



Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

TO: Interested Parties / Applicant
DATE: March 17, 2006
RE: Citizens Thermal Energy / 097-17027-00034
FROM: Paul Dubenetzky
Chief, Permits Branch
Office of Air Quality

Notice of Decision: Approval – Effective Immediately

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 13-17-3-4 and 326 IAC 2, this permit modification is effective immediately, unless a petition for stay of effectiveness is filed and granted, and may be revoked or modified in accordance with the provisions of IC 13-15-7-1.

If you wish to challenge this decision, IC 4-21.5-3-7 and IC 13-15-7-3 require that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office Environmental Adjudication, 100 North Senate Avenue, Government Center North, Room 1049, Indianapolis, IN 46204, **within eighteen (18) 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 considerations 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.

Pursuant to 326 IAC 2-7-18(d), any person may petition the U.S. EPA to object to the issuance of a Title V operating permit or modification within sixty (60) days of the end of the forty-five (45) day EPA review period. Such an objection must be based only on issues that were raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise such issues, or if the grounds for such objection arose after the comment period.

To petition the U.S. EPA to object to the issuance of a Title V operating permit, contact:

U.S. Environmental Protection Agency
401 M Street
Washington, D.C. 20406

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.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

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March 17, 2006

Mr. David J. Toombs
Citizens Thermal Energy
366 Kentucky Avenue
Indianapolis, IN 46204

Re: 097-17027
First Significant Permit Modification to
Part 70 No.: 097-6567-00034

Dear Mr. Toombs:

Citizens Thermal Energy was issued a Part 70 permit on June 10, 2004, for a stationary steam generation and supply source. A letter requesting a NO_x Budget permit was received on May 23, 2003. Pursuant to the provisions of 326 IAC 2-7-12 a significant permit modification to the Part 70 permit is hereby approved as described in the attached Technical Support Document.

The modification consists of incorporation of the NO_x budget permit into the source's Part 70 permit.

All other conditions of the permit shall remain unchanged and in effect. Please attach a copy of this modification and the following revised permit pages to the front of the original permit.

This decision is subject to the Indiana Administrative Orders and Procedures Act - IC 4-21.5-3-5. If you have any questions on this matter, please contact Madhurima Moulik, OAQ, 100 North Senate Avenue, Indianapolis, Indiana 46204, or call at (800) 451-6027, press 0, extension 3-0868, or dial (317) 233-0868.

Sincerely,
Original signed by

Paul Dubenetzky
Assistant Commissioner
Office of Air Quality

Attachments
MDM

cc: File – Marion County
U.S. EPA, Region V
Marion County Health Department
City of Indianapolis, Office of Environmental Services
Air Compliance Section Inspector – Jennifer Schick
Compliance Data Section
Administrative and Development



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PART 70 OPERATING PERMIT

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
and
CITY OF INDIANAPOLIS
OFFICE OF ENVIRONMENTAL SERVICES
Citizens Thermal Energy
C.C. Perry K Steam Plant
366 Kentucky Avenue
Indianapolis, Indiana 46225

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit.

The Permittee must comply with all conditions of this permit. Noncompliance with any provisions of this permit is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Noncompliance with any provision of this permit, except any provision specifically designated as not federally enforceable, constitutes a violation of the Clean Air Act. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. An emergency does constitute an affirmative defense in an enforcement action provided the Permittee complies with the applicable requirements set forth in Section B, Emergency Provisions.

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-7 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15, IC 13-17 and the Code of Indianapolis and Marion County, Chapter 4.

Operation Permit No.: T097-6567-00034	
Issued by: Janet G. McCabe, Assistant Commissioner Office of Air Quality John B. Chavez, Administrator Office of Environmental Services	Issuance Date: June 10, 2004 Expiration Date: June 10, 2009

First Significant Permit Mod. No. 097-17027-00034	Pages Modified: 3-5, 55-59
Original signed by: Paul Dubenetzky, Assistant Commissioner Office of Air Quality	Issuance Date: March 17, 2006 Expiration Date: June 10, 2009

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Certification

Emergency Occurrence Report (Two (2) Pages)

Log of Daily Boiler Operating Status

Continuous Opacity Monitoring Exceedance Summary

Part 70 Usage Report (Sulfur Dioxide)

Quarterly Deviation and Compliance Monitoring Report

Part 70 Monthly Report (Boiler 11, 13 & 14 NO_x emissions from COG/Nat Gas Combustion)

Part 70 Monthly Report (Boiler 11, 13 & 14 SO₂ and SAM emissions from COG/Nat Gas Combustion)

Part 70 Monthly Report (Boiler 11, 13 & 14 PM10 emissions from COG/Nat Gas Combustion)

Part 70 Monthly Report (Boiler 11, 13 & 14 CO emissions from COG/Nat Gas Combustion)

Part 70 Monthly Report (Boiler 11, 13 & 14 VOC emissions from COG/Nat Gas Combustion)

Attachment A (state rules adopted by reference) (Two (2) Pages) Attachment A 1

Attachment B (Acid Rain Permit)

SECTION F Nitrogen Oxides Budget Trading Program - NO_x Budget Permit for NO_x Budget Units Under 326 IAC 10-4-1(a)

ORIS Code: 992

NO_x Budget Source [326 IAC 2-7-5(15)]

- (a) One (1) Foster Wheeler boiler, identified as Emission Unit ID 11, with a nominal heat input capacity of 368 million Btu per hour when firing natural gas and 382 million Btu per hour when firing coke oven gas, with a burner system designed to allow the co-firing of both fuels simultaneously or the firing of each fuel separately, exhausting to one (1) stack, identified as Stack/Vent ID 3 (shared with Emission Unit ID 12), installed in 1938, modified to fire coke oven gas and natural gas in 1998, and with a continuous emissions monitoring system for SO₂, NO_x, and CO on Stack/Vent ID 3.
- (b) One (1) Foster Wheeler pulverized coal boiler, identified as Emission Unit ID 12, which is dry bottom and wall fired, with a nominal heat input capacity of 352 million Btu per hour, with natural gas fired on boiler startup and for flame stabilization, with emissions directed to one (1) hot side electrostatic precipitator, identified as Control Equipment ID CE 12, exhausting at Stack/Vent ID 3 (shared with Emission Unit ID 11), installed in 1938, with a continuous opacity monitor, and with a continuous emissions monitoring system for SO₂ and NO_x on Stack/Vent ID 3. SO₃ injection is utilized as a flue gas conditioning agent for the electrostatic precipitator but the source is not required to perform gas conditioning.
- (c) One (1) Babcock and Wilcox boiler, identified as Emission Unit ID 13, with a nominal heat input capacity of 403 million Btu per hour when firing natural gas and 411 million Btu per hour when firing coke oven gas, with a burner system designed to allow for the co-firing of both fuels simultaneously or the firing of each fuel separately, exhausting to one (1) stack, identified as Stack/Vent ID 4 (shared with Emission Unit ID 14), installed in 1946, modified to fire natural gas and coke oven gas in 1998, and with a continuous emissions monitoring system for SO₂, NO_x, and CO.
- (d) One (1) Babcock and Wilcox boiler, identified as Emission Unit ID 14, with a nominal heat input capacity of 403 million Btu per hour when firing natural gas and 411 million Btu per hour when firing coke oven gas, with a burner system designed to allow for the co-firing of both fuels simultaneously or the firing of each fuel separately, exhausting to one (1) stack, identified as Stack/Vent ID 4 (shared with Emission Unit ID 13), installed in 1946, modified to fire natural gas and coke oven gas in 1998, and with a continuous emissions monitoring system for SO₂, NO_x, and CO.
- (e) One (1) Babcock & Wilcox coal fired spreader stoker boiler, identified as Emission Unit ID 15, with a nominal heat input capacity of 324 million Btu per hour, with natural gas fired on boiler startup and for flame stabilization, with emissions directed to one (1) hot side electrostatic precipitator, identified as Control Equipment ID CE 1516 (shared with Emission Unit ID 16), exhausting at Stack/Vent ID 1 (shared with Emission Unit ID 16, 17 and 18), installed in 1953, with a continuous opacity monitor, and with a continuous emissions monitoring system for SO₂ and NO_x on Stack/Vent ID 1.
- (f) One (1) Babcock & Wilcox coal fired spreader stoker boiler, identified as Emission Unit ID 16, with a nominal heat input capacity of 324 million Btu per hour, with natural gas fired on boiler startup and for flame stabilization, with emissions directed to one (1) hot side electrostatic precipitator, identified as Control Equipment ID CE 1516 (shared with Emission Unit ID 15), exhausting at Stack/Vent ID 1 (shared with Emission Unit ID 15, 17 and 18), installed in 1953, with a continuous opacity monitor, and with a continuous emissions monitoring system for SO₂ and NO_x on Stack/Vent ID 1.

(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.)

F.1 Automatic Incorporation of Definitions [326 IAC 10-4-7(e)]

This NO_x budget permit is deemed to incorporate automatically the definitions of terms under 326 IAC 10-4-2.

F.2 Standard Permit Requirements [326 IAC 10-4-4(a)]

- (a) The Permittee shall operate boilers 11 through 16 in compliance with this NO_x budget permit.
- (b) The NO_x budget units subject to this NO_x budget permit are: Boiler Units 11, 12, 13, 14, 15, and 16.

F.3 Monitoring Requirements [326 IAC 10-4-4(b)]

- (a) The Permittee and, to the extent applicable, the NO_x authorized account representative of Boilers 11 through 16 shall comply with the monitoring requirements of 40 CFR 75 and 326 IAC 10-4-12.
- (b) The emissions measurements recorded and reported in accordance with 40 CFR 75 and 326 IAC 10-4-12 shall be used to determine compliance by each unit with the NO_x budget emissions limitation under 326 IAC 10-4-4(c) and Condition F.4, Nitrogen Oxides Requirements.

F.4 Nitrogen Oxides Requirements [326 IAC 10-4-4(c)]

- (a) The Permittee shall hold NO_x allowances available for compliance deductions under 326 IAC 10-4-10(j), as of the NO_x allowance transfer deadline, in each boiler's compliance account and the overdraft account in an amount:
 - (1) Not less than the total NO_x emissions for the ozone control period from the unit, as determined in accordance with 40 CFR 75 and 326 IAC 10-4-12;
 - (2) To account for excess emissions for a prior ozone control period under 326 IAC 10-4-10(k)(5); or
 - (3) To account for withdrawal from the NO_x budget trading program, or a change in regulatory status of a NO_x budget opt-in unit.
- (b) Each ton of NO_x emitted in excess of the NO_x budget emissions limitation shall constitute a separate violation of the Clean Air Act (CAA) and 326 IAC 10-4.
- (c) NO_x allowances shall be held in, deducted from, or transferred among NO_x allowance tracking system accounts in accordance with 326 IAC 10-4-9 through 11, 326 IAC 10-4-13, and 326 IAC 10-4-14.
- (d) A NO_x allowance shall not be deducted, in order to comply with the requirements under (a) above and 326 IAC 10-4-4(c)(1), for an ozone control period in a year prior to the year for which the NO_x allowance was allocated.
- (e) A NO_x allowance allocated under the NO_x budget trading program is a limited authorization to emit one (1) ton of NO_x in accordance with the NO_x budget trading program. No provision of the NO_x budget trading program, the NO_x budget permit application, this permit, or an exemption under 326 IAC 10-4-3 and no provision of law shall be construed to limit the authority of the U.S. EPA or IDEM, OAQ to terminate or limit the authorization.
- (f) A NO_x allowance allocated under the NO_x budget trading program does not constitute a property right.
- (g) Upon recordation by the U.S. EPA under 326 IAC 10-4-10, 326 IAC 10-4-11, or 326 IAC 10-4-13, every allocation, transfer, or deduction of a NO_x allowance to or from each boiler's compliance account or the overdraft account is deemed to amend automatically, and become a part of this permit by operation of law without any further review.

F.5 Excess Emissions Requirements [326 IAC 10-4-4(d)]

The Permittee, for each boiler that has excess emissions in any ozone control period shall do the following:

- (a) Surrender the NO_x allowances required for deduction under 326 IAC 10-4-10(k)(5).
- (b) Pay any fine, penalty, or assessment or comply with any other remedy imposed under 326 IAC 10-4-10(k)(7).

F.6 Record Keeping Requirements [326 IAC 10-4-4(e)] [326 IAC 2-7-5(3)]

Unless otherwise provided, the Permittee shall keep, either on site at the source or at a central location within Indiana for unattended sources, each of the following documents for a period of five (5) years:

- (a) The account certificate of representation for the NO_x authorized account representative for the source and each of boilers 11 through 16 and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 326 IAC 10-4-6(h). The certificate and documents shall be retained either on site at the source or at a central location within Indiana for those owners or operators with unattended sources beyond the five (5) year period until the documents are superseded because of the submission of a new account certificate of representation changing the NO_x authorized account representative.
- (b) All emissions monitoring information, in accordance with 40 CFR 75 and 326 IAC 10-4-12, provided that to the extent that 40 CFR 75 and 326 IAC 10-4-12 provide for a three (3) year period for record keeping, the three (3) year period shall apply.
- (c) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_x budget trading program.
- (d) Copies of all documents used to complete a NO_x budget permit application and any other submission under the NO_x budget trading program or to demonstrate compliance with the requirements of the NO_x budget trading program.

This period may be extended for cause, at any time prior to the end of five (5) years, in writing by IDEM, OAQ or the U.S. EPA. Records retained at a central location within Indiana shall be available immediately at the location and submitted to IDEM, OAQ or U.S. EPA within three (3) business days following receipt of a written request. Nothing in 326 IAC 10-4-4(e) shall alter the record retention requirements for a source under 40 CFR 75. Unless otherwise provided, all records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

F.7 Reporting Requirements [326 IAC 10-4-4(e)]

- (a) The NO_x authorized account representative of the NO_x budget source and each of boilers 11 through 16 shall submit the reports and compliance certifications required under the NO_x budget trading program, including those under 326 IAC 10-4-8, 326 IAC 10-4-12, or 326 IAC 10-4-13.
- (b) Pursuant to 326 IAC 10-4-4(e) and 326 IAC 10-4-6(e)(1), each submission shall include the following certification statement by the NO_x authorized account representative: "I am authorized to make this submission on behalf of the owners and operators of the NO_x budget sources or NO_x budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."
- (c) Where 326 IAC 10-4 requires a submission to IDEM, OAQ, the NO_x authorized account representative shall submit required information to:

Indiana Department of Environmental Management
Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204

- (d) Where 326 IAC 10-4 requires a submission to U.S. EPA, the NO_x authorized account representative shall submit required information to:

U.S. Environmental Protection Agency
Clean Air Markets Division
1200 Pennsylvania Avenue, NW
Mail Code 6204N
Washington, DC 20460

F.8 Liability [326 IAC 10-4-4(f)]

The Permittee shall be liable as follows:

- (a) Any person who knowingly violates any requirement or prohibition of the NO_x budget trading program, a NO_x budget permit, or an exemption under 326 IAC 10-4-3 shall be subject to enforcement pursuant to applicable state or federal law.
- (b) Any person who knowingly makes a false material statement in any record, submission, or report under the NO_x budget trading program shall be subject to criminal enforcement pursuant to the applicable state or federal law.
- (c) No permit revision shall excuse any violation of the requirements of the NO_x budget trading program that occurs prior to the date that the revision takes effect.
- (d) Boilers 11 through 16 shall meet the requirements of the NO_x budget trading program.
- (e) Any provision of the NO_x budget trading program that applies to a NO_x budget source, including a provision applicable to the NO_x authorized account representative of a NO_x budget source, shall also apply to the Permittee.
- (f) Any provision of the NO_x budget trading program that applies to boilers 11 through 16, including a provision applicable to the NO_x authorized account representative, shall also apply to the Permittee. Except with regard to the requirements applicable to units with a common stack under 40 CFR 75 and 326 IAC 10-4-12, the Permittee and the NO_x authorized account representative of one (1) NO_x budget unit shall not be liable for any violation by any other NO_x budget unit of which they are not owners or operators or the NO_x authorized account representative and that is located at a source of which they are not owners or operators or the NO_x authorized account representative.

F.9 Effect on Other Authorities [326 IAC 10-4-4(g)]

No provision of the NO_x budget trading program, a NO_x budget permit application, this permit, or an exemption under 326 IAC 10-4-3 shall be construed as exempting or excluding the Permittee and, to the extent applicable, the NO_x authorized account representative, from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the CAA.

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Office of Air Quality
City of Indianapolis, Office of Environmental Services

Technical Support Document (TSD) for the NO_x Budget Permit

Source Background and Description

Source Name:	Citizens Thermal Energy, C. C. Perry K Steam Plant
Source Location:	366 Kentucky Avenue, Indianapolis, IN 46225
County:	Marion
SIC Code:	4961
Operated By:	Citizens Thermal Energy
Owned By:	Citizens Thermal Energy
ORIS Code:	992
Operation Permit No.:	T097-6567-00034
Operation Permit Issuance Date:	June 10, 2004
Significant Permit Modification No.:	097-17027-00034
Permit Reviewer:	Madhurima D. Moulik

NO_x Budget Permit Application and Rule Applicability

A complete Nitrogen Oxides (NO_x) Budget Permit Application for this NO_x budget source was received on May 23, 2003. The Office of Air Quality (OAQ) has reviewed a NO_x budget permit application from Citizens Thermal Energy under 326 IAC 10-4-7 for the operation of the NO_x budget source. The NO_x budget source includes all NO_x Budget Units at the source, including opt-in units, if applicable. The following units at the source are NO_x Budget Units:

- (a) One (1) Foster Wheeler boiler, identified as Emission Unit ID 11, with a nominal heat input capacity of 368 million Btu per hour when firing natural gas and 382 million Btu per hour when firing coke oven gas, with a burner system designed to allow the co-firing of both fuels simultaneously or the firing of each fuel separately, exhausting to one (1) stack, identified as Stack/Vent ID 3 (shared with Emission Unit ID 12), installed in 1938, modified to fire coke oven gas and natural gas in 1998, and with a continuous emissions monitoring system for SO₂, NO_x, and CO on Stack/Vent ID 3.
- (b) One (1) Foster Wheeler pulverized coal boiler, identified as Emission Unit ID 12, which is dry bottom and wall fired, with a nominal heat input capacity of 352 million Btu per hour, with natural gas fired on boiler startup and for flame stabilization, with emissions directed to one (1) hot side electrostatic precipitator, identified as Control Equipment ID CE 12, exhausting at Stack/Vent ID 3 (shared with Emission Unit ID 11), installed in 1938, with a continuous opacity monitor, and with a continuous emissions monitoring system for SO₂ and NO_x on Stack/Vent ID 3. SO₃ injection is utilized as a flue gas conditioning agent for the electrostatic precipitator but the source is not required to perform gas conditioning.
- (c) One (1) Babcock and Wilcox boiler, identified as Emission Unit ID 13, with a nominal heat input capacity of 403 million Btu per hour when firing natural gas and 411 million Btu per hour when firing coke oven gas, with a burner system designed to allow for the co-firing

of both fuels simultaneously or the firing of each fuel separately, exhausting to one (1) stack, identified as Stack/Vent ID 4 (shared with Emission Unit ID 14), installed in 1946, modified to fire natural gas and coke oven gas in 1998, and with a continuous emissions monitoring system for SO₂, NO_x, and CO.

- (d) One (1) Babcock and Wilcox boiler, identified as Emission Unit ID 14, with a nominal heat input capacity of 403 million Btu per hour when firing natural gas and 411 million Btu per hour when firing coke oven gas, with a burner system designed to allow for the co-firing of both fuels simultaneously or the firing of each fuel separately, exhausting to one (1) stack, identified as Stack/Vent ID 4 (shared with Emission Unit ID 13), installed in 1946, modified to fire natural gas and coke oven gas in 1998, and with a continuous emissions monitoring system for SO₂, NO_x, and CO.
- (e) One (1) Babcock & Wilcox coal fired spreader stoker boiler, identified as Emission Unit ID 15, with a nominal heat input capacity of 324 million Btu per hour, with natural gas fired on boiler startup and for flame stabilization, with emissions directed to one (1) hot side electrostatic precipitator, identified as Control Equipment ID CE 1516 (shared with Emission Unit ID 16), exhausting at Stack/Vent ID 1 (shared with Emission Unit ID 16, 17 and 18), installed in 1953, with a continuous opacity monitor, and with a continuous emissions monitoring system for SO₂ and NO_x on Stack/Vent ID 1.
- (f) One (1) Babcock & Wilcox coal fired spreader stoker boiler, identified as Emission Unit ID 16, with a nominal heat input capacity of 324 million Btu per hour, with natural gas fired on boiler startup and for flame stabilization, with emissions directed to one (1) hot side electrostatic precipitator, identified as Control Equipment ID CE 1516 (shared with Emission Unit ID 15), exhausting at Stack/Vent ID 1 (shared with Emission Unit ID 15, 17 and 18), installed in 1953, with a continuous opacity monitor, and with a continuous emissions monitoring system for SO₂ and NO_x on Stack/Vent ID 1.

Pursuant to 326 IAC 10-4-2(27), boiler units 11 through 16 are each considered a "large affected unit" because they commenced operation before January 1, 1997, has a maximum design heat input greater than two hundred fifty million (250,000,000) Btus per hour and did not serve, during 1995 or 1996, a generator producing electricity for sale under a firm contract to the electric grid. Pursuant to 326 IAC 10-4-1(a)(2), a "large affected unit" is a NO_x budget unit. Because this source meets the criteria of having one (1) or more NO_x budget units, it is a NO_x budget source.

The NO_x budget permit is in Section F of the Part 70 permit.

The requirements of 326 IAC 2-7-20(a) and (c) do not apply to emission trades of SO₂ or NO_x in accordance with 326 IAC 21 or 326 IAC 10-4; therefore, no pre-notification of a trade under one of these rules is required.

Pursuant to 326 IAC 10-4-7, the NO_x budget permit shall be a complete and segregable portion of the Part 70 permit and the NO_x budget portion of the Part 70 permit shall be administered in accordance with 326 IAC 2-7, except as provided otherwise by 326 IAC 10-4-7.

This NO_x budget permit is being incorporated into the source's Part 70 permit as a significant permit modification pursuant to 326 IAC 2-7-12. This modification includes the following:

- (a) The addition of the NO_x budget permit in Section F of the Part 70 permit.; and
- (b) The modification of the Table of Contents.

Program Description

On October 27, 1998, the U.S. EPA promulgated final federal rules requiring 22 states and the District of Columbia to submit state implementation plan (SIP) revisions to reduce the regional transport of ozone. The federal rule focused on reducing NO_x emissions in the affected states. In the federal rule, the U.S. EPA established a NO_x emission "budget" for each of the affected states and the District of Columbia. The "budget" represents a reduction from emissions in the year 2007 that the U.S. EPA believes will reduce the transport of NO_x emissions and will assist downwind areas in meeting ozone air quality standards. The states must demonstrate compliance with the "budget" by implementing control measures to reduce NO_x emissions beginning May 31, 2004. While the rule does not mandate which sources will have to reduce emissions, the rule did provide options that would result in a 65% reduction of NO_x emissions from utility boilers and a 60% reduction from large industrial (non-utility) boilers and turbines. IDEM developed the NO_x Budget Trading Program in 326 IAC 10-4 in response to this mandate. The NO_x reductions that will be achieved by this rule will result in significant air quality improvements throughout the state of Indiana, and will be especially important in those areas of the state where ozone levels exceed or regularly approach state and federal air quality health standards.

The Nitrogen Oxides Budget Trading Program is a regional cap and trade program among all the states subject to the NO_x SIP call. Electricity generating units (EGUs) and non-electricity generating units (non-EGUs) are allocated allowances for tons of NO_x that they are allowed to emit during the ozone season. IDEM allocates NO_x allowances for the affected units, and owners or operators of these units are able to buy, sell, or trade allowances, as necessary, to demonstrate compliance with the unit's NO_x emissions cap. Because this program is a regional program administered by U.S. EPA, sources are able to buy, sell or trade allowances across state boundaries and between different types of units and sources. More information about the NO_x SIP Call can be found at: <http://www.epa.gov/airmarkets/fednox/index.html> and <http://www.in.gov/idem/air/standard/Sip/index.html>.

326 IAC 10-4 (NO_x Budget Trading Program) Requirements

- (a) Pursuant to 326 IAC 10-4-4(b), the owners and operators and, to the extent applicable, the NO_x authorized account representative of the NO_x budget source and each NO_x budget unit at the source shall comply with the monitoring requirements of 40 CFR 75 and 326 IAC 10-4-12. The emissions measurements recorded and reported in accordance with 40 CFR 75 and 326 IAC 10-4-12 shall be used to determine compliance by each unit with the NO_x budget emissions limitation under 326 IAC 10-4-4(c).
- (b) Pursuant to 326 IAC 10-4-4(c), the owners and operators of the NO_x budget source and each NO_x budget unit at the source shall hold NO_x allowances available for compliance deductions under 326 IAC 10-4-10(j), as of the NO_x allowance transfer deadline, in each unit's compliance account and the source's overdraft account in an amount:
 - (1) Not less than the total NO_x emissions for the ozone control period from the unit, as determined in accordance with 40 CFR 75 and 326 IAC 10-4-12;
 - (2) To account for excess emissions for a prior ozone control period under 326 IAC 10-4-10(k)(5); or
 - (3) To account for withdrawal from the NO_x budget trading program, or a change in regulatory status of a NO_x budget opt-in unit.
- (c) Pursuant to 326 IAC 10-4-4(d), the owners and operators of each NO_x budget unit that has excess emissions in any ozone control period shall do the following:

- (1) Surrender the NO_x allowances required for deduction under 326 IAC 10-4-10(k)(5).
 - (2) Pay any fine, penalty, or assessment or comply with any other remedy imposed under 326 IAC 10-4-10(k)(7).
- (d) Pursuant to 326 IAC 10-4-4(e)(1), unless otherwise provided, the owners and operators of the NO_x budget source and each NO_x budget unit at the source shall keep either on site at the source or at a central location within Indiana for those owners or operators with unattended sources, each of the following documents for a period of five (5) years:
- (1) The account certificate of representation for the NO_x authorized account representative for the source and each NO_x budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 326 IAC 10-4-6(h). The certificate and documents shall be retained either on site at the source or at a central location within Indiana for those owners or operators with unattended sources beyond the five (5) year period until the documents are superseded because of the submission of a new account certificate of representation changing the NO_x authorized account representative.
 - (2) All emissions monitoring information, in accordance with 40 CFR 75 and 326 IAC 10-4-12, provided that to the extent that 40 CFR 75 and 326 IAC 10-4-12 provide for a three (3) year period for record keeping, the three (3) year period shall apply.
 - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_x budget trading program.
 - (4) Copies of all documents used to complete a NO_x budget permit application and any other submission under the NO_x budget trading program or to demonstrate compliance with the requirements of the NO_x budget trading program.

This period may be extended for cause, at any time prior to the end of five (5) years, in writing by IDEM, OAQ or the U.S. EPA. Records retained at a central location within Indiana shall be available immediately at the location and submitted to the IDEM, OAQ or U.S. EPA within three (3) business days following receipt of a written request. Nothing in 326 IAC 10-4-4(e) shall alter the record retention requirements for a source under 40 CFR 75. Unless otherwise provided, all records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

- (e) Pursuant to 326 IAC 10-4-4(e)(2), the NO_x authorized account representative of the NO_x budget source and each NO_x budget unit at the source shall submit the reports and compliance certifications required under the NO_x budget trading program, including those under 326 IAC 10-4-8, 326 IAC 10-4-12, or 326 IAC 10-4-13.

Monitoring

The NO_x Budget Trading Program references monitoring and reporting requirements from the Acid Rain program at 40 CFR Part 75. These provisions require, for most sources, the use of continuous emissions monitors (CEMs). A CEM is a system composed of various equipment that continuously measures the amount of nitrogen oxides emitted into the atmosphere in exhaust gases from the NO_x budget unit's stack.

Excepted monitoring systems under 40 CFR Part 75, Appendix E are allowed for gas-fired peaking units and oil-fired peaking units as defined in 40 CFR 72.2. The excepted monitoring system methodology involves performing stack tests to determine the average NO_x emissions rate from a unit at four, equally-spaced load levels, in accordance with specific US EPA test methods, to establish a "load curve". The "load curve" correlates emissions to heat input rate such that emissions can be estimated based on the actual hourly heat input.

NO_x Emissions Allocations

- (a) Pursuant to 326 IAC 10-4-7(e), this NO_x budget permit is deemed to incorporate automatically, upon recordation by the U.S. EPA under 326 IAC 10-4-10, 326 IAC 10-4-11, or 326 IAC 10-4-13, every allocation, transfer, or deduction of a NO_x allowance to or from the compliance accounts of the NO_x budget units or the overdraft account of the NO_x budget source covered by this permit. The allocations for each ozone season and transaction information can be found at: <http://www.epa.gov/airmarkets/tracking/factsheet.html>. In addition, IDEM, OAQ posts proposed allocations prior to submitting them to the U.S. EPA on the following web site: <http://www.in.gov/idem/air/standard/Sip/index.html>.
- (b) The following requirements from 326 IAC 10-4-4(c) apply to NO_x allowances:
- (1) Each ton of NO_x emitted in excess of the NO_x budget emissions limitation shall constitute a separate violation of the Clean Air Act (CAA) and 326 IAC 10-4.
 - (2) NO_x allowances shall be held in, deducted from, or transferred among NO_x allowance tracking system accounts in accordance with 326 IAC 10-4-9 through 11, 326 IAC 10-4-13, and 326 IAC 10-4-14.
 - (3) A NO_x allowance shall not be deducted, in order to comply with the requirements under 326 IAC 10-4-4(c)(1), for an ozone control period in a year prior to the year for which the NO_x allowance was allocated.
 - (4) A NO_x allowance allocated under the NO_x budget trading program is a limited authorization to emit one (1) ton of NO_x in accordance with the NO_x budget trading program. No provision of the NO_x budget trading program, the NO_x budget permit application, the NO_x budget permit, or an exemption under 326 IAC 10-4-3 and no provision of law shall be construed to limit the authority of the U.S. EPA or IDEM, OAQ to terminate or limit the authorization.
 - (5) A NO_x allowance allocated under the NO_x budget trading program does not constitute a property right.
 - (6) Upon recordation by the U.S. EPA under 326 IAC 10-4-10, 326 IAC 10-4-11, or 326 IAC 10-4-13, every allocation, transfer, or deduction of a NO_x allowance to or from a NO_x budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, this NO_x budget permit of the NO_x budget unit by operation of law without any further review.

Other Record Keeping and Reporting Requirements

Pursuant to 326 IAC 10-4-7(g), except as provided in 326 IAC 10-7-4(e), IDEM, OAQ shall revise the NO_x budget permit, as necessary, in accordance with the permit modification and revision provisions under 326 IAC 2-7.

Pursuant to 326 IAC 10-4-7(b)(1)(C), for permit renewal, the NO_x authorized account representative shall submit a complete NO_x budget permit application covering the NO_x budget units at the source in accordance with 326 IAC 2-7-4(a)(1)(D) with the Part 70 permit renewal.

Submissions

The NO_x authorized account representative for each NO_x budget source on behalf of which a submission is made must sign and certify every report or other submission required by the NO_x budget permit. The NO_x authorized account representative must include the following certification statement in every submission: "I am authorized to make this submission on behalf of the owners and operators of the NO_x budget sources or NO_x budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

Recommendation

The staff recommends to the Commissioner that the NO_x budget permit be approved.

Unless otherwise stated, information used in this review was derived from the application.

Additional Information

Questions regarding the NO_x budget permit can be directed to Madhurima Moulik at the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ), 100 North Senate Avenue, Indianapolis, Indiana 46204 or by telephone at (317) 233-0868 or toll free at 1-800-451-6027 extension 3-0868.

The source will be inspected by IDEM's compliance inspection staff. Persons seeking to obtain information regarding the source's compliance status or to report any potential violation of any permit condition should contact Jennifer Dorn at the Office of Air Quality (OAQ) address or by telephone at (317) 234-2366 or toll free at 1-800-451-6027 extension 4-2366.

Copies of the Code of Federal Regulations (CFR) referenced in the permit may be obtained from:

Indiana Department of Environmental Management

Office of Air Quality

100 North Senate Avenue

Indianapolis, Indiana 46204

or

The Government Printing Office

Washington, D.C. 20402

or

on the Government Printing Office web site at

<http://www.access.gpo.gov/nara/cfr/index.html>