December 20, 2019

NOTICE OF DECISION

The Commissioner of the Indiana Department of Environmental Management (IDEM) has issued a Hazardous Waste Management Operating Permit Renewal to Vertellus Integrated Pyridines, LLC (Vertellus), located in Indianapolis, Indiana. The permit will allow Vertellus to continue to operate a hazardous waste treatment and storage facility.

The Hazardous Waste Management Permit may be viewed on the IDEM Virtual File Cabinet (VFC) at: www.IN.gov/IDEM and select “Online Services”. From this website, you can access the document search page (www.in.gov/idem). Enter the document numbers in the upper right corner of the VFC document search page

Permit Conditions 82882341 Final Risk Assessment 82882617
Permit Attachments:
A_82882343 B_82882345 C_82882346 D_82882357 F_82882358
G_82882359 H_82882360 I_82882362 J_82882364

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.

Sincerely,

Rebecca Eifert Joniskan, Chief
Permits Branch
Office of Land Quality

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INTRODUCTION

The public comment period for the Vertellus Integrated Pyridines, LLC (Vertellus) Draft Permit Renewal began on September 27, 2019, with a public notice in the Indianapolis Star and a mass mailing to interested parties. The notice and announcement requested comments regarding the Draft RCRA Permit Renewal. The public comment period ended on November 12, 2019.

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 comments were received from the public.

RESPONSE TO FACILITY COMMENTS

Vertellus submitted the following comments in accordance with the public comment procedures. Subsequent to receiving Vertellus’ comments, IDEM met with facility representatives to gain a better understanding of their comments. Vertellus’ comments are described in the following sections along with the IDEM's response and any changes made as a result of the comments.

1. Comment
   Section V. Boiler Conditions, Page 33. In Tables V.B.1 and V.B.2
   Limits are included for Mercury. This was discussed in our meeting but upon further review, no changes are requested.

   Response
   IDEM concurs.

   Change
   None.
2. **Comment**  
Section V. Boiler Conditions, Page 34.  
The draft permit requires the Permittee to calculate the annual total feed for specific metals starting from the effective date of the permit and at each anniversary date. Vertellus requests that the annual total feed be calculated based on the calendar year—January through December.

**Response**  
IDEM concurs.

**Change**  
As requested.

3. **Comment**  
Section V. Boiler Conditions, Page 35.  
In paragraph C.2.a. the requirement is to maintain the minimum combustion chamber temperature at all times while hazardous waste or waste residue remain in combustion chamber. As discussed, “residue” could include boiler ash. As such we recommend the following language for clarification.

➤ As detailed in §63.1209(j), after the hazardous waste residence time has transpired, the minimum combustion chamber temperature is no longer required.

**Background**  
§63.1206(b)(11) required Vertellus to calculate the hazardous waste residence time for each boiler and submit it with the Notification of Compliance, a copy of which was included with the application for permit renewal.

**Response**  
IDEM concurs.

**Change**  
Permit Condition V.C.2.a. on page 35 of the permit has been revised to read as follows:
The minimum combustion chamber temperature specified in this permit for each boiler shall be maintained at all times until the hazardous waste residence time has transpired.

4. **Comment**  
Section V. Boiler Conditions, Page 36.  
Table V.C.1 includes operating parameters that are for DRE as regulated by the HWC MACT. Since 40 CFR 63 Subpart EEE and 40 CFR 266 Subpart H require Vertellus to monitor carbon monoxide by an hourly rolling average (HRA) and an instantaneous rate; minimum combustion chamber temperature by an HRA; and maximum steam production rates by an HRA as a means to demonstrate compliance with a DRE of 99.99%, Vertellus is requesting that these parameters be removed from the permit.

Vertellus understands that IDEM may consider these to be based on a risk assessment, however both of the standards cited are for a DRE of 99.99% and
IDEM has not required a more stringent rate through a risk assessment. Vertellus complies with the DRE under the HWC MACT and not per the RCRA regulations.

**Response**
IDEM concurs.

**Change**
Table V.C.1 on page 36 of the permit has had the carbon monoxide parameters, steam production parameters, and the minimum combustion chamber temperature removed.

5. **Comment**
Section V. Boiler Conditions, Page 38 - G. Risk Assessment.
The draft permit requires the Permittee to update relevant information, as necessary, for the human health risk assessment in conjunction with the renewal application. As discussed in our meeting, the intent would be for the permit renewal application to include a "scoping document" that would discuss any relevant changes that would result in changes to the risk assessment. Vertellus proposes the following language at the end of the paragraph:

➢ This review will include a discussion of any relevant changes to the facility such as waste generation, handling, and/or equipment. The review would also include any guidance or modelling updates and a comparison to the existing modelling results.

**Response**
IDEM concurs.

**Change**
Permit Condition V.G. on page 38 of the permit has been revised to read as follows:

A risk assessment was conducted prior to the issuance of this permit. The Permittee shall review and update relevant information, as necessary, for the human health risk assessment evaluation in conjunction with the renewal application for this permit. This review will include a discussion of any relevant changes to the facility such as waste generation, handling, and/or equipment. The review would also include any guidance or modelling updates and a comparison to the existing modelling results.

6. **Comment**
Section VII. Waste Codes, Page 49.
All of the waste codes found in the row for Off-Site Waste are also codes that should be included for On-Site Waste. All but U051 are raw materials or product for the site. As such, Vertellus recommends the table be modified. An additional row should be added:
<table>
<thead>
<tr>
<th>On-Site Waste</th>
<th>Listed, ignitable, and toxicity</th>
</tr>
</thead>
<tbody>
<tr>
<td>F003, F005, D001, D004, D005, D006, D007, D008, D009, D011, D018, D023, D024, D025, D026, D035, D038, U001, U002, U003, U008, U012, U019, U051, U056, U122, U154, U159, U161, U182, U191, U195, U220, U293</td>
<td></td>
</tr>
</tbody>
</table>

**Response**
IDEM concurs.

**Change**
As requested.

7. **Comment**
Section VIII. Compliance Schedule, Page 50.
Vertellus recommends removing the word "renewal" from each of the paragraphs for clarification of the intent.

**Response**
IDEM concurs.

**Change**
As requested.

8. **Comment**
Attachment B. Facility Description, Page 3
under 1.) references “EP” Toxic instead of TCLP. Vertellus would recommend updating the language to remove reference to EP.

**Response**
IDEM concurs.

**Change**
Attachment B, page 3, has been revised as follows:
Certain wastewaters are characteristic corrosive (ph >12.5; D002) and TCLP Toxic for pyridine and benzene (D018 and D038).

9. **Comment**
Attachment C. Waste Analysis Plan, Page C-2.
The end of 3rd paragraph should be modified. The last 3 sentences should be removed, starting with “EPA revised the risk assessment.” Vertellus proposes the following language be put in its place:
➢ Also, mercury sampling and analysis has been incorporated into the sampling and analysis plan for demonstrating compliance with the mercury emission rates in this permit and the air Title V permit.

**Response**
IDEM concurs.
10. **Comment**
Vertellus proposes that the following language be added after Table C-12.
➢ If in the future Vertellus needs to contract a laboratory that is not included in the WAP, a Class 1 modification with prior approval will be submitted to incorporate the laboratory into the permit. The QAPP of the new lab will also be submitted for review by IDEM. If unforeseen conditions arise, Vertellus will ensure samples are analyzed by a qualified laboratory so that sampling frequencies as required by the permit are met.

**Response**
IDEM concurs.

**Change**
As requested.

11. **Comment**
Attachment C. Waste Analysis Plan, Page C-18.
Vertellus is requesting that the schedule in C-2d bullets 1 and 2 be updated as follows:
➢ The frequency of analysis for waste being burned for energy recovery will be done as follows:
   1. No less than once a quarter. However, the permittee may sample as often as necessary to maintain the maximum hazardous waste feed rate allowed statistically as described in Section C-2g.
   2. If a sample result is above the current maximum UTL, the hazardous waste burned for energy recovery will be sampled no less than twice a month until such time that the reported value for the constituent(s) of concern is below the current maximum UTL for two (2) consecutive samples.
   3. When sampling for the constituent(s) of concern has been implemented in accordance with Section C-2d.2, the highest reported value for the constituent(s) of concern will be used in determining the maximum hazardous waste feed rate until the result(s) for the constituent(s) of concern are below the current maximum UTL as described in Section C-2d.2.

**Background**
In December of 2017, Vertellus started sampling the hazardous waste feed to the boilers twice a month. Those sample results have been maintained as required by the Federal permit.

**Response**
IDEM concurs.

**Change**
As requested.
12. **Comment**
Attachment C. Waste Analysis Plan, Page C-18.
The requested modification in comment number 11 includes and revises the last paragraph in C-2d. Vertellus requests that the last paragraph in Section C-2d be deleted.

**Response**
IDEM concurs.

**Change**
As requested.

13. **Comment**
Tables C-15 through C-21 are incorrect and should be revised to match the permit conditions in Section V under B Performance Standards, see Tables V.B.1 and V.B.2.

**Response**
The tables were revised with regard to Mercury, to be consistent with Permit Condition V. All other metals matched the referenced the aforementioned permit condition and were not revised.

**Change**
As noted in response above.

14. **Comment**
Attachment C. Waste Analysis Plan, Page C-32.
The second paragraph under Boiler Feed Stream Statistics. Vertellus requests that the 3rd sentence be ended at “for each constituent—delete the phrase in the parentheses. New sentence would be:
  ➢ Vertellus will use a rolling five (5) year database to calculate the UTL for each constituent.

The five year rolling database is a “look backwards.” For example, samples are being collected in November 2019 so the database would go back to November 2014. Vertellus should be able to use sampling data collected under the Federal permit.

**Response**
IDEM concurs.

**Change**
As requested.

15. **Comment**
Attachment F. Procedures to Prevent Hazards, Page 10.
Vertellus requests that Section F-4e Personnel Protection Equipment be modified. 40 CFR 270.14(b)(8)(v) requires a description of equipment to prevent undue
exposure of personnel to hazardous waste (for example protective clothing). Vertellus maintains personal protective equipment (PPE) at the site and has a system for maintaining PPE in our Stores department. Minimum inventories are set with reorder quantities. Also, Vertellus no longer has an emergency response truck. Vertellus request that the last sentence of the first paragraph be modified along with the equipment and quantity lists as follows:

➢ The following is a list of personal protective equipment that will be maintained at the facility at a minimum:

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respirators</td>
<td>20</td>
</tr>
<tr>
<td>Respirator cartridges &amp; filters</td>
<td>40</td>
</tr>
<tr>
<td>Safety helmet</td>
<td>12</td>
</tr>
<tr>
<td>Face Shields</td>
<td>6</td>
</tr>
<tr>
<td>Goggles</td>
<td>20</td>
</tr>
<tr>
<td>Chemical protective clothing (coveralls)</td>
<td>20</td>
</tr>
<tr>
<td>Chemical protective gloves</td>
<td>20</td>
</tr>
<tr>
<td>Chemical protective boots</td>
<td>20</td>
</tr>
<tr>
<td>Air monitoring equipment</td>
<td>12</td>
</tr>
<tr>
<td>Self-contained breathing apparatus (SCBA tanks)</td>
<td>4</td>
</tr>
</tbody>
</table>

Items removed from the list are not PPE and are as noted in the first sentence, detailed in the Contingency Plan.

Response
IDEM concurs.

Change
As requested.

16. Comment
Attachment I Closure Plan, Page 19.
Under I-5 Financial Assurance for Closure, Vertellus requests that the third sentence be modified as follows:

➢ The documentation demonstrating financial assurance is provided to the State of Indiana within sixty (60) days after an increase to the closure costs as specified in 329 IAC 3.1-15-4(e)(7).

Response
IDEM concurs.
17. Comment
Attachment I Closure Plan, Page 19.
Under I-8 Liability Requirements, Vertellus request that the second sentence be deleted. Vertellus will comply with the requirements under 329 IAC 3.1-15-8 as cited.

Response
IDEM concurs.

18. Comment
Attachment I Closure Plan, Page 19.
Under I-9 Use of State Required Mechanisms, Vertellus request that the second sentence be modified as follows:
  ➢ Annual submission of the required information are submitted each calendar year to IDEM as required in I-5 and I-8.

Response
IDEM concurs.

Change
As requested.
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).

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
Indiana Government Center North, Room N103
100 North Senate Avenue
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 18th 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 18th day), or
3) For those appeal requests sent by U.S. Mail, your letter must be postmarked by no later than midnight of the 18th day, or
4) Faxed to the OEA at 317-233-9372 before the close-of-business on the 18th 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 317-233-0850 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.