCTION

The public comment period for the SABIC Innovative Plastics, Mt. Vernon, LLC Mt. Vernon, Indiana, Draft Permit Renewal began on March 19, 2024, with a public notice in the Posey County News and a mailing to interested parties. The notice and announcement requested comments regarding the Draft RCRA Permit Renewal. The public comment period ended on May 3, 2024.

This Response to Comments is issued pursuant to 329 IAC 3.1-13-13, which requires that the Indiana Department of Environmental Management (IDEM) shall:

1. briefly describe and respond to all significant comments on the Draft Permit;
2. specify which provisions, if any, of the Draft Permit have been changed, and the reasons for the change; and
3. explain the right to request an adjudicatory hearing on the permit as specified in IC 4-21.5.3.5 (see Notice of Decision).

RESPONSE TO PUBLIC COMMENTS

No public comments were received.

RESPONSE TO FACILITY COMMENTS

SABIC submitted the following comments in accordance with the public comment procedures. The comments are described in the following sections along with IDEM's response and any changes made as a result of the comments.

1. COMMENT

SABIC submitted an updated Attachment I, Closure Plan that included changes/comments of a general nature that are related to sampling. SABIC's changes/comments for Attachment I, Closure Plan can be found in IDEM's Virtual File Cabinet, [www.in.gov/idem/legal/public-records/virtual-file-cabinet/](http://www.in.gov/idem/legal/public-records/virtual-file-cabinet/), as document number 83634525.

## RESPONSE

IDEM concurs with the requested changes with the following exceptions/additional revisions:

- Page 9, 5<sup>th</sup> paragraph under “Soil Sampling and Analysis”: spelling correction of “altenrate” to “alternate”.
- Page 19, Table I-1A, under “Data Quality” for Soil: change of “R2PLs or BTVs” to “R2PLs” for VOCs and SVOCs to match with Table I-3.

## CHANGE

As requested along with the two items noted above.

## 2. COMMENT

In the draft permit, Section V.A.3., reference is made to “IDEM’s 2022 Risk based closure guide” and certain ancillary documents, with which we are familiar. Thereafter, reference is made to “IDEM’s Remediation Program Guide”. We recognize that document as the companion to the Remediation Closure Guide (2012), which is superseded by the 2022 Risk-based closure guide. Is the ‘Remediation Program Guide’ not also superseded by the RCRA Closure and Corrective Action Program Guide (NRPD\_waste-0015) issued in 2022? Should the reference be revised/updated in the renewal permit?

## RESPONSE

IDEM concurs that the reference should be revised/updated to refer to the RCRA Closure and Corrective Action Program Guide.

## CHANGE

Permit Condition V.A.3. has been revised/updated to refer to the RCRA Closure and Corrective Action Program Guide in place of the Remediation Closure Guide.



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# What if you are not satisfied with this decision and you want to file an appeal?

## Who may file an appeal?

The decision described in the accompanying Notice of Decision may be administratively appealed. Filing an appeal is formally known as filing a “Petition for Administrative Review” to request an “administrative hearing”.

If you object to this decision issued by the Indiana Department of Environmental Management (IDEM) and are: 1) the person to whom the decision was directed, 2) a party specified by law as being eligible to appeal, or 3) aggrieved or adversely affected by the decision, you are entitled to file an appeal. (An aggrieved and adversely affected person is one who would be considered by the court to be negatively impacted by the decision. If you file an appeal because you feel that you are aggrieved, it will be up to you to demonstrate in your appeal how you are directly impacted in a negative way by the decision).

The Indiana Office of Environmental Adjudication (OEA) was established by state law – see Indiana Code (IC) 4-21.5-7 – and is a separate state agency independent of IDEM. The jurisdiction of the OEA is limited to the review of environmental pollution concerns or any alleged technical or legal deficiencies associated with the IDEM decision making process. Once your request has been received by OEA, your appeal may be considered by an Environmental Law Judge.

## What is required of persons filing an appeal?

Filing an appeal is a legal proceeding, so it is suggested that you consult with an attorney. Your request for an appeal must include your name and address and identify your interest in the decision (or, if you are representing someone else, his or her name and address and their interest in the decision). In addition, please include a photocopy of the accompanying Notice of Decision or list the permit number and name of the applicant, or responsible party, in your letter.

Before a hearing is granted, you must identify the reason for the appeal request and the issues proposed for consideration at the hearing. You also must identify the permit terms and conditions that, in your judgment, would appropriately satisfy the requirements of law with respect to the IDEM decision being appealed. That is, you must suggest an alternative to the language in the permit (or other order, or decision) being appealed, and your suggested changes must be consistent with all applicable laws (See Indiana Code 13-15-6-2) and rules (See Title 315 of the Indiana Administrative Code, or 315 IAC).



A State that Works

The effective date of this agency action is stated on the accompanying Notice of Decision (or other IDEM decision notice). If you file a "Petition for Administrative Review" (appeal), you may wish to specifically request that the action be "stayed" (temporarily halted) because most appeals do not allow for an automatic "stay". If, after an evidentiary hearing, a "stay" is granted, the IDEM-approved action may be halted altogether, or only allowed to continue in part, until a final decision has been made regarding the appeal. However, if the action is not "stayed" the IDEM-approved activity will be allowed to continue during the appeal process.

### **Where can you file an appeal?**

If you wish to file an appeal, you must do so in writing. There are no standard forms to fill out and submit, so you must state your case in a letter (called a petition for administrative review) to the Indiana Office of Environmental Adjudication (OEA). Do not send the original copy of your appeal request to IDEM. Instead, send or deliver your letter to:

**The Indiana Office of Environmental Adjudication  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204**

If you file an appeal, also please send a copy of your appeal letter to the IDEM contact person identified in the Notice of Decision, and to the applicant (person receiving an IDEM permit, or other approval).

Your appeal (petition for administrative review) must be received by the Office of Environmental Adjudication in a timely manner. The due date for filing an appeal may be given, or the method for calculating it explained, on the accompanying Notice of Decision (NOD). Generally appeals must be filed within 18 days of the mailing date of the NOD. To ensure that you meet this filing requirement, your appeal request must be:

- 1) Delivered in person to OEA, by the close-of-business on the eighteenth day (if the 18<sup>th</sup> day falls on a day when the Office of Environmental Adjudication (OEA) is closed for the weekend or for a state holiday, then your petition will be accepted on the next business day on which OEA is open), or
- 2) Given to a private carrier who will deliver it to the OEA on your behalf, (and from whom you must obtain a receipt dated on or before the 18<sup>th</sup> day), or
- 3) For those appeal requests sent by U.S. Mail, your letter must be postmarked by no later than midnight of the 18<sup>th</sup> day, or
- 4) Faxed to the OEA at (317) 233-9372 before the close-of-business on the 18<sup>th</sup> day, provided that the original signed "Petition for Administrative Review" is also sent, or delivered, to the OEA in a timely manner.

### **What are the costs associated with filing an appeal?**

The OEA does not charge a fee for filing documents for an administrative review or for the use of its hearing facilities. However, OEA does charge a fifteen cent (\$.15) per page fee for copies of any documents you may request. Another cost that could be associated with your appeal would be for attorney's fees. Although you have the option to act as your own

attorney, the administrative review and associated hearing are complex legal proceedings; therefore, you should consider whether your interests would be better represented by an experienced attorney.

**What can you expect from the Office of Environmental Adjudication (OEA) after you file for an appeal?**

The OEA will provide you with notice of any prehearing conference, preliminary hearings, hearings, “stays,” or orders disposing of the review of this decision. In addition, you may contact the OEA by phone at (317) 232-8591 with any scheduling questions. However, technical questions should be directed to the IDEM contact person listed on the Notice of Decision.

Do not expect to discuss details of your case with OEA other than in a formal setting such as a prehearing conference, a formal hearing, or a settlement conference. The OEA is not allowed to discuss a case without all side being present. All parties to the proceeding are expected to appear at the initial prehearing conference.