Table 1: Examples of Minor NSR Permits with Improvements from Comments

Permit Name	Location & Permitting Authority	Type of Facility	Permit Improvement Resulting from Comment	Commenters	Attachments
Access World, LLC, air quality permit to construct, Permit No. 005-2864-6-3174 & 6-3175 - synthetic minor permit.	Sparrows Point, MD - Maryland Department of the Environment	Crushing and Screening Plants	In response to comments, the permit was revised to limit the total hours of operation of the diesel generators to ensure compliance with the Synthetic Minor condition.	Members of the public, Environmental Integrity Project	Maryland Department of the Environment Response to Comments for Access World (Attachment 1)
AED Copiah Wood Pellet Plant	Hazlehurst, MS Mississippi Department of Environmental Quality	Industrial wood pellet manufacturing	Public comments on synthetic minor permit application for proposed facility argued that the company had underestimated the facility's pollution levels and that when calculated properly, the facility would be major for NSR purposes. After receiving the comments, the company revised its design to add more effective VOC and HAP controls, which were reflected in the draft permit subsequently released for comment.	Environmental Integrity Project	Letter from Environmental Integiety Project (EIP) to Mississippi Department of Environmental Quality (MDEQ) regarding Emissions at Alternative Energy Development Copiah dated Aug. 19, 2019 (Attachment 2); EIP et al. comments on AED Copiah permit dated Nov. 12, 2019 (Attachment 3)
Agua Fria Generating Station Permit P0009346 (5/2/2023)	Glendale, AZ (Maricopa County Air Quality Department)	Gas-Fired Electrical Generating Station	This permit added two new combustion turbines as a minor modification to a major source through a combined minor NSR/Title V permit. MCAQD revised the permit in response to public comments (following EPA objection in In the Matter of Salt River Project Agricultural Improvement and Power District Agua Fria Generating Station, Order on Petition No. IX-2022-4 (Jul. 28, 2022)). MCAQD revised the permit and added terms and conditions to make the 12-month rolling total emission limits on PM10, PM2.2, and VOCs practically enforceable, including clearly stating the performance tests, emission factors, and monthly calculation used to show compliance with the 12-month limits on PM10, PM2.5, and VOCs.	Sierra Club	Maricopa County Responsiveness Summary dated Feb. 17, 2023 (Attachment 4); Maricopa County Responsiveness Summary dated Oct. 4, 2022 (Attachment 5); In the Matter of Salt River Project Agricultural Improvement and Power District Agua Fria Generating Station, Order on Petition No. IX-2022-4 (Jul. 28, 2022) (Attachment 6)
Appling Wood Pellets	Baxley, GA Georgia Environmental Protection Division	Industrial wood pellet manufacturing	Public comments on facility's initial Title V permit demonstrated numerous deficiencies in the synthetic minor limits established in the facility's minor NSR construction permit. EPD revised the permit to include more stringent emission limits and significantly improved testing and monitoring requirements.	Environmental Integrity Project, Dogwood Alliance, Partnership for Policy Integrity	EPD Title V Application Review for Appling County Pellets (Attachment 7)
Atlanta Forest Products, Air Permit Application No. 29356	Atlanta, GA Georgia Environmental Protection Division	Air Curtain Incinerator	Public comments on permit application explained that the ACI would emit more than 50 tpy of PM10, making it the second largest stationary source emitter in the county, which is anticipated to be found to be in nonattainment for PM2.5. Commenters argued that (1) an ACI is not appropriate in a congested urban area where the population already experiences disparate health harms compared to other communities and urged EPD to utilize its authority to safeguard public health to deny application (2) proposed ACI would violate EPD's siting rules (houses located less than 150 ft away), (3) application appears to underestimate PM2.5 emissions, (4) proposed ACI not allowed under local zoning rules. The company withdrew the application due to comments.	SELC, Georgia Interfaith Power & Light, Georgia Chapter of Sierra Club	SELC et al. comments to Georgia Environmental Protection Division (EPD) on Atlanta Forest Products permit dated Aug. 16, 2024 (Attachment 8)
City of Alabaster Public Works, Air Permit No. 411-0076	Shelby County, AL Alabama Department of Environmental Management	Air Curtain Incinerator	Public comments noted that the draft permit would have allowed the ACI to burn untreated wood and vegetation, including leaves in plastic bags. Commenters argued that if the permit allowed the facility to burn plastic bags, additional New Source Performance Standards would apply and would need to be added to the permit in order to protect air quality. ADEM responded by revising the permit to eliminate authorization for the ACI to be used to burn plastic bags.	GASP and SELC	Alabama Department of Environmental Management (ADEM) Response to Comments on City of Alabaster permit dated June 2026 (Attachment 9)
City of Demopolis Public Works, Permit No. 105-0022-X001.	Demopolis, AL Alabama Department of Environmental Management	Air Curtain Incinerator	The draft permit and comments were similar to those provided above for City of Alabaster Public Works. ADEM responded by revising the permit to eliminate authorization for the ACI to be used to burn plastic bags.	GASP and SELC	SELC et al. comments to ADEM on City of Demopolis permit dated Feb. 16, 2026 (Attachment 10); ADEM Response to Comments dated April 2026 (Attachment 11).

Table 1: Examples of Minor NSR Permits with Improvements from Comments

Permit Name	Location & Permitting Authority	Type of Facility	Permit Improvement Resulting from Comment	Commenters	Attachments
City of Greenville, Air Permit Application No. CP-500000297	Greenville, SC South Carolina Department of Environmental Services	Air Curtain Incinerator	Public comments opposed location of ACI because (1) it would be located next to nature preserve and school and would emit smoke, particulate matter, and odors at ground level causing health risks in the area immediately surrounding it, (2) application underestimates PM10 and PM2.5 emissions (3) proposal violates DES siting rules for ACIs (4) proposal violates local zoning rules. The company withdrew the application due to comments.	SELC, Sierra Club Upstate, South Carolina Native Plant Society	SELC et al. comments to South Carolina Bureau of Air Quality on City of Greenville permit dated June 27, 2025 (Attachment 12)
Coolidge Generating Station Permit V20676.R02 (3/26/2024)	Coolidge, AZ Pinal County Air Quality Control District	Gas-Fired Electrical Generating Station	The permit was revised in response to comments to only allow changes in test methods via a permit revision (instead of allowing the permittee to make those decisions to change test methods) for testing of NOx, CO, PM/PM10/PM2.5, and VOCs from the new combustion turbines and for Total Dissolved Solids from the wet surface air coolers. The permit was also revised to explain how each new combustion turbine's annual capacity factor was to be measured to ensure compliance with the annual 30% capacity factor limit, as mandated in the Certificate of Environmental Compatibility approved by the Arizona Corporation Commission for the 12 new combustion turbines to be installed.	Sierra Club	Pinal County Air Quality Control District Summary and Response to Comments on Goolidge Generating Station permit dated March 26, 2024 (Attachment 13)
Desert Basin Generating Station Permit V20678.R02	Casa Grande, AZ Pinal County Air Quality Control District	Gas-Fired Electrical Generating Station	The draft permit allowed two new combustion turbines as a minor modification to a major source through a combined minor NSR/Title V permit. In response to public comments, PCAQD revised the permit to improve the practical enforceability of limits on potential to emit of the new turbines that were taken to avoid major NSR requirements, including dding definitions and time limits for startup and shutdown events, specifying that performance testing be conducted at maximum heat input capacity, and adding testing requirements for PM2.5 emissions. The permit was also revised to add requirements to ensure compliance with the greenhouse gas emission limits of 40 CFR Part 60, Subpart TTTT.	Sierra Club	Responsiveness Summary for Salt River Project Agricultural Improvement and Power District (SRP) Desert Basin Generating Station, Permit #V20678.R02 (Attachment 14)
Drax Amite	Gloster, MS (Mississippi Department of Environmental Quality)	Industrial wood pellet manufacturing	Public comments on the facility's Title V permit demonstrated that the facility's VOC emissions were far in excess of the synthetic minor limit it initially relied on to construct under a minor NSR permit. MDEQ agreed. Drax performed stack testing that showed annual VOC emissions of nearly 800 tons, several times the New Source Review major source threshold. Drax was required to install a Regenerative Thermal Oxidizer on its post-dryer units, and agreed to pay a $2.5 million penalty.	Environmental Integrity Project, Mississippi Chapter of the Sierra Club, Dogwood Alliance, Partnership for Policy Integrity, Natural Resources Defense Council, Our Children's Earth, Center for Biological Diversity	EIP et al. comments on Amite BioEnergy Permit (Docket I.D. EPA-HA-OAR-2025-1212-0031); Drax Amite BioEnergy Correspondence and Stack Test Reports (Docket I.D. EPA-HQ-OAR-2025-1212-0031); MDEQ, Agreed Order No. 7082 20 (Nov. 4, 2020) (Attachment 15)
Drax Morehouse BioEnergy	Bastrop, LA (Louisiana Department of Environmental Quality)	Industrial wood pellet manufacturing	Facility had been constructed as a minor NSR source but was major for Title V. In comments on Title V permit modification proposing to increase the facility's VOC PSD avoidance limit, public commenters demonstrated that the facility's emissions were 3 to 4x higher than the major source threshold. LDEQ agreed with commenters, responding that "based on information provided by the commenter and after further discussions with Morehouse BioEnergy, [the agency] is persuaded that the Wood Pellet Manufacturing Facility is a major stationary source under the Prevention of Significant Deterioration (PSD) program." In addition, the public comments motivated Drax to conduct engineering testing for VOCs, which showed that the facility had a VOC potential to emit of 1,150 tons per year.	Environmental Integrity Project, Louisiana Environmental Action Network, Louisiana Bucket Brigade, Dogwood Alliance, Partnership for Policy Integrity, Natural Resources Defense Council, Our Children's Earth	EIP et al. comments to Louisiana Department of Environmental Quality (LDEQ) on Morehouse BioEnergy Permit dated July 20, 2018(Docket I.D. EPA-HQ-OAR-2025-1212-0031); LDEQ Response to Comments on Morehouse BioEnergy Permit (Docket I.D. EPA-HQ-OAR-2025-1212-0032); LDEQ Settlement for Morehouse BioEnergy dated Nov. 21, 2022 (Attachment 16)

Table 1: Examples of Minor NSR Permits with Improvements from Comments

Permit Name	Location & Permitting Authority	Type of Facility	Permit Improvement Resulting from Comment	Commenters	Attachments
Duke Energy Marshall Plant	Terrell, NC (North Carolina Department of Environmental Conservation)	Methane-gas-fired utility power plant	In response to public comments, NCDEQ: (1) added enforceable facility-wide emission limits for coarse and fine particulate matter, sulfur dioxide, and hydrogen sulfide mist, (2) Added requirement that if performance testing shows emission factors (used in lieu of periodic testing to monitor ongoing compliance) underestimate actual emissions, Duke must request a permit modification to adjust the emission factors accordingly, (3) added a reporting requirement to track whether numerous operational assumptions used to calculate potential emissions for ancillary equipment (and in turn used to establish limits on boilers and turbines) are valid in practice (i.e., emergency generators don't operate more than 500 hrs/yr, auxiliary boiler doesn't exceed 10% annual capacity factor, and turbines don't use fuel oil for more than 500 hrs/yr). NCDEA also added a corresponding requirement that if those operational assumptions are exceeded, Duke must demonstrate it didn't cause an exceedance of the facility-wide PSD avoidance limits.	SELC, Appalachian Voices, CleanAire NC, Environmental Defense Fund, National Parks Conservation Association, Natural Resources Defense Council, North Carolina Conservation Network, Sierra Club, Southern Alliance for Clean Energy	Duke Energy Marshall Hearing Officer's Report and Recommendations dated Dec. 18, 2024 (Attachment 17)
Duke Energy Progress, LLC - Roxboro Steam Electric Plant, Permit Application No. 7300029.24A	Semora, NC (North Carolina Department of Environmental Quality)	Methane-gas-fired utility power plant	In response to public comments, NCDEQ added a permit condition requiring Duke Energy to perform initial performance test for sulfur dioxide and hydrogen sulfide to verify emission factors (used in lieu of periodic testing to monitor ongoing compliance), and if testing shows the emission factors underestimate actual emissions, Duke must request a permit modification to adjust the emission factors accordingly. NCDEQ also added a reporting requirement to track whether operational assumptions used to calculate potential emissions for ancillary equipment (and in turn used to establish limits on boilers and turbines) are valid in practice (i.e., emergency generators don't operate more than 500 hrs/yr, auxiliary boiler doesn't exceed 10% annual capacity factor, and turbines don't use fuel oil for more than 250 hrs/yr), and corresponding requirement that if those operational assumptions are exceeded, Duke must demonstrate it didn't cause an exceedance of the facility-wide PSD avoidance limits.	SELC, Appalachian Voices, CleanAire NC, Environmental Defense Fund, National Parks Conservation Association, Natural Resources Defense Council, North Carolina Conservation Network, Sierra Club, Southern Alliance for Clean Energy, Southern Coalition for Social Justice. 79 individuals and 18 organizations submitted comments. 20 speakers provided oral comments at hearing.	Duke Energy Roxboro Hearing Officer's Report and Recommendations dated Dec. 18, 2024 (Attachment 18)
Enviva Cottondale	Jackson County, FL (Florida Department of Environmental Protection)	Industrial wood pellet manufacturing	Comments on Enviva's "after-the-fact" synthetic minor NSR permit demonstrated that even after installing new controls, the facility's VOC emissions would still be well over the major NSR threshold. The state agency agreed, found that Enviva had not supplied accurate information in its permit application, and issued a consent order and required the facility to install additional VOC controls to reduce VOC emissions below the major source threshold.	Environmental Integrity Project, Environment Florida, Dogwood Alliance, Partnership for Policy Integrity, Natural Resources Defense Council, Our Children's Earth, Center for Biological Diversity	DEP Technical Evaluation and Preliminary Determination on Enviva Pellets Cottondale project dated June 22, 2017 (Attachment 19); EIP comments to Florida Department of Environmental Protection (DEP) on Cottondale permit dated Sept. 16, 2017 (Attachment 20); DEP Revised Draft Permit for Cottondale Wood Pellet Plant (Attachment 21)

Table 1: Examples of Minor NSR Permits with Improvements from Comments

Permit Name	Location & Permitting Authority	Type of Facility	Permit Improvement Resulting from Comment	Commenters	Attachments
Enviva Epes	Sumpter County, AL (Alabama Department of Environmental Management)	Industrial wood pellet manufacturing	Public comments on minor NSR construction permit argued that uncontrolled emissions from wood pellet storage and handling operations would cause plantwide emissions to exceed the major NSR threshold. State agency agreed to include a condition in the permit requiring periodic emissions testing of the storage silos.	Environmental Integrity Project, GASP, SELC, Alabama Interfaith Power and Light, The People's Justice Council, the Education, Economics, Environmental, Climate and Health Organization, Black Warrior Riverkeeper, Dogwood Alliance, Rachel Carson Council, Beloved Community Church UUC, Eva Melton and the Grassroots Coalition, Unitarian Universalist Church of Birmingham, Partnership for Policy Integrity, Natural Resources Defense Council, Our Children's Earth, Center for Biological Diversity	ADEM Response to Comments on Air Permit for Enviva Pellets Epes dated Nov. 25, 2019 (Attachment 22)
Enviva Greenwood Plant (formerly Colombo Energy)	Greenwood, SC (South Carolina Department of Health and Environmental Control)	Industrial wood pellet manufacturing	Public interest groups petitioned DHEC for "final permit review" of a synthetic minor permit that was issued without public notice and comment. The groups argued that the PTE limits for major NSR avoidance were ineffective because the permit lacked enforceable operating restrictions such as production limits and effective monitoring. DHEC rejected the request. The groups planned to file a contested case hearing, but they reached an agreement for Enviva to request that DHEC revise the permit to include an enforceable production limit, as well as specific monitoring and reporting requirements to track compliance. DHEC agreed and revised the permit.	Environmental Integrity Project, Our Children's Earth Foundation, Dogwood Alliane, Citizens of Greenwood and Laurens County for Clean Air, Natural Resources Defense Council	EIP comments to SCDEHEC on Enviva Greenwood permit dated January 26, 2018 (Attachment 23); Original Construction Permit for Colombo Energy, Inc. Jan. 2018 (Attachment 24); Enviva Pellets Greenwood DEHC Staff Response 18-RFR-4 dated Feb. 15, 2018 (Attachment 25); Revised Enviva Pellets Greenwood Permit dated Jan. 12, 2018 (Attachment 26); Letter of Agreement between EIP and Enviva Pellets Greenwood dated Mar. 8, 2018 (Attachment 27)
Enviva Hamlet Plant	Hamlet, NC (North Carolina Department of Air Quality)	Industrial wood pellet manufacturing	Public comment on Enviva's draft synthetic minor permit argued that (1) VOC synthetic minor limit was ineffective because it failed to limit the facility's production to the level assumed in the emissions calculation, and (2) the facility-wide production limit was too high to ensure that emissions remained below the NSR major source threshold, so the facility needed to either accept a lower production limit or install additional VOC controls. The state agency rejected the concerns raised in comments, and commenters petitioned for a contested case hearing. The petitioners reached a settlement with Enviva and DENR requiring that the permit be revised to include the requisite throughput limit, require the facility to install a Regenerative Thermal Oxidizer to control emissions from its dry hammermills, and require the facility to perform appropriate monitoring to verify compliance with the new requirements.	Environmental Integrity Project, SELC, Clean Air Carolina, Medical Advocates for Healthy Air, Dogwood Alliance, North Carolina Sierra Club, Toxic Free North Carolina, Partnership for Policy Integrity, Natural Resources Defense Council, Our Children's Earth	EIP et al. comments to North Carolina Department of Air Quality (NCDAQ) on Enviva Hamlet permit dated Nov. 15, 2018 (Attachment 28); Enviva Hamlet Settlement Agreement dated June 3, 2019 (Attachment 29).
Enviva Northampton Plant	Garysburg, NC (North Carolina Department of Air Quality)	Industrial wood pellet manufacturing	Public comments on facility's Title V permit (the first opportunity to comment on minor NSR requirements) argued that facility improperly made a change that doubled its VOC emissions to nearly twice the NSR major source threshold without undergoing major NSR permitting. Following comments, Enviva agreed to install Regenerative Thermal Oxidizers to control emissions from its dryers, dry hammermills, and pellet coolers, thereby bringing emissions back below the 250 ton-per-year NSR major source threshold.	Environmental Integrity Project, Clean Air Carolina, Medical Advocates for Healthy Air, Dogwood Alliance, Toxic Free North Carolina, Partnership for Policy Integrity, Natural Resources Defense Council, Our Children's Earth, Center for Biological Diversity	EIP et al. comments to NCDAQ on Enviva Northampton draft permit dated Oct. 20, 2017 (Attachment 30); EIP et al. comments to NCDAQ on Enviva Northampton Revised Draft Permit dated Aug. 23, 2019 (Attachment 31); NCDAQ Application Review for Enviva Northampton dated Oct. 10, 2019 (Attachment 32)

Table 1: Examples of Minor NSR Permits with Improvements from Comments

Permit Name	Location & Permitting Authority	Type of Facility	Permit Improvement Resulting from Comment	Commenters	Attachments
Georgia Biomass	Waycross, GA (Georgia Environmental Protection Division)	Industrial wood pellet manufacturing	Public comments on operating permit renewal led to the additional of new emission factors and an equation to be used for determining compliance with the synthetic minor limit originially established in the facility's minor NSR construction permit.	Environmental Integrity Project, Georgia Chapter of the Sierra Club, Dogwood Alliance, Partnership for Policy Integrity, Natural Resources Defense Council, Our Children's Earth	EPD Title V Application Review for Georgia Biomass, LLC, 2019 (Attachment 33)
Gray's Tree Service Minor Operating Permit	Birmingham, AL (Jefferson County Department of Health)	Air Curtain Incinerator	In response to comments, JCDH added limits on hours of operation to ensure Potential to Emit limit was sufficient to reduce emissions to below the major source threshold.	GASP and SELC	Johnson County Department of Health Response to Comments dated June 25, 2025 (Attachment 34)
Hazlehurst Wood Pellets	Georgia Environmental Protection Division	Wood Pellets	Comments argued the company, permitted as a synthetic minor source of HAPs, was underestimating HAP emissions from numerous sources, including units that were classified as fugitive sources. EPD agreed that these units emitted more HAPs than quantified, and that even fugitive sources of HAPs must be counted towards major source applicability. As a result, the company had to take more stringent operating limits to remain minor.	SELC, Georgia Interfaith Power and Light, Georgia Chapter of the Sierra Club, Georgia WAND, Dogwood Alliance, Our Children's Earth Foundation, and Concerned Citizens of Cook County	SELC et al. comments to EPD on Hazlehurt Wood Pellets dated Nov. 9, 2023 (Attachment 35)
Hickman, Williams, & Company of Kentucky synthetic minor operating permit, Permit No. 4-07-0016-03	Birmingham, AL (Jefferson County Department of Health)	Coke processing	In response to comment, JCDH made various permit revisions to clarify reporting requirements to ensure that synthetic minor limits are practically enforceable.	SELC and GASP	JCDH Response to Comments dated Feb. 25, 2026 (Attachment 36)
Highland Pellets South	Stephens, AK (Arkansas Department of Environmental Quality)	Industrial wood pellet manufacturing	Public comments on the initial combined minor NSR/Title V permit demonstrated that the company had underestimated both VOC and NOx emissions from numerous sources and argued that the facility would either need more effective controls or a much tighter production limit to avoid major source status. The company subsequently withdrew its permit application.	Environmental Integrity Project, Arkansas Chapter of the Sierra Club, Dogwood Alliance, Partnership for Policy Integrity, Natural Resources Defense Council, Our Children's Earth	EIP comments to Arkansas Air Permits Branch on Highland Pellets South Permit dated Jan. 30, 2019 (Attachment 37)
Holcim U.S. Inc., contractor of Cleveland Cliffs Steel LLC Permit Renewal, No. 089-48779-00458	East Chicago, IN (Indiana Dep't of Envt'l Mgmt.)	Slag granulating and pelletizing operation	IDEM made several improvements to Holcim's proposed minor NSR modification permit based on public comments, including: (1) adding a numerical throughput limit on a slag processing emissions unit; (2) adding a more detailed description of the diesel generator units to clarify which regulations applied to each unit; (3) changed and added language to the Fugitive Dust Control Plan, including more detailed and stringent control measures, a better description of the fugitive dust sources, and more stringent recordkeeping requirements; and (4) reintegrated the continuous compliance plan requirement that had been left out of the first draft permit. The resulting permit ensured that emissions increases remained below the major NSR permitting thresholds.	ELPC, Conservation Law Ctr., Just Transition Northwest Indiana, Abrams Envt'l Law Clinic, Northern Lake Cty. Envt'l Partnership, and GARD	Environmental Law & Policy Center (ELPC) comments to Indiana Department of Environmental Management (IDEM) dated Aug. 21, 2025 (pdf at 190-200) and IDEM responses (pdf at 164-83) (Attachment 38)
Jasper Pellets	SC (South Carolina Department of Health and Environmental Control)	Industrial wood pellet manufacturing	Public comments demonstrated that facility needed to accept a much-reduced production limit in order to qualify as a synthetic minor source for VOC and HAP emissions. The state agreed and placed a much lower production limit in the facility's permit and granted the commenters' request for additional testing, operating, and monitoring requirements.	Environmental Integrity Project, SELC, South Carolina Coastal Conservation League, South Carolina Chapter of the Sierra Club, Dogwood Alliance, Partnership for Policy Integrity, Natural Resources Defense Council, Our Children's Earth, the Rachel Carson Council	EIP et al. comments to South Carolina Department of Heath and Environmental Control (SCDHEC) on Jasper Pellets Permit dated Nov. 9, 2019 (Attachment 39); SCDHEC Statement of Basis for Jasper Pellets (Attachment 40).

Table 1: Examples of Minor NSR Permits with Improvements from Comments

Permit Name	Location & Permitting Authority	Type of Facility	Permit Improvement Resulting from Comment	Commenters	Attachments
Laurel Generating Center MAQP #5261-00 (September 8, 2021)	Butte, MT Montana Dep't of Env'l Quality (MTDEQ)	Gas-Fired Electrical Generating Station	In response to public comments, MTDEQ made several changes to this permit to improve practical enforceability of the potential to emit limits. Changes included adding testing requirements for several pollutant emission limits for the new RICE units, adding limits on the allowable number of startups and shutdowns per 12-month period and requirements to use good combustion practices during startups and shutdowns, and adding requirements for natural gas sulfur content documentation.	Montana Environmental Information Center and Sierra Club	Montana Air Quality Permit #5621-00, Sept. 8, 2021, issued to NorthWestern Energy (Attachment 41)
Lavender Fields Holdings LLC, Initial Permit, No. 091-49561-00195	Michigan City, IN (Indiana Dep't of Envt'l Mgmt.)	Data center	Public comments noted that the draft permit relied on NOx and CO compliance determination equations which used the number of hours each generator operated above 25% load and below 25% load, but only required the Permittee to record the total hours of operations without distinguishing whether it was above or below 25% load. Commenters also argued that the draft permit failed to list all of the relevant characteristics of the diesel generators that were necessary to determine which NESHAP standard applied. In response to comments, IDEM revised the Permit to require the Permittee to record the hours of operation above and below 25% load and revised the included emissions unit descriptions for the generators to include the relevant information to determine NESHAP applicability.	ELPC, Just Transition Northwest Indiana, and Hoosier Envt'l Council	ELPC comments submitted to MTDEQ on Lavender Fields Holdings permit dated Dec. 15, 2025 (pdf at 206-10) and IDEM responses (pdf at 210-18) (Attachment 42)
Lawndale Recycling	Lawndale, NC (North Carolina Department of Environmental Quality)	Waste incinerator	Comments argued that the company was underestimating NOx emissions by not accounting for emissions from combusting resinated wood (which can contain significant amounts of nitrogen) and should be permitted as a major rather than synthetic minor source for purposes of NSR. The company agreed to instead only burn clean wood.	SELC, MountainTrue, and the Broad Riverkeeper	SELC comments to NCDAQ on Lawndale Recycling permit dated June 7, 2024 (Attachment 43)
Mayco Industries, LLC synthetic minor operating permit, Permit No. 4-07-2989-001-01	Birmingham, AL (Jefferson County Department of Health)	Surface Coating/Painting	In response to public comments that the draft permit lacked adequate conditions to determine whether the source was exceeding the synthetic minor emission limits, JCDH added a VOC emissions compliance demonstration condition to the permit.	SELC and GASP	JCDH Response to Comments on Mayco permit dated Aug. 15, 2024 (Attach 44)
Memphis Cellulose	Memphis, TN (Shelby County Health Department)	Pulp and Paper	Comments argued that the facility should be classified as a major source under NSR rather than a minor source because the facility's operated fossil-fuel fired boilers with a capacity in excess of 250 MMBtu, which meant the major source threshold should be 100 tpy rather than 250 tpy. Shelby County agreed and reclassified the facility as an existing major source.	SELC, Memphis Community Against Pollution, the Chickasaw Group of the Tennessee Chapter of the Sierra Club, the Tennessee Chapter of the Sierra Club, Climate Reality Project Memphis Chapter, and First Baptist Church-Broad	SELC et al. comments to Shelby County Health Department (SCHD) on Memphis Cellulose permit dated Apr. 10, 2024 (Attachment 45)
Memphis Urban Wood	Memphis, TN (Shelby County Health Department)	Air Curtain Incinerator	Public comments opposed location of ACI because it was in an area that has been exceeding the ozone NAAQS and would be located within the city limits of Memphis and near residential areas. We also argued the facility would be in violation of local land use laws. The company withdrew the application due to comments.	Southern Environmental Law Center, Memphis Community Against Pollution, Chickasaw Group of the Tennessee Chapter of the Sierra Club, and Young Gifted & Green	SELC et al. comments to Shelby County Health Department on Memphis Urban Wood permit dated Jan. 2, 2025 (Attachment 46)
MRE Crossville Plant	Dekalb County, AL (Alabama Department of Environmental Management	Industrial wood pellet manufacturing	Commenters demonstrated that facility's synthetic minor VOC limit was inaccurate because the facility's emissions would be well above the major source threshold for Title V at the authorized production level. After the state rejected the comments, the groups filed an administrative permit appeal and settled with MRE Crossville, which agreed to apply for a Title V permit, commit to a stack testing deadline, and reduce production by 33% until receiving its Title V permit. The stack tests confirmed the facility's PTE was far above te major source threshold, causing ADEM to levy a $40,000 fine on MRE Crossville.	Environmental Integrity Project and GASP	EIP and GASP et al. comments to ADEM on MRE Crossville Permit dated May 2, 2018 (Attachment 47); Settlement Agreement Between GASP and MRE Crossville dated Oct. 12, 2018 (Attachment 48); ADEM Consent Order for MRE Crossville dated Oct. 23, 2019 (Attachment 49)

Table 1: Examples of Minor NSR Permits with Improvements from Comments

Permit Name	Location & Permitting Authority	Type of Facility	Permit Improvement Resulting from Comment	Commenters	Attachments
Pinnacle Renewable Energy Demopolis Facility	Demopolis, AL Alabama Department of Environmental Management	Industrial wood pellet manufacturing	Public comments on the minor NSR construction permit argued that uncontrolled emissions from wood pellet storage and handling operations would cause plantwide emissions to exceed the major NSR threshold. State agency agreed to include a condition in the permit requiring periodic emissions testing of the storage silos.	Environmental Integrity Project, GASP, SELC, Alabama Interfaith Power and Light, The People's Justice Council, the Education, Economics, Environmental, Climate and Health Organization, Black Warrior Riverkeeper, Dogwood Alliance, Healthy Gulf, Rachel Carson Council, Beloved Community Church UUC, Unitarian Universalist Church of Birmingham, Partnership for Policy Integrity, Natural Resources Defense Council, Our Children's Earth	ADEM Response to Comments on Air Permit for Pinnacle Renewable Energy Demopolis dated Feb. 25, 2020 (Attachment 50)
Pinnacle Renewable Energy Newton Facility	Newton, MS (Mississippi Department of Environmental Quality)	Industrial wood pellet manufacturing	Comments on minor NSR permit application argued that company had underestimated emissions and needed to add additional VOC controls or substantially reduce production. The company withdrew its application shortly thereafter.	Environmental Integrity Project, Healthy Gulf, the People's Justice Council, the Education, Economics, Environmental, Climate and Health Organization, Our Children's Earth, Dogwood Alliance, Partnership for Policy Integrity, Rachel Carson Council	EIP et al. comments to MDEQ on Pinnacle Renewable Energy dated Apr. 24, 2020 (Attachment 51)
ReConserve synthetic minor operating permit	Birmingham, AL (Jefferson County Department of Health)	Livestock Feed Facility	In response to public comments, JDCH revised the permit to improve recordkeeping to support the facility-wide VOC limit, include specific maintenance provisions (instead of allowing the applicant to apply an unspecified plan in the future), and added fugitive dust control requirements to address truck loading and unloading.	SELC and GASP	JCDH Response to Comments on ReConserve permit dated Aug. 1, 2024 (Attachment 52)
Strittmatter Metro LLC, Permit Nos 7253 through 7256	Washington, DC - District of Columbia Department of Energy and Environment	Portable Crushers and Screeners	In response to comment, final permit modified to require operations that would emit dust to be ceased if water is not flowing to the discharge spray nozzles in the wet dust suppression systems.	Ms. Joyce Chandler	District of Columbia, Department of Energy and Environment, Comment Reconciliation Memorandum - Montana Land Developmen Areat,Sept. 13, 2019 (Attachment 53)
Sundance Power Plant Permit V20690.R02 (5/9/2024)	Casa Grande, AZ Pinal County Air Quality Control District	Gas-Fired Electrical Generating Station	In response to public comments, the permit was revised to make the permit requirements more clear and the limits on potential to emit practically enforceable for the two new combustion turbines being permitted as a minor modification. The changes made include clearly specifying that emission limits applied to both new turbines in total, requiring calculations of 12-month total emissions for CO and NOx, requiring parametric monitoring of VOC and particulate matter (including PM2.5) on a monthly basis to show compliance with the 12-month limits, and requiring periodic testing of VOCs and PM for the new units. The permit was also amended to require reporting of “total net electrical output generated,” which was necessary to determine the applicable greenhouse gas emission limit from 40 CFR Part 60, Subpart TTTT.	Sierra Club	Pinal County Air Quality Control Didstrict Summary and Response to Public Comments on Sundance Power Plant dated Mar. 19, 2024 (Attachment 54)

Table 1: Examples of Minor NSR Permits with Improvements from Comments

Permit Name	Location & Permitting Authority	Type of Facility	Permit Improvement Resulting from Comment	Commenters	Attachments
Superior Concrete Materials, Inc. Permit to Construct and Operate No. 7188	Washington, DC - District of Columbia Department of Energy and Environment	Ready Mix Concrete Batch Plant	In response to public comment, the permit was revised to include: 1)A requirement to develop a fenceline monitoring plan for PMI0 within 60 days of permit issuance, to obtain approval of this plan from AQD, and to commence monitoring within 120 days of commencement of operation of the facility. The permittee was further required to take action to reduce emissions (which may include ceasing operations, among other contingency actions) when action levels identified in the plan are exceeded. The permittee was also required to report monitoring data to the District's air agency which would make the date available to the public. 2)Specification in the permit of the following: a) Clarification that the plant being permitted is a central mix technology (as opposed to a truck mix technology); b) Requiring that the primary mixing facility be enclosed; c) Requiring that all trucks leaving the site must be washed with a pressure was system (except when temperatures are at or below freezing (32 °F)); d) Requiring all conveyors to be covered by wind shield covers; e) Requiring that all aggregates for use at the site and waste concrete materials must be stored in three-sided bins, maintained at levels low enough to avoid bin overflow; f) Requiring that, in addition to the above, the sand bin must have a roof; g) Requiring that the facility install a seven foot high chain link fence with privacy screening around the site (this is expected to reduce wind shear across the site); and h. All mobile equipment maintenance must be performed in an indoor garage. 3)Inclusion in the permit of the District's anti-idling regulation to clarify Superior Concrete's responsibility for ensuring that engine idling does not occur related to their operations, except as permitted by regulation.	A number of individuals.	Comment Reconciliation Memo - Superior Concrete Materials, Inc., Draft Permit No. 7188 to Construct and Operate a Ready Mix Concrete Batch Plant at 1721 South Capitol Street SW, Jan. 26, 2018 (Attachment 55)
Telfair Forest Products	Lumber City, GA (Georgia Environmental Protection Division)	Industrial wood pellet manufacturing	Facility was originally permitted as a synthetic minor source, but then applied to modify its permit to emit nearly double the major NSR threshold while still remaining minor. Commenters opposed the permit modification arguing that under the federal source obligation rule, Telfair could not relax or eliminate its synthetic minor limit without undergoing major NSR. EPD rejected the comments, commenters filed an administrative appeal, and after the appeal was underway, the company withdrew its application to increase its VOC emissions.	SELC, Georgia Interfaith Power and Light, Georgia Chapter of the Sierra Club, Dogwood Alliance, Our Children's Earth Foundation, and Concerned Citizens of Cook County	SELC et al. comments to EPD on Telfair Permit Application 2023 dated Sept. 29, 2023 (Attachment 56); EPD letter re Telfair Permit Revocation Request dated Oct. 23, 2024 (Attachment 57)
Transcontinental Gas Pipe Line Company, LLC - Station 150 (Permit No. 08044T21) and Station 1	Mooresville, NC (North Carolina Department of Environmental Quality	Methane-gas-fired combustion turbines and emergency generators	In response to public comments, for both stations, NCDEQ (1) added a requirement for Transco to conduct periodic (every 5 years) stack tests for purposes of monitoring emissions of carbon monoxide (CO) from the combustion turbines, (2) clarified that Transco will be required to conduct annual stack tests for purposes of monitoring emissions of nitrogen oxides (NOx) from the combustion turbines, and (3) modified conditions to require Transco to monitor and record the amount of time the turbines operate in startup or shutdown mode and the amount of time they operate when temperatures fall below 0 degrees F, when the NOx emission control technology doesn't work as well (or at all).	SELC, 7 Directions, Appalachian Voices, Clean Aire NC, Sierra Club, Clean Water for NC, Southern Alliance for Clean Energy	SELC et al. comments to NCDAQ on Transcontinental Gas Pipeline permits dated Nov. 19, 2025 (Attachment 58); Transco 150 Hearing Officer's Report dated December 11, 2025 (Attachment 59); Transco 155 Hearing Officer's Report dated December 17, 2025 (Attachment 60)
U.S. Steel Corp Gary Works, Significant Permit Modification, No. 089-48719-00121	Gary, IN (Indiana Dep't of Envt'l Mgmt.)	Integrated steel mill	Public comments noted that the Significant Permit Modification proposed to use a PM emission limit compliance equation that only used variable (rather than numeric, emissions factors and failed to include fugitive emissions, both of which made it difficult for the public and regulators to accurately determine whether Gary Works was complying with its PM emissions limits. In response to comments, IDEM revised the compliance equation to include actual numeric factors based on stack tests at the facility and incorporated fugitive controlled emissions.	Envt'l Law & Policy Ctr. (ELPC), Envt'l Integrity Project, NPCA, Gary Advocates for Responsible Development (GARD), Abrams Envt'l Law Clinic, & Conservation Law Ctr.	ELPC comments to IDEM on US Steel Corporation Gary Works permit dated Sept. 8, 2025 (pdf at 268-80) and IDEM responses dated May 7, 2026 (pdf at 225-63) (Attachment 61)
UNC Chapel Hill Co-Generation Facility	Chapel Hill, NC (North Carolina Department of Environmental Quality)	Co-Generation Facility	Comments argued that a draft minor modification permit to allow combustion of plastic waste pellets should qualify as a major modification after properly considering emissions increases and that the facility was improperly evading NSPS applicability. The company withdrew the permit application.	SELC, Blue Ridge Environmental Defense League; Carolina Advocates for Climate, Health, and Equity; CleanAIRE NC; Haw River Assembly; Sierra Club; Surfrider Foundation Cape Fear Chapter; and Toxic Free NC	SELC et al. comments to NCDEQ on UNC Chapel Hill permit dated Jan. 23, 2025 (Attachment 62)

Table 1: Examples of Minor NSR Permits with Improvements from Comments

Permit Name	Location & Permitting Authority	Type of Facility	Permit Improvement Resulting from Comment	Commenters	Attachments
Unilever Mfg. US, Inc. Permit Renewal, No. 089-48454-00229	Hammond, IN (Indiana Dep't of Envt'l Mgmt.)	Soap manufacturing plant	Public comments emphasized the need to impose requirements sufficient to assure compliance with PM, PM2.5, and PM10 emission limits for several emission units. IDEM revised the permit to increase the stack testing needed for certain emission units and added a recordkeeping provision for the semi-annual inspections. IDEM also provided additional information on the emissions units that was necessary to determine which NSPS and NESHAP provisions applied to the emission units. Unilever also accepted certain limits enabling it to avoid PSD requirements.	ELPC, Conservation Law Ctr., GARD, BP & Whiting Watch, and Northern Lake Cty. Envt'l Partnership	ELPC et al. comments to IDEM on Unilever permit dated Oct. 8, 2025 (pdf at 250-59) and IDEM responses dated Feb 11. 2026 (pdf at 220-49) (Attachment 63)
Varn Wood Products	GA (Georgia Environmental Protection Division)	Industrial wood pellet manufacturing	Comments on renewal operating permit demonstrated that original minor NSR synthetic minor limits were deficient. The state agreed and added a wood pellet production limit and numerous new testing and monitoring requirements.	Environmental Integrity Project, Dogwood Alliance, Partnership for Policy Integrity, Natural Resources Defense Council, Our Children's Earth	EPD Response to Comments for Varn Wood Products Permit (Attachment 64)
Voestalpine Railway Systems Nortrak Minor Operating Permit	Birmingham, AL (Jefferson County Department of Health)	Railway track manufacturer	In response to comments, JCDH acknowledged errors in the inputs used to calculate VOC emissions in the draft permit and added VOC compliance provisions to the final permit to ensure VOC emissions remained below relevant thresholds for application of additional local and national control requirements.	GASP and SELC	JCDH Response to Comments on Vaestalpine permit dated Aug. 12, 2024 (Attachment 65)
Weyerhaeuser-Riceboro Log Yard, Air Permit Application No. 29057	Riceboro, GA (Georgia Environmental Protection Division)	Log Fumigation Yard using methyl bromide	Public comments urged EPD to reject application because methyl bromide is highly toxic and the facility's emissions would greatly exceed standards set by other Southern states. The company withdrew the application due to comments.	SELC, One Hundred Miles, Ogeechee Riverkeeper, Altamaha Riverkeeper	SELC et al. comments to EPD on Weyerhaeuser-Riceboro permit dated Nov. 17, 2023 (Attachment 66)
WR Grace Permit to Construct No. 027-0013-0088.	Columbia, MD - Maryland Department of the Environment	Pilot plant line to process 1 kg/hr of plastic feedstock	In response to public comment, the permit was revised to require the permittee to perform a stack emissions test to determine the VOC control efficiency of the thermal oxidizer, the actual emissions of VOC from the thermal oxidizer stack, and the outlet mass concentration of PFAS compounds within 180 days of initial startup of the pilot plant.	Individual members of the public	Maryland Department of the Environment, Air and Radiation Administration, Response to Comments for W.R. Grace & Company (Attachment 67)

Table 2: Examples of Minor NSR Permits for Which Comments are Pending that Raise Air Quality Concerns

Permit Name	Location & Permitting Authority	Type of Facility	Issues Raised in Pending Comments	Commenters	Attachments
Amazon Data Services, Inc. - Energy Way Tech Campus, Draft Permit No. 10894R00	Hamlet, NC (N.C. Dep't of Environmental Quality, Division of Air Quality)	Hyperscale data center	Public comments argue that NCDEQ improperly segregated two sets of diesel generators (Amazon's 592 emergency generators and Duke Energy's 57 non-emergency generators) into separate synthetic minor NSR permits. Commenters note that all 649 generators will be operated on the same property for purposes of powering the same facility. Commenters also argue that NCDEQ (1) wrongly determined the two sets of generators are not subject to common control based solely on companies' representations, without requesting a copy of the contract between them, (2) improperly exempted thre facilities from all operational limits and monitoring requirements during engine commissioning, (3) failed to include adequate testing, monitoring, recordkeeping, and requirements to assure compliance with "PSD avoidance" limits for NOx, CO, and VOC, and (4) failed to require air dispersion modeling based on likelihood that simultaneous operation of 592 diesel generators will cause exceedances of NAAQS for 1-hour NO2, 8-hour ozone, and annual PM2.5. Commenters also argue that the ongoing construction of data center buildings and engine pads at these facilities violates NC rules prohibiting construction before obtaining a permit, whether major or minor.	SELC, Richmond County Coalition for Justice and Black Empowerment, and 56 other signatories	SELC et al. comments to NCDEQ on Amazon Data Services permit dated July 31, 2026 (Attachment 68)
Brightmark Circularity Center, LLC	Thomaston, GA (Georgia Environmental Protection Division)	Plastics pyrolysis plant	Public comments argue (1) EPD must apply regulations to Brightmark that apply to facilities that incinerate or combust solid waste under Clean Air Act section 129, (2) Brightmark's permit application is inadequate due to omissions, inconsistent and inaccurate emissions calculations, and insufficient assurances of compliance with applicable requirements, (3) Brightmark's toxics impacts modeling is inadequate, and (4) the extensive redactions in Brightmark's permit application and supporting documents prevent effective public participation.	SELC, Upson Environmental & Government Transparency, Sierra Club Georgia Chapter, Environment Georgia, Geogia WAND, Science for Georgia	SELC et al. comments to EPD on Brightmark permit dated May 18, 2026 (Attachment 69)
Duke Energy Progress, LLC - Bridge Power Project at Amazon's Energy Way Tech Campus, Draft Permit No. 08759T28	Hamlet, NC (N.C. Dep't of Environmental Quality, Division of Air Quality)	Temporary power generation for data center	Public comments raise improper source segregation comments similar to those submitted for the accompanying Amazon Energy Way Tech Campus permit discussed above. In addition, the public comments argue that (1) Duke's non-emergency generators are not permit-exempt nonroad engines, as evidenced by Duke's rejection of DEQ's proposal to include a permit condition restricting their placement on Amazon's property to 12 months; (2) even if properly classified as modification to Duke's existing power plant (adjacent to Amazon's property), the project was substantially related to Duke's pending proposal to install a new gas- and oil-fired combustion turbines at the same location and are thus part of that project, which is a major modification; and (3) the draft permit failed to contain adequate testing, monitoring, recordkeeping, and requirements to assure compliance with "PSD avoidance" limits for NOx and CO.	SELC, Richmond County Coalition for Justice and Black Empowerment, and 56 other signatories	SELC et al. comments to NCDEQ on Duke Energy Progress permit dated July 31, 2026 (Attachment 68)
LG&E Mill Creek Permits C-0127-25-0007-V and C-0127-22-0046-V (R2)	Louisville, KY (Louisville Metro Air Pollution Control District)	CCGT, coal	This action involves separate air permits for two new CCGTs and a project to extend the life of the existing coal unit. Commenters raised numerous technical flaws and improper use of project emissions accounting to avoid major NSR.	KRC, Sierra Club	Kentucky Resource Council (KRC) and Sierra Club comments to Louisville Metro Air Pollution Control District on Mill Creek permit dated June 29, 2026 (Attachment 70)

Table 2: Examples of Minor NSR Permits for Which Comments are Pending that Raise Air Quality Concerns

Permit Name	Location & Permitting Authority	Type of Facility	Issues Raised in Pending Comments	Commenters	Attachments
Proposed Construction Permit for Zeon Chemicals L.P., C-0283-26-0001-V	Louisville, KY (Louisville Metro Air Pollution Control District)	chemical manufacturing	Public comments argue the facility should be subject to area source NESHAP requirements and requested anti-backsliding measures in the permit.	KRC	KRC comments to Louisville Metro Air Pollution Control District on Zeon Chemicals permit dated July 16, 2026 (Attachment 71)
Solvay Specialty Polymers USA, LLC, Permit Amendment to No. 2821245-0126-V-06-1	Augusta, GA (Georgia Environmental Protection Division)	Chemical plant	Public comments raise numerous deficiencies in the draft permit. Commenters argue that the modification should be processed under PSD permitting and that the permit's synthetic minor limits are unenforceable as a legal and practical matter because they (1) are not accompanied by adequate monitoring, recordkeeping or reporting requirements; (2) do not restrict emissions facility-wide; (3) fail to include a necessary limit for PM emission; (4) underestimate NOx and CO emissions; and (5) likely underestimating Process VOC emissions. Comments also note that the application impermissibly redacts emissions data, rendering adequate public participation impossible, and misstates when NESHAP becomes applicable.	SELC, Healthy Communities Augusta, Savannah Riverkeeper, McElmurray Spring Baptist Church, Veterans for Clean Water, Historic Spirit Creek Baptist Church, Hudson Memorial Church, Gracewood Church, Imani Group, Logic Point Consulting, Growing Augusta, Environmental Equity Information Institute, Science for Georgia, Sustainable CSRA, and Sierra Club Savannah River	SELC et al. comments to EPD on Solvay permit dated Feb. 4, 2025 (Attachment 72)
TVA Paradise V-26-0111	Muhlenberg County, KY (Kentucky Division for Air Quality)	CCGT	The draft permit amendment would revise the source's operating limit from 1500 hours/year to 6000 hours/year. Commenters argue the proposal unlawfully relies on coal shutdown from ~6-10 years ago for netting and should instead be a PSD major modificaiton permit.	KRC, Sierra Club	KRC and Sierra Club comments on TVA Paradise permit dated May 8, 2026 (Attachment 73)
Voltagrid Atl-1 EGU, Permit No. 4911-217-0080-S-01-0	Covington, GA (Georgia Environmental Protection Division)	Power generation to serve data center	Public comments argue: (1) EPD must take steps to mitigate and address risks from formaldehyde emissions, which the application indicates will lead to ambient impacts that are only slightly below the “allowable ambient concentration” in GA, (2) EPD must require more stringent control efficiency and monitoring requirements for formaldehyde emissions, (3) VoltaGrid and adjacent data center must be permitted as a single source, and (4) the proposed operation would violate the Georgia Territorial Electric Service Act.	SELC, Sustainable Newton, Altamaha Riverkeeper	SELC et al. comments to EPD on Voltagrid permit dated Mar. 13, 2026 (Attachment 74)

Table 3: Examples of Minor NSR Permits That Generated a Lot of Public Involvement but No Significant Permit Improvements

Permit Name	Location & Permitting Authority	Type of Facility	Public Involvement	Commenters	Attachments
Hosea O. Weaver & Sons proposed modification to Synthetic Minor Operating Permit	Mobile, AL, (Alabama Department of Environmental Management)	Asphalt plant	The detailed written comments and well-attended public hearing raised concerns about the accuracy and enforceability of synthetic minor limits. ADEM refused to make any changes to the permit. Community subsequently commenced discussions with new owner of the facility, which are ongoing.	Mobile Environmental Justice Action Coalition, GASP, SELC, CHESS, NAACP Mobile Branch	Mobile Environmental Justice Action Coalition et al. comments ADEM dated Feb. 6, 2024 (Attachment 75).
Metal Mgmt. Indiana, Inc., DBA Sims Metal Revisions to permit reqs, No. 089-47255-00608	East Chicago, IN (Indiana Dep't of Env'l Mgmt.)	Metal recycling facility	While IDEM did not make direct changes to the permit based on any comments, it did provide additional explanations and information in its responses to comments, specifically on public participation and environmental justice; local air quality; violations and enforcement; VOC, HAP, and PM emissions factors and calculations for the new shredder; and BACT applicability for the shredder.	East Chicago Calumet Coalition Community Advisory Group, Hoosier Env'l Council, ELPC, Conservation Law Ctr., Abrams Envt'l Law Clinic, and Mary Beth Pudup, Instructional Prof. & Dir. of Community Studies, Univ. of Chicago	East Chicago Calumet Coalition Community Advisory Group et al. comments to IDEM on Sims Metal permit dated May 23, 2024 (pdf at 203-22), IDEM responses to technical comments (pdf at 67-76), and other IDEM responses and explanations (pdf at 49-66, 77-88) (Attachment 76).
Northern Indiana Public Serv. Co. LLC, RM Schafer Generating Station, Significant Source Modification, No. 073-49556-00008	Wheatfield, IN (Indiana Dep't of Envt'l Mgmt.)	Electric utility generating station	The facility's draft permit placed synthetic minor limits on the emissions at coal-fired Units 17 and 18 in order to remain under the PSD major modification threshold and avoid BACT applicability for the proposed new combined cycle combustion turbines. Public comments argues these limits were not federally-enforceable and therefore unable to be used in the PSD netting analysis because the Department of Energy had ordered NIPSCO to continue operating Units 17 and 18 under the Federal Power Act, which limits any party's ability to subject the facility to civil or criminal liability for violating permit limits. In its final Significant Source Modification,, IDEM rejected commenters' argument and found that the limits were still federally-enforceable and creditable. Commenters had also argued that NIPSCO must provide actual evidence of when it had "commenced construction" of the new proposed units as it sought to avoid being subject to a NSPS standard. IDEM rejected this argument and stated that the facility will be required to keep the construction contract on site and available to IDEM inspectors which was sufficient.	ELPC, Citizens Action Coal. of Indiana, Inc., Hoosier Envt'l Council, Inc., and Public Citizen	ELPC et al. comments to IDEM on Schafer permit dated June 8, 2026 (pdf at 511-20) and IDEM responses (id.; see also pdf at 400-02, 469-70) (Attachment 77).
xAI Memphis, TN	Memphis, TN (Shelby County Health Department)	Data center generating their own power	Commenters argued that the permitting agency had erred by failing to require a major source permit for the facility. At the time of permit issuance, xAI was operating more than two dozen uncontrolled and unpermitted gas turbines. The draft permit would allow the installation of 15 more turbines, which commenters demonstrated should have been considered a major modification to an existing major source, rather than a minor permit for a new facility.	Memphis Community Against Pollution, Young, Gifted & Green, and Sierra Club	SELC et al. comments on Shelby County Health Department's Draft Construction Permit dated April 30, 2025 (Attachment 78); Shelby County Health Department Response to Comments dated (Attachment 79).