



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

Ms. Tamra Kress
Environmental Manager
Vertellus Integrated Pyridines LLC
1500 South Tibbs Avenue
Indianapolis, Indiana 46241

Re: Federal RCRA Permit Expiration, IND 000 807 107, Vertellus Integrated Pyridines LLC
Indianapolis, Indiana

Ms. Tamra Kress:

Thank you for your December 26, 2019 letter in which you request that U.S. Environmental Protection Agency (EPA) terminate the Federal Resource Conservation Recovery Act (RCRA) permit (Federal Permit) issued to Vertellus Integrated Pyridines based on the Indiana Department of Environmental Management's (IDEM) issuance of a Hazardous Waste Management Operating Permit on December 20, 2019. On January 23, 2020, EPA responded that "... the Region intends to proceed with permit termination after considering whether the recently issued State permit is equivalent to the Federal permit including whether appropriate financial assurance mechanisms are established with State."

By way of background, in October 2006, EPA issued the Federal Permit to Vertellus Agriculture & Nutrition Specialties LLC (now known as Vertellus Integrated Pyridines LLC) (Vertellus), Indianapolis, Indiana, which included operating requirements for boiler units burning hazardous wastes and financial assurance requirements. This Federal Permit expired on November 6, 2011, but administratively continued because on May 9, 2011, Vertellus submitted a timely and complete Part B RCRA permit application to EPA in accordance with 40 Code of Federal Regulations (CFR) § 270.51(a).

On December 4, 2009, IDEM, issued its state portion of the RCRA permit to Vertellus. This IDEM permit, which expired on December 4, 2014, includes requirements for tank storage, air emission standards, and corrective actions. The IDEM permit also remained effective because, in June 2014, Vertellus submitted a timely and complete Part B RCRA permit application to IDEM.

In October 2011, EPA authorized the State of Indiana to administer the Boilers and Industrial Furnaces (BIFs) regulations which regulate boilers burning hazardous waste. In December 2014, IDEM decided to delay its permit renewal to Vertellus in order to include any additional permit conditions based on a risk assessment EPA planned to develop in consultation with IDEM. In

December 2019, IDEM issued its State portion of the RCRA permit with the risk-based requirements pertaining to the boilers burning hazardous wastes based on the “Site-Specific Human Health Risk Assessment for Vertellus Integrated Pyridines LLC, Indianapolis, Indiana” dated December 2019.

Until December 20, 2019, when IDEM issued its state portion of the RCRA permit including requirements for the boiler units, Vertellus operated its boilers in accordance with conditions specified in the federal portion of the RCRA permit issued in 2006, including financial assurance requirements. Over the years, Vertellus updated its Letter of Credit (LOC) to EPA as a part of its financial assurance requirement. Vertellus’ most recent LOC to EPA expired on April 1, 2020. Vertellus submitted a LOC to IDEM on April 1, 2020 in order to comply with State permit requirements. On September 24, 2020, IDEM informed EPA that the State received a proper financial assurance mechanism, including an updated LOC and trust agreement, required under the State permit.

EPA’s Memorandum of Agreement (MOA) with the State of Indiana dated November 13, 2001, specifies that “When the State either incorporates the terms and conditions of the Federal permits in State RCRA permits or issues State RCRA permits to those facilities, EPA will terminate those permits pursuant to 40 CFR Part 270 and rely on the State to enforce those terms and conditions subject to the terms of an acceptable State/EPA Enforcement Agreement.” The MOA also states that “Upon the effective date of an equivalent State permit, EPA will terminate the federal permit pursuant to 40 CFR 271.8(b)(6) and 124.5(d).”

At this time, EPA formally acknowledges that Vertellus’ Federal Permit issued in October 2006 has expired and is not administratively continued because IDEM issued an equivalent State RCRA permit in December 2019 and appropriate financial assurance mechanisms are established. Vertellus should comply with the requirements specified in its December 2019 State RCRA permit, including the operating requirements of the boiler units processing hazardous wastes and the financial assurance requirements for the hazardous waste storage, treatment and disposal units operated at the facility.

If you have any questions, please contact Jae Lee of my staff at telephone number (312) 8863781 or e-mail lee.jae@epa.gov.

Sincerely,

EDWARD
NAM

Digitally signed by
EDWARD NAM
Date: 2020.12.10
21:59:13 -0600

Edward Nam
Director
Land, Chemicals and Redevelopment Division

cc: Dan Stilz, IDEM