

Gary Advocates for Responsible Development (GARD)

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For More information

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Gary Residents Petition for Revocation of Fulcrum Air Permit Petition Charges That Permit Violates Indiana Law

(Gary, Indiana) In a [formal petition](#) to be filed on Friday with the Indiana Office of Environmental Adjudication (IOEA), Gary residents charge that the air permit issued for the Fulcrum Centerpoint plant violates Indiana law because it is based on inadequate information about the company's feedstock and unsupported emissions calculations. It also charges that, in issuing the permit, the Indiana Department of Environmental Management (IDEM) has failed to adequately consider and protect public health.

The petition, submitted by Gary Advocates for Responsible Development (GARD) requests that Fulcrum's permit be revoked and not re-issued until Fulcrum provides complete information about the composition of the thousands of tons of garbage it intends to use as "feedstock" and provides a supportable basis for its emissions calculations, and until IDEM formally evaluates the risk the plant poses to public health.

"Fulcrum has failed to provide any evidence, let alone convincing evidence, that this plant won't exacerbate the air pollution and waste issues that already plague our community. They basically say 'trust us.' We don't think that is good enough. Their permit should be voided until they can provide concrete evidence to support their claims," said Dorreen Carey, GARD member.

The petition to be filed on Friday cites two primary ways in which Fulcrum's permit violates Indiana law.

Fulcrum never properly defines the composition of the feedstock that it will use. Fulcrum refers to "feedstock" 62 times in its application, but never defines exactly what materials will make up the 1, 650 tons of processed garbage that it will use per day at the plant. The specific composition of waste materials, diverted from area landfills, could vary greatly. Without more clarity on the exact composition of the feedstock, it will be impossible for IDEM to accurately calculate and verify the plant's emissions, regulate those emissions, or ensure the emissions are in compliance with Indiana regulations.

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Fulcrum emissions calculations are unsupported by any test results or corroborating data.

Fulcrum's application failed to show the basis for its emissions calculations. Instead, it offered emissions projections based on incomplete or unsupported guarantees from a set of potential vendors without indicating which of those manufacturers, if any, it actually plans to use. And it

based its emissions estimates on its much smaller sister company, Sierra Biofuel, a municipal waste to jet fuel biorefinery facility constructed near Reno, Nevada which was only recently built and is not yet fully operational. IDEM, for its part, simply took Fulcrum's emissions claims on faith, instead of, as required by Indiana permitting regulations, requiring it to provide detailed and verifiable information on the bases for Fulcrum's emissions claims.

The petition also states that IDEM, in issuing Fulcrum's permit, has failed to satisfy its obligation under air pollution regulations to adequately consider and protect public health. By failing to conduct any additional analyses on the potential health effects of what is essentially a garbage burning plant, IDEM has not fulfilled its obligations, under its own permit review rules, to ensure that public health is protected, Carey said.

The petition requests that the OEA revoke Centerpoint's air permit and not re-issue it until:

- Fulcrum provides complete information regarding the specific composition of all feedstock materials along with the relative quantities of each material sufficient to calculate the amount of emissions and establish enforceable limits.
- Fulcrum provides complete information regarding the basis for all required emissions calculations, including full disclosure of prior test results.
- IDEM evaluates the risk to public health of the surrounding communities presented by Fulcrum's additional emissions and determines that the permit does not further impair public health

The petition filed by GARD is an amendment to a Petition for Administrative Review of the Issuance of a Federally Enforceable State Operating Permit (FESOP) – New Source Construction (Minor PSD/EO) Permit No. 089-44043-00660 – filed by GARD on September 6, 2022, and submitted to IDEM.

GARD is represented by Kim Ferraro, Senior Attorney, Conservation Law Center and Michael J. Zoeller, Senior Attorney, Environmental Law and Policy Center. The petition was prepared following a technical review of Fulcrum's permit application provided by Environmental integrity Project's Center for Applied Environmental Science.

The Indiana Office of Environmental Adjudication has scheduled a hearing on the petition for September 13, 2023.

Gary Advocates for Responsible Development (GARD) are an ad hoc group of Gary residents and regional supporters advocating for a healthy and sustainable future in Gary, Indiana.

Link to petition:

<https://link.edgepilot.com/s/cfca0232/kXdM2ZjLykOTmqNNNoSR6Pw?u=https://elpc.org/wp-content/uploads/2022/12/Fulcrum-Centerpoint-Amended-Petition-FINAL-12.16.2022-1.pdf>