INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We make Indiana a cleaner, healthier place to live.

Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.in.gov/idem

November 12, 2004

TO: Interested Parties / Applicant

RE: Dalton Corporation, Kendallville Manfacturing Facility / 113-16390-00004

FROM: Paul Dubenetzky
Chief, Permits Branch
Office of Air Quality

Notice of Decision: Section 112(j) Applicability Determination

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 4-21.5-3-5(f) this order is effective fifteen (15) days after it is served. When served by U.S. mail, the order is effective eighteen (18) calendar days from the mailing of this notice pursuant to IC 4-21.5-3-2(e).

If you wish to challenge this decision, IC 4-21.5-3-7 requires that you file a petition for administrative review. This petition may include a request for a stay of effectiveness and must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, Room 1049, Indianapolis, IN 46204, **within eighteen (18) calendar days of the mailing of this notice.** The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

(1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
(2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
(3) the date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

(1) the name and address of the person making the request;
(2) the interest of the person making the request;
(3) identification of any persons represented by the person making the request;
(4) the reasons with particularity, for the request;
(5) the issues, with particularity, proposed for consideration at any hearing; and
(6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosure
FN-112jdet.dot 9/16/03

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November 12, 2004

To: Dan Hirsch
Dalton Corporation, Kendallville
Manufacturing Facility
P.O. Box 271
Kendallville, IN 46755

CC: Michael Schall or Lisa McCoy
Dalton Corporation, Kendallville
Manufacturing Facility
P.O. Box 271
Kendallville, IN 46755

From: Paul Dubenetzky, Chief
Permits Branch
Office of Air Quality

RE: Response to Section 112(j)
Applicability Determination Request
Permit ID: 16390

Dalton Corporation, Kendallville Manufacturing Facility, located at 200 West Ohio Street in Kendallville, Indiana, submitted a request for an applicability determination regarding the requirements of Section 112(j) of the Clean Air Act (CAA). The letter was submitted in accordance with 40 CFR 63.52(d)(1) and requested that the Indiana Department of Environmental Management, Office of Air Quality (IDEM, OAQ) determine if Dalton Corporation is subject to the requirements of Section 112(j) (40 CFR 63.50 through 63.56).

Section 112(j) does not apply if the United States Environmental Protection Agency (U.S. EPA) promulgates the Section 112(d) – 40 CFR Part 63 NESHAP or "MACT" standard on or before the Section 112(j) deadline. The U.S. EPA Administrator has signed final versions of the final MACT standard for each of the affected source categories, except for boilers, process heaters, and furnaces that burn hazardous waste (40 CFR 63, Subpart EEE). Since these signed, final rules are available on the U.S. EPA Air Toxics Website, Dalton Corporation is no longer subject to Section 112(j).

Dalton Corporation may be subject to one or more of the Section 112(d) MACT standards. If MACT is applicable, Dalton Corporation shall comply with the MACT standard in accordance with the schedule provided in the MACT standard. The MACT requirements include the applicable General Provisions requirements of 40 CFR 63, Subpart A. Pursuant to 40 CFR 63.9(b), if Dalton Corporation is subject to the MACT, Dalton Corporation should submit an initial notification no later than 120 days after the effective date of the MACT, unless the MACT specifies otherwise. The MACT and the General Provisions of 40 CFR 63, Subpart A will become new applicable requirements, as defined by 326 IAC 2-7-1(6), that would need to be incorporated into the Part 70 (Title V) permit. If the promulgated MACT is not applicable, no further action regarding the MACT will be necessary.

Questions about Section 112(j), Part 63 NESHAP-MACT Standards, Part 61 NESHAP Standards, or Part 60 New Source Performance Standards (NSPS) should be directed to:

Kimberly Cottrell, P.E.
IDEM, Office of Air Quality
100 North Senate Avenue, Rm 1003
P.O. Box 6015, Indianapolis, IN 46206-6015
(800) 451-6027 extension 3-0870
(317) 233-0870
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OR

Madhurima Moulik
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