



Public Meeting September 17<sup>th</sup>, 6pm CT – Calumet College of St Joseph, Room #200  
2400 New York Ave Whiting, Indiana 46394

# Safety-Kleen Systems, Inc.: 2024 Modification of Title V Air Permit

Safety-Kleen Systems in East Chicago, Indiana is an oil re-refinery that recycles used oil and offers waste management and parts cleaning services. The company collects used oil from oil change facilities, automotive shops, car dealerships, and other industrial facilities, and recycles it to create fuel and asphalt extenders.

The Indiana Department of Environmental Management (IDEM) issued a draft modification of Safety-Kleen's Title V air permit (Significant Permit Modification No. 089-47236-00301 and Significant Source Modification No. 089-47229-00301).<sup>1</sup> In response to public requests, IDEM is hosting a public meeting on the draft permit on **September 17<sup>th</sup>, 2024 at 6 PM**. Accordingly, IDEM has also extended the public comment deadline to **September 23<sup>rd</sup>, 2024**.<sup>2</sup>

Public attendance at the meeting is important as it gives speakers an opportunity to have their voices and lived experiences heard by IDEM. Because this is a meeting and not a hearing, attendees have the opportunity to ask IDEM questions about the facility, draft permit, and source modification and receive answers from IDEM in person.

The Environmental Law & Policy Center (ELPC) and Conservation Law Center (CLC) reviewed the draft permit and public notices and identified numerous defects, summarized below. We will submit these issues as written comments as well.

## More Emissions from Safety-Kleen Systems oil re-refinery

The Safety-Kleen oil re-refinery in East Chicago **already emits substantial amounts of pollution** and is a Title V Major Source. The proposed significant permit and source modification would allow Safety-Kleen to construct new emissions units including new process heaters (H-1001, H1102, H-1101), new storage tanks (T-977 through T-996), and a new Flare (FL-802) in order to produce a new "asphalt binder" product.

The draft significant modification of the permit would increase the yearly Potential To Emit (PTE) for numerous pollutants (see chart below). **The enormous increase of these harmful air pollutants** in East Chicago will have both short- and long-term effects on the health of nearby residents. The facility has had 136 sulfur-related **compliance failures** since 2015, including SO<sub>2</sub> **emission exceedances** and failures to monitor sulfur content.<sup>3</sup> This raises serious questions about whether Safety-Kleen will comply with the limitations set by IDEM.

### Public Meeting:

*Sept. 17, 2024 – 6pm CT  
Calumet College of St.  
Joseph #200 – Whiting, IN*

### Public Comment:

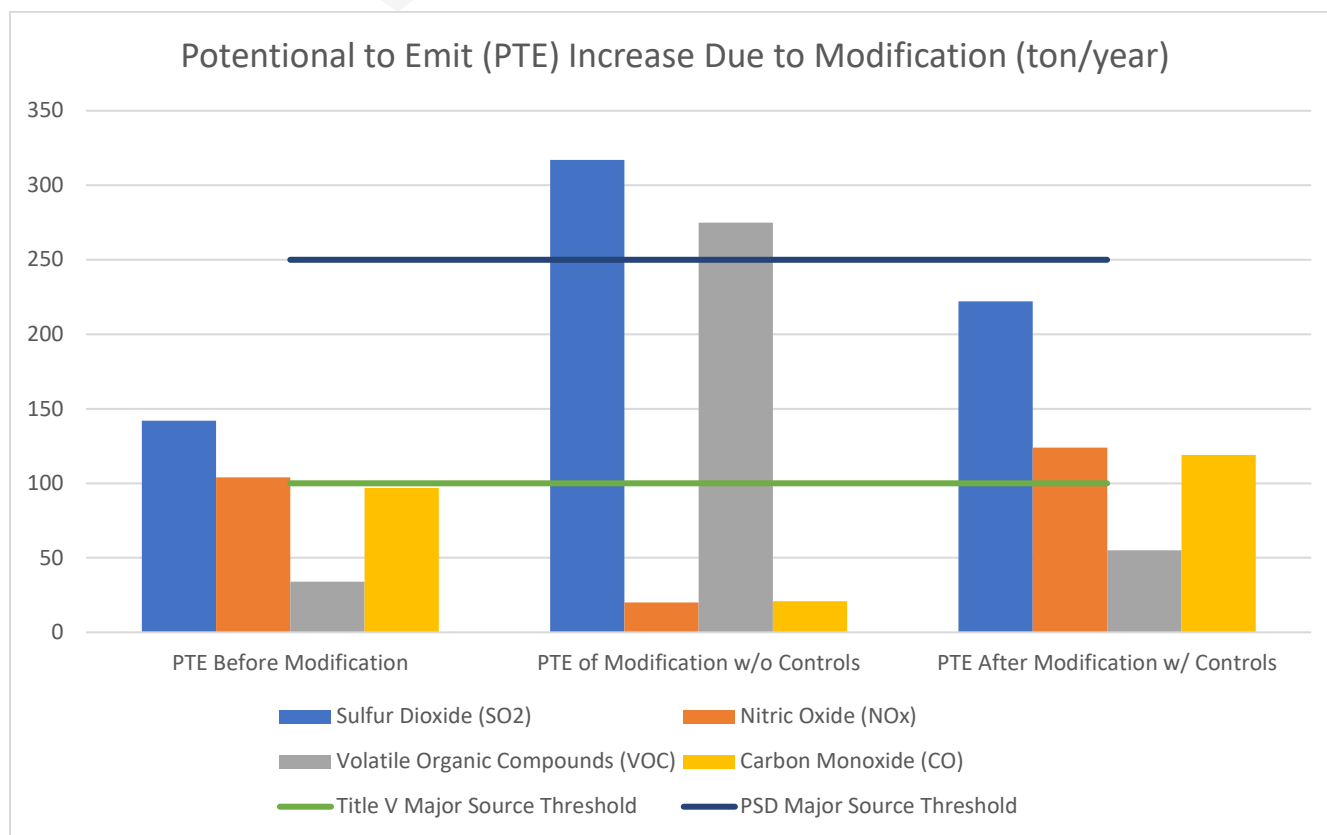
*Due Sept 23, 2024  
anoveer@idem.IN.gov*

<sup>1</sup> Safety-Kleen 2024 Draft Permit Modification at <https://acrobat.adobe.com/id/urn:aaid:sc:US:459113c4-6bb4-4e5e-9a1b-c1da138b704e> and Source Modification available at <https://acrobat.adobe.com/id/urn:aaid:sc:US:ca42eed9-e17d-4d2e-aefc-9ee0069580c6>.

<sup>2</sup> See [Notice of Public Meeting for Safety-Kleen Systems](#).

<sup>3</sup> This analysis was created by reviewing correspondence in IDEM's virtual file cabinet that details Safety-Kleen's compliance history.





Safety-Kleen currently qualifies as a Title V polluter because emissions exceed 100 tons per year. However, if its emissions exceed 250 tons per year, it would fall under a higher category, Prevention of Significant Deterioration (PSD), requiring more stringent analysis. The proposed changes to this facility, on their own, would increase emissions for multiple pollutants above the PSD threshold, such as sulfur dioxide (SO<sub>2</sub>) and volatile organic compounds (VOCs). The company is promising to install emissions control equipment to remain under the PSD threshold, but it's hard to trust its promises, given the history of compliance failures and emissions exceedances at this facility.

### Draft Permit Deficiencies

There are various issues with the Draft Permit. To name a few:

- **IDEM must consider the environmental justice impacts** of granting this permit with additional emissions units, especially with regard to **cumulative impacts** from other sources nearby.
  - According to EPA's EJScreen tool, the ozone and NO<sub>x</sub> concentration around the Safety-Kleen facility is at the 97<sup>th</sup> and 96<sup>th</sup> percentile and the air toxics cancer risk is at the 95<sup>th</sup> percentile (nationally).<sup>4</sup>
  - 78% of residents within a 3-mile radius of the facility are people of color facing health disparities and the area already encompasses many industrial facilities; the permit must account for these factors through an EJ analysis.
- **IDEM's BACT Analysis relies too heavily on Safety-Kleen's limited data** without considering the full range of available control technologies for regulated pollutants.
  - IDEM's BACT analysis simply recites Safety-Kleen's analysis contained in the application. IDEM should redo the analysis and use a more thorough methodology, referencing additional industry standards and technologies to guide its determination.

<sup>4</sup> Env't Prot. Agency EJScreen Tool using a 3-mile radius. [https://ejscreen.epa.gov/mapper/ejscreen\\_SOE.aspx](https://ejscreen.epa.gov/mapper/ejscreen_SOE.aspx)



- **The Draft Permit fails to include adequate monitoring** and testing to assure compliance with pollution limits for multiple emission units.
  - IDEM asserts that testing the new flare is not technically feasible. But if the flare cannot be tested, this “guarantee” is unverifiable and unenforceable. At a minimum, IDEM should require the flare to be enclosed so its emissions can be verified.
  - The draft permit lacks detailed continuous opacity monitoring system (COMS) requirements for several operations including solvent de-asphalting, flaring, and material transfer. The absence of continuous monitoring weakens the enforceability of the emissions limitations.
  - Safety-Kleen has a history of SO<sub>2</sub> exceedances. The permit should include stronger monitoring for the pollutant, especially given the facility’s close proximity to the PSD major threshold.
- **IDEM & Safety-Kleen failed to incorporate several mandatory plans and documents** into the draft permit.
  - The Compliance Assurance Monitoring (CAM) Plan and The Sulfur Fuel Sampling and Analysis Protocol should be added to this permit.<sup>5</sup>

### Questions

- What steps is IDEM taking to ensure that Safety-Kleen will adhere to sulfur dioxide (SO<sub>2</sub>) emission limits, given their history of repeated exceedances?
- What is IDEM’s response to Safety-Kleen’s failure to report emissions data on time, and how will this be prevented in the future?
- How will IDEM ensure that Safety-Kleen properly implements and follows a Compliance Assurance Monitoring (CAM) Plan, given the history of monitoring failures?
- What safeguards are being put in place to protect the health of nearby communities, especially given the facility’s proximity to a predominantly nonwhite population and existing environmental burdens?
- Why hasn’t IDEM included stronger requirements for Continuous Opacity Monitoring Systems (COMS) for key emission units?
- What specific controls or measures is Safety-Kleen using to stay below the PSD threshold, and how is IDEM ensuring that these controls are federally enforceable to prevent future violations?
- Has IDEM conducted any recent health impact assessments in the area surrounding the Safety-Kleen facility, and if so, how are those findings influencing permit decisions?

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<sup>5</sup> Indiana Admin. Code states regarding the Sulfur Fuel Sampling and Analysis Protocol, “[t]he department *shall* incorporate the protocol into the source’s Title V or other appropriate permit....” 326 IAC 7-4.1-2(c) (emphasis added).

