



*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: July 19, 2005  
RE: Portside Energy LLC / 127-17047-00067  
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.*

Mitchell E. Daniels, Jr.  
Governor

Thomas W. Easterly  
Commissioner

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Indianapolis, Indiana 46204  
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(800) 451-6027  
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July 19, 2005

Mr. John Ross  
Portside Energy LLC  
2000 York Road, Suite 129  
Oak Brook, Illinois 60523

Re: 127-17047-00067  
First Significant Permit Modification to  
Part 70 No.: T127-10138-00067

Dear Mr. Ross:

Portside Energy LLC was issued a Part 70 permit on April 17, 2003 for an electric generating station. Letters requesting changes to this permit were received on April 23, 2003 and September 2, 2003. Pursuant to the provisions of 326 IAC 2-7-12, a significant permit modification to this permit is hereby approved as described in the attached Technical Support Document.

The modification consists of revisions to the compliance monitoring requirements for 40 CFR 60, Subpart GG (New Source Performance Standards for Stationary Gas Turbines) based on an alternative monitoring plan approved by U.S. EPA and the most recent version of the NSPS, Subpart GG. The Permittee also applied for a NOx budget permit and this NOx budget permit has been included in the revised Part 70 permit.

All other conditions of the permit shall remain unchanged and in effect. Please find attached a copy of the revised permit.

Pursuant to Contract No. A305-5-65, IDEM, OAQ has assigned the processing of this application to Eastern Research Group, Inc., (ERG). Therefore, questions should be directed to Yu-Lien Chu, ERG, 1600 Perimeter Park Drive, Morrisville, North Carolina 27560, or call (919) 468-7871 to speak directly to Ms. Chu. Questions may also be directed to Duane Van Laningham at IDEM, OAQ, 100 North Senate Avenue, Indianapolis, Indiana, 46204, or call (800) 451-6027 and ask for Duane Van Laningham or extension 3-6878, or dial (317) 233-6878.

Sincerely,

Original signed by  
Paul Dubenetzky, Branch Chief  
Office of Air Quality

Attachments  
ERG/YC

cc: File - Porter County  
U.S. EPA, Region V  
Porter County Health Department  
Northwest Regional Office  
Air Compliance Section Inspector - Dan Hancock  
Compliance Data Section  
Administrative and Development  
Technical Support and Modeling - Michele Boner



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## PART 70 OPERATING PERMIT OFFICE OF AIR QUALITY

**Portside Energy LLC  
 6290 US Highway 12  
 Portage, Indiana 46368**

(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 and IC 13-17.

Operation Permit No.: T127-10138-00067	
Issued by: Janet G. McCabe, Assistant Commissioner Office of Air Quality	Issuance Date: April 17, 2003  Expiration Date: April 17, 2008

First Administrative Amendment No.: 127-18214-00067, issued December 1, 2003  
 Second Administrative Amendment No.: 127-19514-00067, issued January 14, 2005

First Significant Permit Modification No.: 127-17047-00067	Pages Affected: 5, 16, 25, 27, 28, 31-34
Issued by: Original signed by Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: July 19, 2005

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## SECTION A

## SOURCE SUMMARY

This permit is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ). The information describing the source contained in conditions A.1 through A.3 is descriptive information and does not constitute enforceable conditions. However, the Permittee should be aware that a physical change or a change in the method of operation that may render this descriptive information obsolete or inaccurate may trigger requirements for the Permittee to obtain additional permits or seek modification of this permit pursuant to 326 IAC 2, or change other applicable requirements presented in the permit application.

### A.1 General Information [326 IAC 2-7-4(c)] [326 IAC 2-7-5(15)] [326 IAC 2-7-1(22)]

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The Permittee owns and operates a stationary electric generating station.

Responsible Official:	Executive Vice-President - Operations Primary Energy Steel, L.L.C.
Source Address:	6290 US Highway12, Portage, Indiana 46368
Mailing Address:	2000 York Road, Suite 129, Oak Brook, IL 60523
General Source Phone Number:	(219)647-6071 or (219)763-7426
SIC Code:	4911
County Location:	Porter
Source Location Status:	Nonattainment for ozone, under the 1-hour and 8-hour standards; Nonattainment for PM 2.5 Attainment for all other criteria pollutants
Source Status:	Part 70 Permit Program Major Source, under PSD and Emission Offset Rules Minor Source, Section 112 of the Clean Air Act 1 of 28 Source Categories

### A.2 Emission Units and Pollution Control Equipment Summary [326 IAC 2-7-4(c)(3)] [326 IAC 2-7-5(15)]

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This stationary source consists of the following emission units and pollution control devices:

- (a) One (1) natural gas fired dry low NO<sub>x</sub> combustion turbine in a combined cycle configuration, constructed in 1997, identified as CT-1, with a nominal design capacity of 498 mmBtu/hour at ISO conditions, and exhausting to stack CT-01.
- (b) Two (2) natural gas fired auxiliary boilers, constructed in 1997, with a nominal design capacity of 260 mmBtu/hr for each boiler, using low-NO<sub>x</sub> burners and flue gas recirculation as NO<sub>x</sub> inhibitors, and exhausting to two (2) stacks of ninety (90) feet each. Propane will be used for testing or as the backup fuel source. The exhaust from the combustion turbine and auxiliary boilers will produce a nominal design of 500,000 pounds of steam per hour and 63 megawatts of electricity.

### A.3 Specifically Regulated Insignificant Activities [326 IAC 2-7-1(21)][326 IAC 2-7-4(c)] [326 IAC 2-7-5(15)]

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This stationary source also includes the following insignificant activities which are specifically regulated, as defined in 326 IAC 2-7-1(21):

- (a) Degreasing operations that do not exceed 145 gallons per 12 months.

### A.4 Part 70 Permit Applicability [326 IAC 2-7-2]

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This stationary source is required to have a Part 70 permit by 326 IAC 2-7-2 (Applicability) because:

- (a) It is a major source, as defined in 326 IAC 2-7-1(22);

- (b) It is a source in a source category designated by the United States Environmental Protection Agency (U.S. EPA) under 40 CFR 70.3 (Part 70 - Applicability).

## SECTION B

## GENERAL CONDITIONS

### B.1 Definitions [326 IAC 2-7-1]

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Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, the applicable definitions found in the statutes or regulations (IC 13-11, 326 IAC 1-2 and 326 IAC 2-7) shall prevail.

### B.2 Permit Term [326 IAC 2-7-5(2)] [326 IAC 2-1.1-9.5]

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This permit is issued for a fixed term of five (5) years from the issuance date of this permit, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3. Subsequent revisions, modifications, or amendments of this permit do not affect the expiration date of this permit or of permits issued pursuant to Title IV of the Clean Air Act and 326 IAC 21 (Acid Deposition Control).

### B.3 Enforceability [326 IAC 2-7-7]

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Unless otherwise stated, all terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM, the United States Environmental Protection Agency (U.S. EPA) and by citizens in accordance with the Clean Air Act.

### B.4 Termination of Right to Operate [326 IAC 2-7-10] [326 IAC 2-7-4(a)]

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The Permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least nine (9) months prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-7-3 and 326 IAC 2-7-4(a).

### B.5 Severability [326 IAC 2-7-5(5)]

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The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.

### B.6 Property Rights or Exclusive Privilege [326 IAC 2-7-5(6)(D)]

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This permit does not convey any property rights of any sort, or any exclusive privilege.

### B.7 Duty to Supplement and Provide Information [326 IAC 2-7-4(b)] [326 IAC 2-7-5(6)(E)] [326 IAC 2-7-6(6)]

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- (a) The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to:

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

The submittal by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (b) The Permittee shall furnish to IDEM, OAQ, within a reasonable time, any information that IDEM, OAQ, may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The submittal by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34). Upon request, the Permittee shall also furnish to IDEM, OAQ, copies of records required to be kept by this permit or, for information claimed to be confidential, the Permittee may furnish such records directly to the U. S. EPA along with a claim of confidentiality. [326 IAC 2-7-5(6)(E)]

- (c) For information furnished by the Permittee to IDEM, OAQ, the Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1. When furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.

B.8 Certification [326 IAC 2-7-4(f)] [326 IAC 2-7-6(1)] [326 IAC 2-7-5(3)(C)]

- (a) Where specifically designated by this permit or required by an applicable requirement, any application form, report, or compliance certification submitted shall contain certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (b) One (1) certification shall be included, using the attached Certification Form, with each submittal requiring certification. One (1) certification can cover multiple forms in one (1) submittal.
- (c) A responsible official is defined at 326 IAC 2-7-1(34).

B.9 Annual Compliance Certification [326 IAC 2-7-6(5)]

- (a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. All certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted in letter form no later than April 15 of each year to:

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

and

United States Environmental Protection Agency, Region V  
Air and Radiation Division, Air Enforcement Branch - Indiana (AE-17J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

- (b) The annual compliance certification report required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.
- (c) The annual compliance certification report shall include the following:
  - (1) The appropriate identification of each term or condition of this permit that is the basis of the certification;
  - (2) The compliance status;
  - (3) Whether compliance was continuous or intermittent; and
  - (4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-7-5(3).

The submittal by the Permittee does require the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).

**B.10 Preventive Maintenance Plan [326 IAC 2-7-5(1),(3) and (13)] [326 IAC 2-7-6(1) and (6)] [326 IAC 1-6-3]**

- (a) If required by specific condition(s) in Section D of this permit, the Permittee shall maintain and implement Preventive Maintenance Plans (PMPs), including the following information on each facility:
- (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
  - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and
  - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If, due to circumstances beyond the Permittee's control, the PMPs cannot be prepared and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:

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

- (b) The Permittee shall implement the PMPs as necessary to ensure that failure to implement a PMP does not cause or contribute to a violation of any limitation on emissions or potential to emit.
- (c) A copy of the PMPs shall be submitted to IDEM, OAQ, upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ. IDEM, OAQ, may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or contributes to any violation. The submittal of the PMP and the PMP extension notification does not require the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).
- (d) Records of preventive maintenance shall be retained for a period of at least five (5) years. These records shall be kept at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.

**B.11 Emergency Provisions [326 IAC 2-7-16]**

- (a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation.
- (b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:
- (1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;
  - (2) The permitted facility was at the time being properly operated;

- (3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;
- (4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ and the Northwest Regional Office within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

Telephone Number: 1-800-451-6027 (ask for Office of Air Quality, Compliance Section), or  
Telephone Number: 317-233-5674 (ask for Compliance Section)  
Facsimile Number: 317-233-5967

Northwest Regional Office  
Telephone Number 1-888-209-8892  
Facsimile Number: 219-881-6745

- (5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile to:

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

within two (2) working days of the time when emission limitations were exceeded due to the emergency.

The notice fulfills the requirement of 326 IAC 2-7-5(3)(C)(ii) and must contain the following:

- (A) A description of the emergency;
- (B) Any steps taken to mitigate the emissions; and
- (C) Corrective actions taken.

The notification which shall be submitted by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (6) The Permittee immediately took all reasonable steps to correct the emergency.
- (c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.
- (d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.
- (e) IDEM, OAQ, may require that the Preventive Maintenance Plans required under 326 IAC 2-7-4-(c)(10) be revised in response to an emergency.
- (f) Failure to notify IDEM, OAQ, by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-7 and any other applicable rules.

- (g) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.
- (h) Permittee shall include all emergencies in the Quarterly Deviation and Compliance Monitoring Report.

**B.12 Permit Shield [326 IAC 2-7-15] [326 IAC 2-7-20] [326 IAC 2-7-12]**

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- (a) Pursuant to 326 IAC 2-7-15, the Permittee has been granted a permit shield. The permit shield provides that compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that either the applicable requirements are included and specifically identified in this permit or the permit contains an explicit determination or concise summary of a determination that other specifically identified requirements are not applicable. The Indiana statutes from IC 13 and rules from 326 IAC, referenced in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a Part 70 permit under 326 IAC 2-7 or for applicable requirements for which a permit shield has been granted.

This permit shield does not extend to applicable requirements which are promulgated after the date of issuance of this permit unless this permit has been modified to reflect such new requirements.

- (b) If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement that applied to the source on the date of permit issuance, IDEM, OAQ, shall immediately take steps to reopen and revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the Permittee is in compliance with the compliance order.
- (c) No permit shield shall apply to any permit term or condition that is determined after issuance of this permit to have been based on erroneous information supplied in the permit application. Erroneous information means information that the Permittee knew to be false, or in the exercise of reasonable care should have been known to be false, at the time the information was submitted.
- (d) Nothing in 326 IAC 2-7-15 or in this permit shall alter or affect the following:
- (1) The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the U.S. EPA under Section 303 of the Clean Air Act;
  - (2) The liability of the Permittee for any violation of applicable requirements prior to or at the time of this permit's issuance;
  - (3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the Clean Air Act; and
  - (4) The ability of U.S. EPA to obtain information from the Permittee under Section 114 of the Clean Air Act.
- (e) This permit shield is not applicable to any change made under 326 IAC 2-7-20(b)(2) (Sections 502(b)(10) of the Clean Air Act changes) and 326 IAC 2-7-20(c)(2) (trading based on State Implementation Plan (SIP) provisions).
- (f) This permit shield is not applicable to modifications eligible for group processing until after IDEM, OAQ, has issued the modifications. [326 IAC 2-7-12(c)(7)]
- (g) This permit shield is not applicable to minor Part 70 permit modifications until after IDEM, OAQ, has issued the modification. [326 IAC 2-7-12(b)(8)]

**B.13 Prior Permits Superseded [326 IAC 2-1.1-9.5]**

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- (a) All terms and conditions of previous permits issued pursuant to permitting programs approved into the state implementation plan have been either
  - (1) incorporated as originally stated,
  - (2) revised, or
  - (3) deletedby this permit.
- (b) All previous registrations and permits are superseded by this permit, except for permits issued pursuant to Title IV of the Clean Air Act and 326 IAC 21 (Acid Deposition Control).

B.14 Deviations from Permit Requirements and Conditions [326 IAC 2-7-5(3)(C)(ii)]

- (a) Deviations from any permit requirements (for emergencies see Section B - Emergency Provisions), the probable cause of such deviations, and any response steps or preventive measures taken shall be reported to:

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

using the attached Quarterly Deviation and Compliance Monitoring Report, or its equivalent. A deviation required to be reported pursuant to an applicable requirement that exists independent of this permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report.

The Quarterly Deviation and Compliance Monitoring Report does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (b) A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit.

B.15 Permit Modification, Reopening, Revocation and Reissuance, or Termination  
[326 IAC 2-7-5(6)(C)] [326 IAC 2-7-8(a)] [326 IAC 2-7-9]

- (a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Part 70 permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-7-5(6)(C)] The notification by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAQ, determines any of the following:
  - (1) That this permit contains a material mistake.
  - (2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.
  - (3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-7-9(a)(3)]
- (c) Proceedings by IDEM, OAQ, to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this

permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-7-9(b)]

- (d) The reopening and revision of this permit, under 326 IAC 2-7-9(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAQ at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAQ, may provide a shorter time period in the case of an emergency. [326 IAC 2-7-9(c)]

B.16 Permit Renewal [326 IAC 2-7-3] [326 IAC 2-7-4]

- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ, and shall include the information specified in 326 IAC 2-7-4. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40). The renewal application does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Request for renewal shall be submitted to:

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

- (b) Timely Submittal of Permit Renewal [326 IAC 2-7-4(a)(1)(D)]
- (1) A timely renewal application is one that is:
- (A) Submitted at least nine (9) months prior to the date of the expiration of this permit; and
- (B) If the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.
- (2) If IDEM, OAQ, upon receiving a timely and complete permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect, including any permit shield provided in 326 IAC 2-7-15, until the renewal permit has been issued or denied.
- (c) Right to Operate After Application for Renewal [326 IAC 2-7-3] [326 IAC 2-7-4]  
If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-7 until IDEM, OAQ, takes final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by a reasonable deadline specified in writing by IDEM, OAQ, any additional information identified as being needed to process the application. [326 IAC 2-7-4(a)(2)(D) and (E)]
- (d) United States Environmental Protection Agency Authority [326 IAC 2-7-8(e)]  
If IDEM, OAQ, fails to act in a timely way on a Part 70 permit renewal, the U.S. EPA may invoke its authority under Section 505(e) of the Clean Air Act to terminate or revoke and reissue a Part 70 permit.

B.17 Source Modification [326 IAC 1-2-42] [326 IAC 2-7-10.5]

- (a) The Permittee shall obtain approval as required by 326 IAC 2-7-10.5 from the OAQ prior to making any modification to the source. Pursuant to 326 IAC 1-2-42, "Modification" means one (1) or more of the following activities at an existing source:
- (1) A physical change or change in the method of operation of any existing emissions unit that increases the potential to emit any regulated pollutant that could be emitted from the emissions unit, or that results in emissions of any regulated pollutant not previously emitted.
  - (2) Construction of one (1) or more new emissions units that have the potential to emit regulated air pollutants.
  - (3) Reconstruction of one (1) or more existing emission units that increases the potential to emit of any regulated air pollutant.
- (b) Any application requesting a source modification shall be submitted to:

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

Any such application shall be certified by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (c) The Permittee shall also comply with the applicable provisions of 326 IAC 2-7-11 (Administrative Permit Amendments) or 326 IAC 2-7-12 (Permit Modification) prior to operating the approved modification.

B.18 Permit Amendment or Modification [326 IAC 2-7-11] [326 IAC 2-7-12] [40 CFR 72]

- (a) Permit amendments and modifications are governed by the requirements of 326 IAC 2-7-11 or 326 IAC 2-7-12 whenever the Permittee seeks to amend or modify this permit.
- (b) Pursuant to 326 IAC 2-7-11(b) and 326 IAC 2-7-12(a), administrative Part 70 permit amendments and permit modifications for purposes of the acid rain portion of a Part 70 permit shall be governed by regulations promulgated under Title IV of the Clean Air Act. [40 CFR 72]
- (c) Any application requesting an amendment or modification of this permit shall be submitted to:

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

Any such application shall be certified by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (d) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-7-11(c)(3)]

B.19 Permit Revision Under Economic Incentives and Other Programs [326 IAC 2-7-5(8)] [326 IAC 2-7-12 (b)(2)]

- (a) No Part 70 permit revision shall be required under any approved economic incentives, marketable Part 70 permits, emissions trading, and other similar programs or processes for changes that are provided for in a Part 70 permit.
- (b) Notwithstanding 326 IAC 2-7-12(b)(1) and 326 IAC 2-7-12(c)(1), minor Part 70 permit modification procedures may be used for Part 70 modifications involving the use of economic incentives, marketable Part 70 permits, emissions trading, and other similar approaches to the extent that such minor Part 70 permit modification procedures are explicitly provided for in the applicable State Implementation Plan (SIP) or in applicable requirements promulgated or approved by the U.S. EPA.

B.20 Operational Flexibility [326 IAC 2-7-20] [326 IAC 2-7-10.5]

- (a) The Permittee may make any change or changes at the source that are described in 326 IAC 2-7-20(b), (c), or (e), without a prior permit revision, if each of the following conditions is met:
  - (1) The changes are not modifications under any provision of Title I of the Clean Air Act;
  - (2) Any preconstruction approval required by 326 IAC 2-7-10.5 has been obtained;
  - (3) The changes do not result in emissions which exceed the emissions allowable under this permit (whether expressed herein as a rate of emissions or in terms of total emissions);
  - (4) The Permittee notifies the:

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

and

United States Environmental Protection Agency, Region V  
Air and Radiation Division, Regulation Development Branch - Indiana (AR-18J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

in advance of the change by written notification at least ten (10) days in advance of the proposed change. The Permittee shall attach every such notice to the Permittee's copy of this permit; and
  - (5) The Permittee maintains records on-site which document, on a rolling five (5) year basis, all such changes and emissions trading that are subject to 326 IAC 2-7-20(b), (c), or (e) and makes such records available, upon reasonable request, for public review.

Such records shall consist of all information required to be submitted to IDEM, OAQ, in the notices specified in 326 IAC 2-7-20(b)(1), (c)(1), and (e)(2).
- (b) The Permittee may make Section 502(b)(10) of the Clean Air Act changes (this term is defined at 326 IAC 2-7-1(36)) without a permit revision, subject to the constraint of 326 IAC 2-7-20(a). For each such Section 502(b)(10) of the Clean Air Act change, the required written notification shall include the following:
  - (1) A brief description of the change within the source;

- (2) The date on which the change will occur;
- (3) Any change in emissions; and
- (4) Any permit term or condition that is no longer applicable as a result of the change.

The notification which shall be submitted is not considered an application form, report or compliance certification. Therefore, the notification by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (c) Emission Trades [326 IAC 2-7-20(c)]  
The Permittee may trade increases and decreases in emissions in the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-7-20(c).
- (d) Alternative Operating Scenarios [326 IAC 2-7-20(d)]  
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-7-5(9). No prior notification of IDEM, OAQ, or U.S. EPA is required.
- (e) Backup fuel switches specifically addressed in, and limited under, Section D of this permit shall not be considered alternative operating scenarios. Therefore, the notification requirements of part (a) of this condition do not apply.

B.21 Inspection and Entry [326 IAC 2-7-6] [IC 13-14-2-2]

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee's right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, U.S. EPA, or an authorized representative to perform the following:

- (a) Enter upon the Permittee's premises where a Part 70 source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy any records that must be kept under the conditions of this permit;
- (c) Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) As authorized by the CAA, sample or monitor substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and
- (e) Utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.

B.22 Transfer of Ownership or Operational Control [326 IAC 2-7-11]

- (a) The Permittee must comply with the requirements of 326 IAC 2-7-11 whenever the Permittee seeks to change the ownership or operational control of the source and no other change in the permit is necessary.
- (b) Any written request for a change in the ownership or operational control of the source shall contain a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new Permittee. The written request shall be submitted to:

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

The written request which shall be submitted by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the written request. [326 IAC 2-7-11(c)(3)]

B.23 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-7-5(7)] [326 IAC 2-1.1-7]

- (a) The Permittee shall pay annual fees to IDEM, OAQ, within thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ, the applicable fee is due April 1 of each year.
- (b) Except as provided in 326 IAC 2-7-19(e), failure to pay may result in administrative enforcement action or revocation of this permit.
- (c) The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-4230 (ask for OAQ, Billing, Licensing and Training Section), to determine the appropriate permit fee.

B.24 Credible Evidence [326 IAC 2-7-5(3)][326 IAC 2-7-6][62 FR 8314]326 IAC 1-1-6[

For the purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of any condition of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether the Permittee would have been in compliance with the condition of this permit if the appropriate performance or compliance test or procedure had been performed.

## SECTION C

## SOURCE OPERATION CONDITIONS

Entire Source

### Emission Limitations and Standards [326 IAC 2-7-5(1)]

#### C.1 Opacity [326 IAC 5-1]

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-3 (Temporary Alternative Opacity Limitations), opacity shall meet the following, unless otherwise stated in this permit:

- (a) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.
- (b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

#### C.2 Open Burning [326 IAC 4-1] [IC 13-17-9]

The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1. 326 IAC 4-1-3 (a)(2)(A) and (B) are not federally enforceable.

#### C.3 Incineration [326 IAC 4-2][326 IAC 9-1-2]

The Permittee shall not operate an incinerator or incinerate any waste or refuse except as provided in 326 IAC 4-2 and 326 IAC 9-1-2. 326 IAC 9-1-2 is not federally enforceable.

#### C.4 Fugitive Dust Emissions [326 IAC 6-4]

The Permittee shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that violates 326 IAC 6-4 (Fugitive Dust Emissions). 326 IAC 6-4-2(4) is not federally enforceable.

#### C.5 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]

The Permittee shall comply with the applicable requirements of 326 IAC 14-10, 326 IAC 18, and 40 CFR 61.140.

### Testing Requirements [326 IAC 2-7-6(1)]

#### C.6 Performance Testing [326 IAC 3-6]

- (a) All testing shall be performed according to the provisions of 326 IAC 3-6 (Source Sampling Procedures), except as provided elsewhere in this permit, utilizing any applicable procedures and analysis methods specified in 40 CFR 51, 40 CFR 60, 40 CFR 61, 40 CFR 63, 40 CFR 75, or other procedures approved by IDEM, OAQ.

A test protocol, except as provided elsewhere in this permit, shall be submitted to:

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

no later than thirty-five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require certification by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ, if the source submits to IDEM, OAQ, a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.

### **Compliance Requirements [326 IAC 2-1.1-11]**

#### C.7 Compliance Requirements [326 IAC 2-1.1-11]

The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements by issuing an order under 326 IAC 2-1.1-11. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U. S. EPA.

### **Compliance Monitoring Requirements [326 IAC 2-7-5(1)] [326 IAC 2-7-6(1)]**

#### C.8 Compliance Monitoring [326 IAC 2-7-5(3)] [326 IAC 2-7-6(1)]

Unless otherwise specified in this permit, all monitoring and record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance. If required by Section D, the Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment. If due to circumstances beyond its control, that equipment cannot be installed and operated within ninety (90) days, the Permittee may extend the compliance schedule related to the equipment for an additional ninety (90) days provided the Permittee notifies:

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

in writing, prior to the end of the initial ninety (90) day compliance schedule, with full justification of the reasons for the inability to meet this date.

The notification which shall be submitted by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Unless otherwise specified in the approval for the new emission unit(s), compliance monitoring for new emission units or emission units added through a source modification shall be implemented when operation begins.

#### C.9 Maintenance of Continuous Emission Monitoring Equipment [326 IAC 2-7-5(3)(A)(iii)]

- (a) The Permittee shall install, calibrate, maintain, and operate all necessary continuous emission monitoring systems (CEMS) and related equipment. In addition, prompt corrective action shall be initiated whenever indicated.
- (b) In the event that a breakdown of a continuous emission monitoring system occurs, a record shall be made of the times and reasons of the breakdown and efforts made to correct the problem.
- (c) Whenever a continuous emission monitor other than an opacity monitor is malfunctioning or is down for repairs, the following shall be used as an alternative to continuous data collection:

- (1) If the CEM is required for monitoring NO<sub>x</sub> or SO<sub>2</sub> emissions pursuant to 40 CFR 75 (Title IV Acid Rain program) or 326 IAC 10-4 (NO<sub>x</sub> Budget Trading Program), the Permittee shall comply with the relevant requirements of 40 CFR 75 Subpart D - Missing Data Substitution Procedures.
- (2) If the CEM is not used to monitor No<sub>x</sub> or SO<sub>2</sub> emissions pursuant to 40 CFR 75 or 326 IAC10-4, then supplemental or intermittent monitoring of the parameter shall be implemented as specified in Section D of this permit until such time as the emission monitor system is back in operation.
- (d) Nothing in this permit, shall excuse the Permittee from complying with the requirements to operate a continuous emission monitoring system pursuant to 326 IAC 10-4, 40 CFR, Subpart Db and CP 127-5260 issued on May 14, 1996.

**C.10 Monitoring Methods [326 IAC 3] [40 CFR 60] [40 CFR 63]**

Any monitoring or testing required by Section D of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60 Appendix A, 40 CFR 60 Appendix B, 40 CFR 63, or other approved methods as specified in this permit.

**C.11 Pressure Gauge and Other Instrument Specifications [326 IAC 2-1.1-11] [326 IAC 2-7-5(3)] [326 IAC 2-7-6(1)]**

- (a) Whenever a condition in this permit requires the measurement of pressure drop across any part of the unit or its control device, the gauge employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent ( ±2%) of full scale reading.
- (b) Whenever a condition in this permit requires the measurement of a temperature, flow rate, or pH level, the instrument employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent ( ±2%) of full scale reading.
- (c) The Permittee may request the IDEM, OAQ approve the use of a pressure gauge or other instrument that does not meet the above specifications provided the Permittee can demonstrate an alternative pressure gauge or other instrument specification will adequately ensure compliance with permit conditions requiring the measurement of pressure drop or other parameters.

**Corrective Actions and Response Steps [326 IAC 2-7-5] [326 IAC 2-7-6]**

**C.12 Emergency Reduction Plans [326 IAC 1-5-2] [326 IAC 1-5-3]**

Pursuant to 326 IAC 1-5-2 (Emergency Reduction Plans; Submission):

- (a) The Permittee shall prepare written emergency reduction plans (ERPs) consistent with safe operating procedures.
- (b) These ERPs shall be submitted for approval to:

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

within ninety (90) days after the date of issuance of this permit.

The ERP does require the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).

- (c) If the ERP is disapproved by IDEM, OAQ, the Permittee shall have an additional thirty (30) days to resolve the difference and submit an approvable ERP.
- (d) These ERPs shall state those actions that will be taken, when each episode level is declared, to reduce or eliminate emissions of the appropriate air pollutants.
- (e) Said ERPs shall also identify the sources of air pollutants, the approximate amount of reduction of the pollutants, and a brief description of the manner in which the reduction will be achieved.
- (f) Upon direct notification by IDEM, OAQ, that a specific air pollution episode level is in effect, the Permittee shall immediately put into effect the actions stipulated in the approved ERP for the appropriate episode level. [326 IAC 1-5-3]

**C.13 Risk Management Plan [326 IAC 2-7-5(12)] [40 CFR 68.215]**

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If a regulated substance, subject to 40 CFR 68, is present at a source in more than a threshold quantity, 40 CFR 68 is an applicable requirement and the Permittee shall submit:

- (a) A compliance schedule for meeting the requirements of 40 CFR 68; or
- (b) As part of the annual compliance certification submitted under 326 IAC 2-7-6(5), a certification statement that the Source is in compliance with all the requirements of 40 CFR 68, including the registration and submission of a Risk Management Plan (RMP); and
- (c) A verification to IDEM, OAQ that a RMP or a revised plan was prepared and submitted as required by 40 CFR 68.

All documents submitted pursuant to this condition shall include the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

**C.14 Compliance Response Plan - Preparation, Implementation, Records, and Reports  
[326 IAC 2-7-5] [326 IAC 2-7-6]**

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- (a) The Permittee is required to prepare a Compliance Response Plan (CRP) for each compliance monitoring condition of this permit. A CRP shall be submitted to IDEM, OAQ upon request. The CRP shall be prepared within ninety (90) days after issuance of this permit by the Permittee, supplemented from time to time by the Permittee, maintained on site, and comprised of:
    - (1) Reasonable response steps that may be implemented in the event that a response step is needed pursuant to the requirements of Section D of this permit; and an expected time frame for taking reasonable response steps.
    - (2) If, at any time, the Permittee takes reasonable response steps that are not set forth in the Permittee's current Compliance Response Plan and the Permittee documents such response in accordance with subsection (e) below, the Permittee shall amend its Compliance Response Plan to include such response steps taken.
  - (b) For each compliance monitoring condition of this permit, reasonable response steps shall be taken when indicated by the provisions of that compliance monitoring condition as follows:
    - (1) Reasonable response steps shall be taken as set forth in the Permittee's current Compliance Response Plan; or
    - (2) If none of the reasonable response steps listed in the Compliance Response Plan is applicable or responsive to the excursion, the Permittee shall devise and implement additional response steps as expeditiously as practical. Taking such

additional response steps shall not be considered a deviation from this permit so long as the Permittee documents such response steps in accordance with this condition.

- (3) If the Permittee determines that additional response steps would necessitate that the emissions unit or control device be shut down, the IDEM, OAQ shall be promptly notified of the expected date of the shut down, the status of the applicable compliance monitoring parameter with respect to normal, and the results of the actions taken up to the time of notification.
  - (4) Failure to take reasonable response steps shall constitute a violation of the permit.
- (c) The Permittee is not required to take any further response steps for any of the following reasons:
- (1) A false reading occurs due to the malfunction of the monitoring equipment and prompt action was taken to correct the monitoring equipment.
  - (2) The Permittee has determined that the compliance monitoring parameters established in the permit conditions are technically inappropriate, has previously submitted a request for a minor permit modification to the permit, and such request has not been denied.
  - (3) An automatic measurement was taken when the process was not operating.
  - (4) The process has already returned or is returning to operating within "normal" parameters and no response steps are required.
- (d) When implementing reasonable steps in response to a compliance monitoring condition, if the Permittee determines that an exceedance of an emission limitation has occurred, the Permittee shall report such deviations pursuant to Section B-Deviations from Permit Requirements and Conditions.
- (e) The Permittee shall record all instances when response steps are taken. In the event of an emergency, the provisions of 326 IAC 2-7-16 (Emergency Provisions) requiring prompt corrective action to mitigate emissions shall prevail.
- (f) Except as otherwise provided by a rule or provided specifically in Section D, all monitoring as required in Section D shall be performed when the emission unit is operating, except for time necessary to perform quality assurance and maintenance activities.

C.15 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-7-5]  
[326 IAC 2-7-6]

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- (a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate response actions. The Permittee shall submit a description of these response actions to IDEM, OAQ, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize excess emissions from the affected facility while the response actions are being implemented.
- (b) A retest to demonstrate compliance shall be performed within one hundred twenty (120) days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAQ that retesting in one-hundred and twenty (120) days is not practicable, IDEM, OAQ may extend the retesting deadline.
- (c) IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.

The documents submitted pursuant to this condition do require the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).

## **Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]**

### C.16 Emission Statement [326 IAC 2-7-5(3)(C)(iii)] [326 IAC 2-7-5(7)] [326 IAC 2-7-19(c)] [326 IAC 2-6]

- (a) In accordance with the compliance schedule specified in 326 IAC 2-6-3(b)(1), the Permittee shall submit by July 1 an emission statement covering the previous calendar year as follows:
- (1) starting in 2004 and every three (3) years thereafter, and
  - (2) any year not already required under (1) if the source emits volatile organic compounds or oxides of nitrogen into the ambient air at levels equal to or greater than twenty-five (25) tons during the calendar year.
- (b) The emission statement shall contain, at a minimum, the information specified in 326 IAC 2-6-4(c) and shall meet the following requirements:
- (1) Indicate estimated actual emissions of all pollutants listed in 326 IAC 2-6-4(a):
  - (2) Indicate estimated actual emissions of regulated pollutants as defined by 326 IAC 2-7-1 (32) ("Regulated pollutant which is used only for purposes of Section 19 of this rule") from the source, for purpose of fee assessment.

The statement must be submitted to:

Indiana Department of Environmental Management  
Technical Support and Modeling Section, Office of Air Quality  
100 North Senate Avenue  
Indianapolis, Indiana 46204

The emission statement does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (c) The emission statement required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.

### C.17 General Record Keeping Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-6]

- (a) Records of all required data, reports and support information shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be kept at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available, within a reasonable time, upon request by the Commissioner. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.
- (b) Unless otherwise specified in this permit, all record keeping requirements specified in this permit not already legally required shall be implemented within ninety (90) days of permit issuance.

### C.18 General Reporting Requirements [326 IAC 2-7-5(3)(C)] [326 IAC 2-1.1-11]

- (a) The source shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported. This report shall be submitted within thirty (30) days of the end of the reporting period. The

Quarterly Deviation and Compliance Monitoring Report shall include the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).

- (b) The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted to:

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

- (c) Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.
- (d) Unless otherwise specified in this permit, all reports required in Section D of this permit shall be submitted within thirty (30) days of the end of the reporting period. All reports do require the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).
- (e) The first report shall cover the period commencing on the date of issuance of this permit and ending on the last day of the reporting period. Reporting periods are based on calendar years, unless specified elsewhere in this permit.

### **Stratospheric Ozone Protection**

#### **C.19 Compliance with 40 CFR 82 and 326 IAC 22-1**

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Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with the standards for recycling and emissions reduction:

- (a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156.
- (b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.
- (c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
- (d) Pursuant to 40 CFR 82, Subpart E (The Labeling of Products Using Ozone-Depleting Substances), all containers in which a Class I or Class II substance is stored or transported and all products containing a Class I substance shall be labeled as required under 40 CFR Part 82.

## SECTION D.1

## FACILITY OPERATION CONDITIONS

### Facility Description [326 IAC 2-7-5(15)]:

- (a) One (1) natural gas fired dry low NO<sub>x</sub> combustion turbine in a combined cycle configuration, constructed in 1997, identified as CT-1, with a nominal design capacity of 498 mmBtu/hour at ISO conditions, and exhausting to stack CT-01.

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

### Emission Limitations and Standards [326 IAC 2-7-5(1)][40 CFR 60, Subpart GG]

#### D.1.1 Particulate Emissions Limitations [326 IAC 6-2-4]

Pursuant to 326 IAC 6-2-4 (Particulate Emission Limitations for Sources of Indirect Heating: Emission limitations for facilities specified in 326 IAC 6-2-1(d)), the particulate matter emissions from the turbine shall not exceed 0.18 pounds per mmBtu. This limitation was calculated using the following equation:

$$Pt = \frac{1.09}{Q^{0.26}} = \text{pounds per mmBtu} \quad \text{Where } Q = \text{total source capacity (1,018 mmBtu/hr)}$$

#### D.1.2 Particulate Matter Limit [326 IAC 2-2][40 CFR 52.21]

Pursuant to CP-127-5260-00067, 326 IAC 2-2, 326 IAC 2-2-3 and 40 CFR 52.21 issued on May 14, 1996, this combustion turbine shall not exceed five (5) pounds of particulate matter per hour.

#### D.1.3 NO<sub>x</sub> Emissions Limit [326 IAC 2-3][326 IAC 2-2]

In order to make the requirements of 326 IAC 2-2 and 326 IAC 2-3 not applicable, this combustion turbine shall not emit NO<sub>x</sub> emissions greater than thirty (30) pounds per hour based on a 365-day rolling average.

#### D.1.4 CO Emissions Limit

Pursuant to CP127-5260, issued on May 14, 1996 the turbine shall not exceed 5,110 hours per calendar year operating in the Power Augmentation mode with CO emissions not exceeding forty (40) pounds per hour. The CO emissions generated under normal operation during the remaining hours shall not exceed twelve (12) pounds per hour for the remaining hours.

#### D.1.5 Best Available Control Technology [326 IAC 2-2-3][40 CFR 52.21]

Pursuant to 326 IAC 2-2-3 (PSD, Best Available Control Technology), 40 CFR 52.21 and CP-127-5260-00067, issued on May 14, 1996, the combustion turbine shall not exceed any of the following limits:

Shall comply with BACT by use of combustion control techniques, proper maintenance and CO emissions not exceeding: 10 ppmvd CO @ 15% oxygen during non-power augmentation and 40 ppmvd CO @ 15% oxygen during power augmentation.

#### D.1.6 General Provisions Relating to NSPS [326 IAC 12-1][40 CFR 60, Subpart GG]

The provisions of 40 CFR 60, Subpart A - General Provisions, which are incorporated by reference in 326 IAC 12-1, apply to the facility described in this section except when otherwise specified in 40 CFR 60, Subpart GG (Standards of Performance for Stationary Gas Turbines).

#### D.1.7 New Source Performance Standard [326 IAC 12-1][40 CFR 60.333, Subpart GG]

- (a) Pursuant to 40 CFR 60.333(a)&(b) the Permittee shall limit sulfur dioxide emissions, as required by 40 CFR 60.333, to 0.015 percent by volume at 15 percent oxygen on a dry basis, or use natural gas fuel with a sulfur content less than or equal to 0.8 percent by weight.

- (b) Pursuant to CP 127-5260-00067 the turbine sulfur dioxide emissions shall comply with 40 CFR 60.333 requirements by using pipeline supplied natural gas.

**D.1.8 Preventive Maintenance Plan [326 IAC 2-7-5(13)]**

A Preventive Maintenance Plan, in accordance with Section B - Preventive Maintenance Plan, of this permit, is required for this facility and its control devices.

**Compliance Determination Requirements**

**D.1.9 Sulfur Content and Nitrogen Content [326 IAC 12][40 CFR 60.334(h)(3), Subpart GG]**

Pursuant to 40 CFR 60.334(h)(3), a letter from U.S. EPA dated April 17, 2003, and in order to demonstrate compliance with Condition D.1.7, only natural gas which meets the definition in 40 CFR 60.331(u) shall be combusted in the gas turbine CT-1. The Permittee shall use one of the following sources of information to make the required demonstration:

- (a) The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less; or
- (b) Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 20 grains/100 scf. At a minimum, the amount of fuel sampling data specified in section 2.3.1.4 or 2.3.2.4 of appendix D to part 75 of this chapter is required.

**D.1.10 Continuous Emissions Monitoring [326 IAC 3-5]**

In order to comply with Condition D.1.3 and pursuant to 326 IAC 3-5 (Continuous Monitoring of Emissions), a continuous emission monitoring system shall be calibrated, maintained, and operated for measuring NOx emissions, which meets the performance specifications of 326 IAC 3-5-2.

**Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)][326 IAC 2-7-19][40 CFR 60, Subpart GG]**

**D.1.11 Record Keeping Requirements**

- (a) To document compliance with Conditions D.1.2, D.1.3, D.1.4, D.1.5, and D.1.7, the Permittee shall maintain records in accordance with (1) through (2) below.
- (1) Data and results from the most recent stack test;
  - (2) Hours of operation; and
  - (3) All continuous emission monitoring data, pursuant to 326 IAC 3-5.
- (b) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

**D.1.12 Reporting Requirements**

A quarterly summary of the information to document compliance with Condition D.1.4 and reports of any excess emissions pursuant to 40 CFR 60.334(c) shall be submitted to the addresses listed in Section C - General Reporting Requirements, of this permit, using the reporting forms located at the end of this permit, or their equivalent, within thirty (30) days after the end of the quarter being reported. The report submitted by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

## SECTION D.2

## FACILITY OPERATION CONDITIONS

### Facility Description [326 IAC 2-7-5(15)]:

- (b) Two (2) natural gas fired auxiliary boilers, constructed in 1997, with a nominal design capacity of 260 mmBtu/hr for each boiler, using low-NOx burners and flue gas recirculation as NOx inhibitors, and exhausting to two (2) stacks of ninety (90) feet each. Propane will be used for testing or as the backup fuel source. The exhaust from the combustion turbine and auxiliary boilers will produce a nominal design of 500,000 pounds of steam per hour and 63 megawatts of electricity.

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

### Emission Limitations and Standards [326 IAC 2-7-5(1)][40 CFR 60, Subpart Db]

#### D.2.1 Particulate Matter (PM) [326 IAC 6-2-4]

Pursuant to 326 IAC 6-2-4, (Particulate Matter Limitations), particulate matter emissions from each of the boilers shall not exceed 0.18 pounds per mmBtu.

The pounds per hour limitation was calculated with the following equation:

$$Pt = \frac{1.09}{Q^{0.26}} = \text{pounds per mmBtu} \quad \text{Where } Q = \text{total source capacity } 1,018 \text{ mmBtu/hr}$$

#### D.2.2 Best Available Control Technology [326 IAC 2-2-3][40 CFR 52.21]

Pursuant to 326 IAC 2-2-3 (Best Available Control Technology), 40 CFR 52.21 and CP-127-5260-00067, issued on May 14, 1996, the exhaust from the boilers shall not exceed any of the following limits:

- (a) Particulate matter emissions from the boilers shall be limited by the combustion of natural gas and shall not exceed 0.005 pounds per mmBtu with propane as an emergency fuel when the natural gas is interrupted or curtailed and maintenance of good combustion control. Verification of the operational readiness of the emergency fuel supply system shall be made using propane during periodic testing of the propane emergency fuel supply system. However, the particulate matter emissions shall not exceed 0.005 pounds per mmBtu during periodic testing.
- (b) Carbon monoxide emissions from the boilers shall comply by use of combustion control techniques, proper maintenance, and emissions not exceeding 0.074 pounds per mmBtu.

#### D.2.3 NOx Limit [326 IAC 2-3]

Pursuant to CP127-5260-00067, issued on May 14, 1996, 326 IAC 2-2, 326 IAC 2-3 and NSPS 40 CFR 60.44(b) the emissions of nitrogen oxides, expressed as nitrogen dioxide (NO<sub>2</sub>), from the natural gas-fired boilers shall not exceed 0.036 pounds per mmBtu for natural gas and 0.061 pounds per mmBtu for propane. Therefore, compliance with 326 IAC 12 and 40 CFR 60.44b shall be achieved.

#### D.2.4 General Provisions Relating to NSPS [326 IAC 12-1][40 CFR Part 60, Subpart A]

The provisions of 40 CFR 60, Subpart A - General Provisions, which are incorporated by reference in 326 IAC 12-1, apply to the facility described in this section except when otherwise specified in 40 CFR 60, Subpart Db.

**D.2.5 New Source Performance Standard [326 IAC 12-1][40 CFR Part 60, Subpart Db]**

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- (a) Pursuant to CP 127-5260-00067, issued on May 14, 1996 and 40 CFR 60.42b, sulfur dioxide (SO<sub>2</sub>) emissions from the boilers shall be achieved by the combustion of only natural gas with propane as a backup.
- (b) Pursuant to CP 127-5260-00067 issued on May 14, 1996 due to the fact that propane may produce higher nitrogen dioxide emissions, the amount of propane fired in the boilers shall be limited to emergency use and testing of the emergency fuel supply system, with amount fired recorded and reported.
- (c) Pursuant to 40 CFR 60.44b, nitrogen oxides from the boilers shall not exceed 0.10 lb/mmBtu for low heat release rate; 0.20 lb/mmBtu for high heat release rate.

**D.2.6 Preventive Maintenance Plan [326 IAC 2-7-5(13)]**

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A Preventive Maintenance Plan, in accordance with Section B - Preventive Maintenance Plan, of this permit, is required for this facility and its control device.

**Compliance Determination Requirements**

**D.2.7 NSPS Compliance Provisions [40 CFR 60, Subpart Db]**

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- (a) The nitrogen oxides emissions standards under 40 CFR 60.44b apply at all times.
- (b) Compliance with the NO<sub>x</sub> emission limitation shall be determined by the methods and procedures in 40 CFR 60.46b(e)3.
- (c) The continuous monitoring system shall be operated and data recorded during all periods of operation except for continuous monitoring system breakdowns and repairs. Data is recorded during calibration checks, and zero and span adjustments. [40 CFR 60.48b]

**Compliance Monitoring Requirements [326 IAC 2-7-6(1)][326 IAC 2-7-5(1)][40 CFR 60, Subpart Db]**

**D.2.8 Continuous Emissions Monitoring [326 IAC 3-5][326 IAC 12][40 CFR 60, Subpart Db]**

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Pursuant to CP 127-5260, issued on May 14, 1996, 40 CFR 60.48b (b)(1), the Permittee shall install, calibrate, maintain, and operate a continuous monitoring system for measuring nitrogen oxides emissions discharged to the atmosphere.

Pursuant to CP 127-5260, issued on May 14, 1996 and 40 CFR 60.48b(NSPS Subpart Db), when nitrogen oxides emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks and zero span adjustments, emission data will be obtained as follows:

Standby monitoring systems, Method 7, Method 7A or other approved reference methods to provide emission data for a minimum of 75% of the operating hours in each steam generating unit operating day, in at least 22 out of 30 successive steam generating unit operating days.

**Record Keeping and Reporting Requirement [326 IAC 2-7-5(3)][326 IAC 2-7-19][40 CFR 60, Subpart Db]**

**D.2.9 Record Keeping Requirements**

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- (a) To document compliance with Condition D.2.5(b), the Permittee shall maintain records and submit reports of the amount of propane fired in accordance with 40 CFR 60.49b.
- (b) In accordance with 40 CFR 60.49b(g), the Permittee shall maintain the following records for each steam generating unit operating day:
  - (1) Calendar date.

- (2) The average hourly nitrogen oxides emission rates (expressed as NO<sub>2</sub>) (ng/J or lb/million Btu heat input) measured or predicted.
  - (3) The 30-day average nitrogen oxides emission rates (ng/J or lb/million Btu heat input) calculated at the end of each steam generating unit operating day from the measured or predicted hourly nitrogen oxide emission rates for the preceding 30 steam generating unit operating days.
  - (4) Identification of the steam generating unit operating days when the calculated 30-day average nitrogen oxides emission rates are in excess of the nitrogen oxides emissions standards under § 60.44(b), with the reasons for such excess emissions as well as a description of corrective actions taken.
  - (5) Identification of the steam generating unit operating days for which pollutant data have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken.
  - (6) Identification of the times when emission data have been excluded from the calculation of average emission rates and the reasons for excluding data.
  - (7) Identification of “F” factor used for calculations, method of determination, and type of fuel combusted.
  - (8) Identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system.
  - (9) Description of any modifications to the continuous monitoring system that could affect the ability of the continuous monitoring system to comply with Performance Specification 2 or 3.
  - (10) Results of daily CEMS drift tests and quarterly accuracy assessments as required under Appendix F, Procedure 1.
- (c) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

#### D.2.10 Reporting Requirements

- (a) A summary of the information to document compliance with Condition D.2.7 shall be submitted to the address listed in Section C - General Reporting Requirements. The summary shall be completed in accordance with the requirements of 40 CFR 60.49b(g), which are listed in condition D.2.9(b).
- (b) To document compliance with Condition D.2.5, reports of propane usage shall be submitted to the address listed in Section C - General Reporting Requirements, and shall contain the information required in 40 CFR 60.49b. The report submitted by the Permittee does require the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).
- (c) The natural gas boiler certification shall be submitted to the address listed in Section C - General Reporting Requirements, of this permit, using the reporting form located at the end of this permit, or the equivalent, within thirty (30) days after the end of the six (6) month period being reported. The natural gas boiler certification does require the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).

### SECTION D.3

### FACILITY OPERATION CONDITIONS

#### Facility Description [326 IAC 2-7-5(15)] Insignificant Activities:

(a) Degreasing operations that do not exceed 145 gallons per 12 months.

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

#### Emission Limitations and Standards [326 IAC 2-7-5(1)]

##### D.3.1 Volatile Organic Compounds (VOC) [326 IAC 8-3-2 & 326 IAC 8-3-5(a)(b)]

Pursuant to 326 IAC 8-3-2 and 8-3-5(a) (Cold Cleaner Operations) the owner or operator of a cold cleaner degreaser without remote solvent reservoirs constructed after July 1, 1990, shall ensure that the following requirements are met:

- (a) Equip the degreaser with a cover. The cover must be designed so that it can be easily operated with one (1) hand if:
  - (1) The solvent volatility is greater than two (2) kiloPascals (fifteen (15) millimeters of mercury or three-tenths (0.3) pounds per square inch) measured at thirty-eight degrees Celsius (38<sup>EC</sup>) (one hundred degrees Fahrenheit (100<sup>EF</sup>));
  - (2) The solvent is agitated; or
  - (3) The solvent is heated.
- (b) Equip the degreaser with a facility for draining cleaned articles. If the solvent volatility is greater than four and three-tenths (4.3) kiloPascals (thirty-two (32) millimeters of mercury or six-tenths (0.6) pounds per square inch) measured at thirty-eight degrees Celsius (38<sup>EC</sup>) (one hundred degrees Fahrenheit (100<sup>EF</sup>)), then the drainage facility must be internal such that articles are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.
- (c) Provide a permanent, conspicuous label which lists the operating requirements outlined in subsection (b).
- (d) The solvent spray, if used, must be a solid, fluid stream and shall be applied at a pressure which does not cause excessive splashing.
- (e) Equip the degreaser with a facility for draining cleaned articles. If the solvent volatility is greater than four and three-tenths (4.3) kiloPascals (thirty-two (32) millimeters of mercury or six-tenths (0.6) pounds per square inch) measured at thirty-eight degrees Celsius (38<sup>EC</sup>) (one hundred degrees Fahrenheit (100<sup>EF</sup>)), or if the solvent is heated to a temperature greater than forty-eight and nine-tenths degrees Celsius (48.9<sup>EC</sup>) (one hundred twenty degrees Fahrenheit (120<sup>EF</sup>));
  - (1) A freeboard that attains a freeboard ratio of seventy-five hundredths (0.75) or greater.
  - (2) A water cover when solvent is used is insoluble in, and heavier than, water.
  - (3) Other systems of demonstrated equivalent control such as a refrigerated chiller or carbon adsorption. Such systems shall be submitted to U.S. EPA as a SIP revision.

Pursuant to 326 IAC 8-3-2 and 326 IAC 8-3-5(b) (Cold Cleaner Degreaser Operation and Control), the owner or operator of a cold cleaning facility construction of which commenced after July 1, 1990, shall ensure that the following operating requirements are met:

- (a) Close the cover whenever articles are not being handled in the degreaser.
- (b) Drain cleaned articles for at least fifteen (15) seconds or until dripping ceases.
- (c) Store waste solvent only in covered containers and prohibit the disposal or transfer of waste solvent in any manner in which greater than twenty percent (20%) of the waste solvent by weight could evaporate.

**SECTION E Nitrogen Oxides Budget Trading Program - NO<sub>x</sub> Budget Permit for NO<sub>x</sub> Budget Units Under 326 IAC 10-4-1(a)**

**ORIS Code:** 55096

**NO<sub>x</sub> Budget Source [326 IAC 2-7-5(15)]**

- (a) One (1) natural gas fired dry low NO<sub>x</sub> combustion turbine in a combined cycle configuration, constructed in 1997, identified as CT-1, with a nominal design capacity of 498 mmBtu/hour at ISO conditions, and exhausting to stack CT-01.
- (b) Two (2) natural gas fired auxiliary boilers, constructed in 1997, with a nominal design capacity of 260 mmBtu/hr for each boiler, using low-NO<sub>x</sub> burners and flue gas recirculation as NO<sub>x</sub> inhibitors, and exhausting to two (2) stacks of ninety (90) feet each. Propane will be used for testing or as the backup fuel source. The exhaust from the combustion turbine and auxiliary boilers will produce a nominal design of 500,000 pounds of steam per hour and 63 megawatts of electricity.

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

This NO<sub>x</sub> budget permit is deemed to incorporate automatically the definitions of terms under 326 IAC 10-4-2.

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

- (a) The owners and operators of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit shall operate each unit in compliance with this NO<sub>x</sub> budget permit.
- (b) The NO<sub>x</sub> budget units subject to this NO<sub>x</sub> budget permit are: Boilers 1 and 2, and combustion Turbine CT-1.

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

- (a) The owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source 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<sub>x</sub> budget emissions limitation under 326 IAC 10-4-4(c) and Condition E.4, Nitrogen Oxides Requirements.

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

- (a) The owners and operators of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall hold NO<sub>x</sub> allowances available for compliance deductions under 326 IAC 10-4-10(j), as of the NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> budget trading program, or a change in regulatory status of a NO<sub>x</sub> budget opt-in unit.
- (b) Each ton of NO<sub>x</sub> emitted in excess of the NO<sub>x</sub> budget emissions limitation shall constitute a separate violation of the Clean Air Act (CAA) and 326 IAC 10-4.

- (c) NO<sub>x</sub> allowances shall be held in, deducted from, or transferred among NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> allowance was allocated.
- (e) A NO<sub>x</sub> allowance allocated under the NO<sub>x</sub> budget trading program is a limited authorization to emit one (1) ton of NO<sub>x</sub> in accordance with the NO<sub>x</sub> budget trading program. No provision of the NO<sub>x</sub> budget trading program, the NO<sub>x</sub> budget permit application, the NO<sub>x</sub> 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.
- (f) A NO<sub>x</sub> allowance allocated under the NO<sub>x</sub> 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<sub>x</sub> allowance to or from each NO<sub>x</sub> 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<sub>x</sub> budget permit of the NO<sub>x</sub> budget unit by operation of law without any further review.

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

The owners and operators of each NO<sub>x</sub> budget unit that has excess emissions in any ozone control period shall do the following:

- (a) Surrender the NO<sub>x</sub> 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).

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

Unless otherwise provided, the owners and operators of the NO<sub>x</sub> budget source and each NO<sub>x</sub> 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:

- (a) The account certificate of representation for the NO<sub>x</sub> authorized account representative for the source and each NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> budget trading program.

- (d) Copies of all documents used to complete a NO<sub>x</sub> budget permit application and any other submission under the NO<sub>x</sub> budget trading program or to demonstrate compliance with the requirements of the NO<sub>x</sub> 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 department 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.7 Reporting Requirements [326 IAC 10-4-4(e)]

- (a) The NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall submit the reports and compliance certifications required under the NO<sub>x</sub> 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<sub>x</sub> authorized account representative: "I am authorized to make this submission on behalf of the owners and operators of the NO<sub>x</sub> budget sources or NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> 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

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

The owners and operators of each NO<sub>x</sub> budget source shall be liable as follows:

- (a) Any person who knowingly violates any requirement or prohibition of the NO<sub>x</sub> budget trading program, a NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> budget trading program that occurs prior to the date that the revision takes effect.
- (d) Each NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit shall meet the requirements of the NO<sub>x</sub> budget trading program.
- (e) Any provision of the NO<sub>x</sub> budget trading program that applies to a NO<sub>x</sub> budget source, including a provision applicable to the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget source, shall also apply to the owners and operators of the source and of the NO<sub>x</sub> budget units at the source.
- (f) Any provision of the NO<sub>x</sub> budget trading program that applies to a NO<sub>x</sub> budget unit, including a provision applicable to the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit, shall also apply to the owners and operators of the unit. Except with regard to the requirements applicable to units with a common stack under 40 CFR 75 and 326 IAC 10-4-12, the owners and operators and the NO<sub>x</sub> authorized account representative of one (1) NO<sub>x</sub> budget unit shall not be liable for any violation by any other NO<sub>x</sub> budget unit of which they are not owners or operators or the NO<sub>x</sub> authorized account representative and that is located at a source of which they are not owners or operators or the NO<sub>x</sub> authorized account representative.

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

No provision of the NO<sub>x</sub> budget trading program, a NO<sub>x</sub> budget permit application, a NO<sub>x</sub> budget permit, or an exemption under 326 IAC 10-4-3 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget source or NO<sub>x</sub> budget unit 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 COMPLIANCE DATA SECTION

### PART 70 OPERATING PERMIT CERTIFICATION

Source Name: Portside Energy LLC  
Source Address: 6290 US Highway 12, Portage, Indiana 46368  
Mailing Address: Primary Energy Steel, L.L.C., 2000 York Road, Suite 129, Oak Brook, IL 60523  
Part 70 Permit No.: T127-10138-00067

**This certification shall be included when submitting monitoring, testing reports/results  
or other documents as required by this permit.**

Please check what document is being certified:

- Annual Compliance Certification Letter
- Test Result (specify) \_\_\_\_\_
- Report (specify) \_\_\_\_\_
- Notification (specify) \_\_\_\_\_
- Affidavit (specify) \_\_\_\_\_
- Other (specify) \_\_\_\_\_

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Signature:

Printed Name:

Title/Position:

Telephone:

Date:

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR QUALITY  
COMPLIANCE BRANCH  
100 North Senate Avenue  
Indianapolis, Indiana 46204  
Phone: 317-233-5674  
Fax: 317-233-5967**

**PART 70 OPERATING PERMIT  
EMERGENCY OCCURRENCE REPORT**

Source Name: Portside Energy LLC  
Source Address: 6290 US Highway 12, Portage, Indiana 46368  
Mailing Address: Primary Energy Steel, L.L.C., 2000 York Road, Suite 129, Oak Brook, IL 60523  
Part 70 Permit No.: T127-10138-00067

**This form consists of 2 pages**

**Page 1 of 2**

- 9** This is an emergency as defined in 326 IAC 2-7-1(12)
- C The Permittee must notify the Office of Air Quality (OAQ), within four (4) business hours (1-800-451-6027 or 317-233-5674, ask for Compliance Section); and
  - C The Permittee must submit notice in writing or by facsimile within two working (2) days (Facsimile Number: 317-233-5967), and follow the other requirements of 326 IAC 2-7-16.

If any of the following are not applicable, mark N/A

Facility/Equipment/Operation:

Control Equipment:

Permit Condition or Operation Limitation in Permit:

Description of the Emergency:

Describe the cause of the Emergency:

If any of the following are not applicable, mark N/A

**Page 2 of 2**

Date/Time Emergency started:
Date/Time Emergency was corrected:
Was the facility being properly operated at the time of the emergency?    Y    N Describe:
Type of Pollutants Emitted: TSP, PM-10, SO <sub>2</sub> , VOC, NO <sub>x</sub> , CO, Pb, other:
Estimated amount of pollutant(s) emitted during emergency:
Describe the steps taken to mitigate the problem:
Describe the corrective actions/response steps taken:
Describe the measures taken to minimize emissions:
If applicable, describe the reasons why continued operation of the facilities are necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw materials of substantial economic value:

Form Completed by: \_\_\_\_\_

Title / Position: \_\_\_\_\_

Date: \_\_\_\_\_

Telephone: \_\_\_\_\_

A certification is not required for this report.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR QUALITY  
COMPLIANCE DATA SECTION**

**Part 70 Quarterly Report**

Source Name: Portside Energy LLC  
Source Address: 6290 US Highway 12, Portage, Indiana 46368  
Mailing Address: Primary Energy Steel, L.L.C., 2000 York Road, Suite 129, Oak Brook, IL 60523  
Part 70 Permit No.: T127-10138-00067  
Facility: Natural Gas Fired Auxiliary Boilers  
Pollutant: NOx  
Limit: Propane will double NOx emissions per MMBtu fired compared to natural gas.  
Due to offset requirements propane use shall be reported.

YEAR: \_\_\_\_\_

<b>Month</b>	<b>Propane Burned (gallons/month)</b>
<b>Month 1</b>	
<b>Month 2</b>	
<b>Month 3</b>	

Submitted by: \_\_\_\_\_

Title / Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Telephone: \_\_\_\_\_

Attach a signed certification to complete this report.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR QUALITY  
COMPLIANCE DATA SECTION**

**Part 70 Quarterly Report**

Source Name: Portside Energy LLC  
Source Address: 6290 US Highway 12, Portage, Indiana 46368  
Mailing Address: Primary Energy Steel, L.L.C., 2000 York Road, Suite 129, Oak Brook, IL 60523  
Part 70 Permit No.: T127-10138-00067  
Facility: Combustion Turbine  
Limit: Shall not exceed 5,110 hours per calendar year operating in the Power Augmentation mode with CO emissions not exceeding forty (40) pounds per hour. The CO emissions generated during the remaining hours shall not exceed twelve (12) pounds per hour for the remaining hours.

YEAR: \_\_\_\_\_

<b>Month</b>	<b>Hours</b>	<b>Month</b>	<b>Hours</b>
January		July	
February		August	
March		September	
April		October	
May		November	
June		December	

**Calendar Year Total** \_\_\_\_\_

Submitted by: \_\_\_\_\_  
Title / Position: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

Attach a signed certification to complete this report.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR QUALITY  
COMPLIANCE DATA SECTION  
PART 70 OPERATING PERMIT  
QUARTERLY DEVIATION AND COMPLIANCE MONITORING REPORT**

Source Name: Portside Energy LLC  
Source Address: 6290 US Highway 12, Portage, Indiana 46368  
Mailing Address: Primary Energy Steel, L.L.C., 2000 York Road, Suite 129,  
Oak Brook, IL 60523  
Part 70 Permit No.: T127-10138-00067

Months: \_\_\_\_\_ to \_\_\_\_\_ Year: \_\_\_\_\_

Page 1 of 2

This report shall be submitted quarterly based on a calendar year. Any deviation from the requirements, the date(s) of each deviation, the probable cause of the deviation, and the response steps taken must be reported. Deviations that are required to be reported by an applicable requirement shall be reported according to the schedule stated in the applicable requirement and do not need to be included in this report. Additional pages may be attached if necessary. If no deviations occurred, please specify in the box marked "No deviations occurred this reporting period".	
<input checked="" type="radio"/> NO DEVIATIONS OCCURRED THIS REPORTING PERIOD.	
<input checked="" type="radio"/> THE FOLLOWING DEVIATIONS OCCURRED THIS REPORTING PERIOD	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	

<b>Permit Requirement</b> (specify permit condition #)	
<b>Date of Deviation:</b>	<b>Duration of Deviation:</b>
<b>Number of Deviations:</b>	
<b>Probable Cause of Deviation:</b>	
<b>Response Steps Taken:</b>	
<b>Permit Requirement</b> (specify permit condition #)	
<b>Date of Deviation:</b>	<b>Duration of Deviation:</b>
<b>Number of Deviations:</b>	
<b>Probable Cause of Deviation:</b>	
<b>Response Steps Taken:</b>	
<b>Permit Requirement</b> (specify permit condition #)	
<b>Date of Deviation:</b>	<b>Duration of Deviation:</b>
<b>Number of Deviations:</b>	
<b>Probable Cause of Deviation:</b>	
<b>Response Steps Taken:</b>	

Form Completed By: \_\_\_\_\_

Title/Position: \_\_\_\_\_

Date: \_\_\_\_\_

Telephone: \_\_\_\_\_

Attach a signed certification to complete this report.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR QUALITY  
COMPLIANCE DATA SECTION**

**PART 70 OPERATING PERMIT  
SEMI-ANNUAL NATURAL GAS FIRED BOILER CERTIFICATION**

Source Name: Portside Energy LLC  
Source Address: 6290 US Highway 12, Portage, Indiana 46368  
Mailing Address: Primary Energy Steel, L.L.C., 2000 York Road, Suite 129, Oak Brook, IL 60523  
Part 70 Permit No.: T127-10138-00067

<input checked="" type="checkbox"/> Natural Gas Only
<input checked="" type="checkbox"/> Alternate Fuel burned
From: _____ To: _____

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
Signature:
Printed Name:
Title/Position:
Phone:
Date:

A certification by the responsible official as defined by 326 IAC 2-7-1(34) is required for this report.

# Indiana Department of Environmental Management Office of Air Quality

## Technical Support Document (TSD) for a Significant Permit Modification to a Part 70 Operating Permit

### Source Background and Description

Source Name:	Portside Energy LLC
Source Location:	6290 US Highway 12, Portage, Indiana 46368
County:	Porter
SIC Code:	4911
Operation Permit No.:	T127-10138-00067
Operation Permit Issuance Date:	April 17, 2003
Significant Permit Modification No.:	127-17047-00067
Permit Reviewer:	ERG/YC

The Office of Air Quality (OAQ) has reviewed a modification application from Portside Energy relating to the operation of an electric generating station.

### Explanation of Modification

Portside Energy LLC is an existing electric generating station. This source was constructed in 1997 and their Part 70 permit (T127-10138-00067) was issued on April 17, 2003. The Permittee requested the following changes to their Part 70 permit:

- (a) On April 23, 2003, the Permittee submitted a letter requesting to include a custom fuel monitoring schedule for sulfur content and to waive the fuel bound nitrogen content monitoring requirements for pipeline quality natural gas as required under NSPS, Subpart GG (New Source Performance Standards for Stationary Gas Turbines). According to a letter from U.S. EPA to the Permittee, dated April 17, 2003, U.S. EPA has approved the following alternative monitoring requirements for the gas turbine at Portside Energy:
  - (1) Custom fuel monitoring schedule for fuel sulfur content in pipeline quality natural gas.
  - (2) Waiver of fuel bound nitrogen determination for pipeline quality natural gas.

However, the NSPS, Subpart GG was amended on July 8, 2004. Pursuant to the revised 40 CFR 60.334(h)(3), the Permittee may elect not to monitor the total sulfur content of the gaseous fuel combusted in the turbine, if the gaseous fuel is demonstrated to meet the definition of natural gas in 40 CFR 60.331(u), regardless of whether an existing custom schedule approved by the administrator for Subpart GG requires such monitoring. The Permittee shall use one of the following sources of information to make the required demonstration:

- (1) The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less; or

- (2) Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 20 grains/100 scf. At a minimum, the amount of fuel sampling data specified in Section 2.3.1.4 or 2.3.2.4 of Appendix D to Part 75 of this chapter is required.

The Permittee stated that only pipeline quality natural gas is combusted in the gas turbine CT-1 at this source. Therefore, the monitoring requirements for the sulfur and nitrogen content of the fuel are no longer necessary and have been removed from the revised Part 70 permit. Condition D.1.10 - Sulfur Content and Nitrogen Content, has been revised to state that only the natural gas which meets the definition in 40 CFR 60.331(u) shall be combusted in the gas turbine CT-1 at this source.

- (b) On September 2, 2003, the Permittee submitted a NOx budget permit application to IDEM, OAQ. Pursuant to 326 IAC 10-4-2(27), the two (2) natural gas fired boilers and one (1) natural gas fired combustion turbine (CT-1) at this source are considered "large affected units" because these units commenced operation after January 1, 1997 and before January 1, 1999, have maximum design heat inputs greater than 250 MMBtu/hr, and did not serve during 1997 or 1998 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 NOx budget unit. Because this source meets the criteria of having one (1) or more NOx budget units, it is a NOx budget source and is subject to the requirements of 326 IAC 10-4 (NOx Budget Trading Program). The Technical Support Document (TSD) for the NOx budget permit is provided as Appendix A to this TSD. In addition, the following changes have been made to the Permittee's Part 70 permit:

- (1) The addition of the NOx budget permit in Section E of the Part 70 permit; and
- (2) The removal of Conditions D.1.9 and D.2.8, Nitrogen Oxides Monitoring Requirements, and D.1.12 and D.2.11, Nitrogen Oxides Budget Permit Application Submittal Requirements, from the original Part 70 permit. The monitoring Conditions D.1.9 and D.2.8 are no longer necessary in the D sections because all the NOx Budget Program Requirements are included in Section E of the revised permit. Since Portside Energy has already submitted the NOx Budget Permit Application, Conditions D.1.12 and D.2.11- Nitrogen Oxides Budget Permit Application Submittal Requirements - are no longer necessary.

- (c) In the e-mail received on March 29, 2005, the Permittee requested to revise the NOx emission limit of 30 lbs/hr in Condition D.1.3 of their Part 70 permit to an emission limit based on a 365-day rolling average. The Permittee stated that they will install a NOx CEM to show compliance with 326 IAC 10-4 (NOx Budget Permit) and will use the CEM data to demonstrate compliance with Condition D.1.3, instead of stack testing results.

The requirement in Condition D.1.3 was established in CP #127-5260-00067(issued on May 14, 1996) to ensure that the modification in 1996 did not trigger the PSD or Emission Offset review for NOx. Since the major modification thresholds for PSD or Emission Offset are based on annual emissions, OAQ agrees to revise the NOx emission limit in Condition D.1.3 to be a 365-day rolling average limit. An additional condition will be added to the revised Part 70 permit to state that the Permittee shall demonstrate compliance with the revised NOx limit with a NOx CEM.

Upon further review, IDEM, OAQ has made the following changes to the permit:

- (a) The 8 hour ozone nonattainment designations in 69 FR 23858 have been incorporated in 326 IAC 1-4-1 effective December 12, 2004. Therefore, provisions of 326 IAC 2-3 are applicable in these areas. IDEM has deleted the Nonattainment NSR term from the permit and replaced it with the appropriate term in 326 IAC 2-3 as Emissions Offset in Condition A.1.

- (b) In accordance with the credible evidence rule (62 Fed. Reg. 8314, Feb 24, 1997); Section 113(a) of the Clean Air Act, 42 U.S. C. § 7413 (a); and a letter from the United States Environmental Protection Agency (USEPA) to IDEM, OAQ dated May 18, 2004, all permits must address the use of credible evidence; otherwise, U.S. EPA will object to the permits. A new condition - B.24 has been incorporated into the revised permit to address credible evidence.
- (c) Condition C.20 - Application Requirements for Section 112(j) of the Clean Air Act has been removed from the revised permit since this condition is no longer necessary.
- (d) The mailing address to IDEM, OAQ has been changed as follows:  
  
100 North Senate Avenue  
Indianapolis, Indiana 46204

This change has been made throughout the whole permit.

### Justification for the Modification

This modification is being performed through a Significant Permit Modification pursuant to 326 IAC 2-7-12(d) for a request that does not qualify as a Minor Permit Modification or Administrative Amendment, and is considered as a significant change to the existing permit terms and conditions, including monitoring, recordkeeping and reporting.

### Recommendations

The staff recommends to the Commissioner that the Part 70 Significant Permit Modification be approved. The recommendation is based on the following facts and conditions:

Unless otherwise stated, information used in this review was derived from the application and additional information submitted by the applicant.

An application for the purposes of this review was received on April 23, 2003 and September 2, 2003.

### Proposed Changes

Language with a line through it has been deleted and bold language has been added.

#### A.1 General Information [326 IAC 2-7-4(c)] [326 IAC 2-7-5(15)] [326 IAC 2-7-1(22)]

The Permittee owns and operates a stationary electric generating station.

Responsible Official:	Executive Vice-President - Operations Primary Energy Steel, L.L.C.
Source Address:	6290 US Highway12, Portage, Indiana 46368
Mailing Address:	2000 York Road, Suite 129, Oak Brook, IL 60523
General Source Phone Number:	(219)647-6071 or (219)763-7426
SIC Code:	4911
County Location:	Porter
Source Location Status:	Nonattainment for ozone, under the 1-hour and 8-hour standards; <b>Nonattainment for PM 2.5</b> Attainment for all other criteria pollutants
Source Status:	Part 70 Permit Program Major Source, under PSD; <b>and</b> Emission Offset Rules <b>and Nonattainment NSR</b> Minor Source, Section 112 of the Clean Air Act 1 of 28 Source Categories

**B.24 Credible Evidence [326 IAC 2-7-5(3)][326 IAC 2-7-6][62 FR 8314]**

**Notwithstanding the conditions of this permit that state specific methods that may be used to demonstrate compliance with, or a violation of, applicable requirements, any person (including the Permittee) may also use other credible evidence to demonstrate compliance with, or a violation of, any term or condition of this permit.**

**Part 2 MACT Application Submittal Requirement**

~~C.20 Application Requirements for Section 112(j) of the Clean Air Act [40 CFR 63.52(e)]  
[40 CFR 63.56(a)] [40 CFR 63.9(b)] [326 IAC 2-7-12]~~

- ~~(a) The Permittee shall submit a Part 2 MACT Application in accordance with 40 CFR 63.52(e)(1). The Part 2 MACT Application shall meet the requirements of 40 CFR 63.53(b).~~
- ~~(b) Notwithstanding paragraph (a), the Permittee is not required to submit a Part 2 MACT Application if the Permittee no longer meets the applicability criteria of 40 CFR 63.50 by the application deadline in 40 CFR 63.52(e)(1). For example, the Permittee would not have to submit a Part 2 MACT Application if, by the application deadline:
  - ~~(1) The source is no longer a major source of hazardous air pollutants, as defined in 40 CFR 63.2;~~
  - ~~(2) The source no longer includes one or more units in an affected source category for which the U.S. EPA failed to promulgate an emission standard by May 15, 2002; or~~
  - ~~(3) The MACT standard or standards for the affected source categories included at the source are promulgated.~~~~
- ~~(c) Notwithstanding paragraph (a), pursuant to 40 CFR 63.56(a), the Permittee shall comply with an applicable promulgated MACT standard in accordance with the schedule provided in the MACT standard if the MACT standard is promulgated prior to the Part 2 MACT Application deadline or prior to the issuance of permit with a case-by-case Section 112(j) MACT determination. The MACT requirements include the applicable General Provisions requirements of 40 CFR 63, Subpart A. Pursuant to 40 CFR 63.9(b), the Permittee shall submit an initial notification not later than 120 days after the effective date of the MACT, unless the MACT specifies otherwise. The initial notification shall be submitted to:~~

~~Indiana Department of Environmental Management  
Compliance Data Section, Office of Air Quality  
100 North Senate Avenue, P.O. Box 6015  
Indianapolis, Indiana 46206-6015~~

~~and~~

~~United States Environmental Protection Agency, Region V  
Director, Air and Radiation Division  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590~~

**D.1.3 NOx Emissions Limit [326 IAC 2-3][326 IAC 2-2]**

**Pursuant to CP127-5260-00067, issued on May 14, 1996, In order to make the requirements of 326 IAC 2-2; and 326 IAC 2-3 and 40 CFR 52.21, not applicable, this combustion turbine shall not emit NOx emissions greater than thirty (30) pounds per hour based on a 365-day rolling average.**

~~D.1.9 Nitrogen Oxides Monitoring Requirement [326 IAC 10-4-4(b)(1)] [326 IAC 10-4-12(b) and (c)] [40-CFR 75]~~

~~The Permittee shall meet the monitoring requirements of 326 IAC 10-4-12(b)(1) through (b)(3) that are applicable to their monitoring system for the NOx budget units on or before May 1, 2003. The Permittee shall record, report, and quality assure the data from the monitoring systems on and after May 1, 2003 in accordance with 326 IAC 10-4-12 and 40 CFR 75.~~

**Compliance Monitoring Requirements [326 IAC 2-7-6(1)][326 IAC 12][40 CFR 60, Subpart GG]**

~~D.1.910 Sulfur Content and Nitrogen Content [326 IAC 12][40 CFR 60.334(h)(3)(b)(1)&(2), Subpart GG]~~

~~Pursuant to CP127-5260-00067 and 40 CFR 60.334(b)(1)&(2), Subpart GG, the Permittee shall monitor the nitrogen and sulfur content of the fuel being fired in the combustion turbine. The frequency of determination of these values shall be as follows:~~

- ~~(a) If the turbine is supplied its fuel from a bulk storage tank, the values shall be determined on each occasion that fuel is transferred to the storage tank from any other source.~~
- ~~(b) If turbine is supplied its fuel without intermediate bulk storage the values shall be determined and recorded daily. Owners, operators or fuel vendors may develop custom schedules for determination of the values based on the design and operation of the affected facility and the characteristics of the fuel supply. These custom schedules shall be substantiated with data and must be approved by the Administrator before they can be used to comply with the monitoring requirements.~~

~~The sulfur content information obtained from this monitoring shall be used to document compliance with the limits stated in Condition D.1.7.~~

~~Pursuant to 40 CFR 60.334(h)(3), a letter from U.S. EPA dated April 17, 2003, and in order to demonstrate compliance with Condition D.1.7, only natural gas which meets the definition in 40 CFR 60.331(u) shall be combusted in the gas turbine CT-1. The Permittee shall use one of the following sources of information to make the required demonstration:~~

- ~~(a) The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less; or~~
- ~~(b) Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 20 grains/100 scf. At a minimum, the amount of fuel sampling data specified in section 2.3.1.4 or 2.3.2.4 of appendix D to part 75 of this chapter is required.~~

**D.1.10 Continuous Emissions Monitoring [326 IAC 3-5]**

**In order to comply with Condition D.1.3 and pursuant to 326 IAC 3-5 (Continuous Monitoring of Emissions), a continuous emission monitoring system shall be calibrated, maintained, and operated for measuring NOx emissions, which meets the performance specifications of 326 IAC 3-5-2.**

**D.1.11 Record Keeping Requirements**

- ~~(a) To document compliance with Conditions D.1.2, D.1.3, D.1.4, D.1.5, and D.1.7, ~~D.1.9 and D.1.10~~ the Permittee shall maintain records in accordance with (1) through ~~(3)~~(2) below. ~~Records maintained for (2) shall be taken according to Condition D.1.10 and shall be complete and sufficient to establish compliance with the sulfur content limits established in Condition D.1.7.~~~~

~~(1) Data and results from the most recent stack test;~~

~~(2) All fuel nitrogen content and sulfur content monitoring data;~~

(23) Hours of operation; and

(3) All continuous emission monitoring data, pursuant to 326 IAC 3-5.

...

~~D.1.12 Nitrogen Oxides Budget Permit Application Submittal Requirement [326 IAC 10-4-4(a)(1)]~~

~~For NO<sub>x</sub> budget unit that commenced operation prior to January 1, 2001, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> budget permit application in accordance with 326 IAC 10-4-7 at least two hundred seventy (270) days prior to May 31, 2004. This application shall be submitted by the NO<sub>x</sub> authorized account representative to:~~

~~Indiana Department of Environmental Management  
Permits Branch, Office of Air Quality  
100 North Senate Avenue, P.O. Box 6015  
Indianapolis, Indiana 46206-6015~~

~~D.1.1213 Reporting Requirements~~

~~D.2.8 Nitrogen Oxides Monitoring Requirement [326 IAC 10-4-4(b)(1)] [326 IAC 10-4-12(b) and (c)] [40 CFR 75]~~

~~The Permittee shall meet the monitoring requirements of 326 IAC 10-4-12(b)(1) through (b)(3) that are applicable to their monitoring systems for the NO<sub>x</sub> budget units on or before May 1, 2003. The Permittee shall record, report, and quality assure the data from the monitoring systems on and after May 1, 2003 in accordance with 326 IAC 10-4-12 and 40 CFR 75.~~

~~D.2.89 Continuous Emissions Monitoring [326 IAC 3-5][326 IAC 12][40 CFR 60, Subpart Db]~~

~~D.2.910 Record Keeping Requirements~~

~~D.2.11 Nitrogen Oxides Budget Permit Application Submittal Requirement [326 IAC 10-4-4(a)(1)]~~

~~For NO<sub>x</sub> budget units that commenced operation prior to January 1, 2001, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> budget permit application in accordance with 326 IAC 10-4-7 at least two hundred seventy (270) days prior to May 31, 2004. This application shall be submitted by the NO<sub>x</sub> authorized account representative to:~~

~~Indiana Department of Environmental Management  
Permits Branch, Office of Air Quality  
100 North Senate Avenue, P.O. Box 6015  
Indianapolis, Indiana 46206-6015~~

~~D.2.1012 Reporting Requirements~~

(a) A summary of the information to document compliance with Condition D.2.7 shall be submitted to the address listed in Section C - General Reporting Requirements. The summary shall be completed in accordance with the requirements of 40 CFR 60.49b(g), which are listed in condition D.2.910(b).

....

**SECTION E Nitrogen Oxides Budget Trading Program - NO<sub>x</sub> Budget Permit for NO<sub>x</sub> Budget Units Under 326 IAC 10-4-1(a)**

**ORIS Code: 55096**

**NO<sub>x</sub> Budget Source [326 IAC 2-7-5(15)]**

- (a) One (1) natural gas fired dry low NO<sub>x</sub> combustion turbine in a combined cycle configuration, constructed in 1997, identified as CT-1, with a nominal design capacity of 498 mmBtu/hour at ISO conditions, and exhausting to stack CT-01.
- (b) Two (2) natural gas fired auxiliary boilers, constructed in 1997, with a nominal design capacity of 260 mmBtu/hr for each boiler, using low-NO<sub>x</sub> burners and flue gas recirculation as NO<sub>x</sub> inhibitors, and exhausting to two (2) stacks of ninety (90) feet each. Propane will be used for testing or as the backup fuel source. The exhaust from the combustion turbine and auxiliary boilers will produce a nominal design of 500,000 pounds of steam per hour and 63 megawatts of electricity.

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

This NO<sub>x</sub> budget permit is deemed to incorporate automatically the definitions of terms under 326 IAC 10-4-2.

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

- (a) The owners and operators of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit shall operate each unit in compliance with this NO<sub>x</sub> budget permit.
- (b) The NO<sub>x</sub> budget units subject to this NO<sub>x</sub> budget permit are: Boilers 1 and 2, and combustion Turbine CT-1.

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

- (a) The owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source 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<sub>x</sub> budget emissions limitation under 326 IAC 10-4-4(c) and Condition E.4, Nitrogen Oxides Requirements.

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

- (a) The owners and operators of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall hold NO<sub>x</sub> allowances available for compliance deductions under 326 IAC 10-4-10(j), as of the NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> budget trading program, or a change in regulatory status of a NO<sub>x</sub> budget opt-in unit.

- (b) Each ton of NO<sub>x</sub> emitted in excess of the NO<sub>x</sub> budget emissions limitation shall constitute a separate violation of the Clean Air Act (CAA) and 326 IAC 10-4.
- (c) NO<sub>x</sub> allowances shall be held in, deducted from, or transferred among NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> allowance was allocated.
- (e) A NO<sub>x</sub> allowance allocated under the NO<sub>x</sub> budget trading program is a limited authorization to emit one (1) ton of NO<sub>x</sub> in accordance with the NO<sub>x</sub> budget trading program. No provision of the NO<sub>x</sub> budget trading program, the NO<sub>x</sub> budget permit application, the NO<sub>x</sub> 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.
- (f) A NO<sub>x</sub> allowance allocated under the NO<sub>x</sub> 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<sub>x</sub> allowance to or from each NO<sub>x</sub> 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<sub>x</sub> budget permit of the NO<sub>x</sub> budget unit by operation of law without any further review.

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

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The owners and operators of each NO<sub>x</sub> budget unit that has excess emissions in any ozone control period shall do the following:

- (a) Surrender the NO<sub>x</sub> 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).

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

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Unless otherwise provided, the owners and operators of the NO<sub>x</sub> budget source and each NO<sub>x</sub> 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:

- (a) The account certificate of representation for the NO<sub>x</sub> authorized account representative for the source and each NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> budget trading program.
- (d) Copies of all documents used to complete a NO<sub>x</sub> budget permit application and any other submission under the NO<sub>x</sub> budget trading program or to demonstrate compliance with the requirements of the NO<sub>x</sub> 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 department 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.7 Reporting Requirements [326 IAC 10-4-4(e)]**

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- (a) The NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall submit the reports and compliance certifications required under the NO<sub>x</sub> 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<sub>x</sub> authorized account representative: "I am authorized to make this submission on behalf of the owners and operators of the NO<sub>x</sub> budget sources or NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> 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

#### **E.8 Liability [326 IAC 10-4-4(f)]**

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The owners and operators of each NO<sub>x</sub> budget source shall be liable as follows:

- (a) Any person who knowingly violates any requirement or prohibition of the NO<sub>x</sub>

- budget trading program, a NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> budget trading program that occurs prior to the date that the revision takes effect.**
  - (d) Each NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit shall meet the requirements of the NO<sub>x</sub> budget trading program.**
  - (e) Any provision of the NO<sub>x</sub> budget trading program that applies to a NO<sub>x</sub> budget source, including a provision applicable to the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget source, shall also apply to the owners and operators of the source and of the NO<sub>x</sub> budget units at the source.**
  - (f) Any provision of the NO<sub>x</sub> budget trading program that applies to a NO<sub>x</sub> budget unit, including a provision applicable to the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit, shall also apply to the owners and operators of the unit. Except with regard to the requirements applicable to units with a common stack under 40 CFR 75 and 326 IAC 10-4-12, the owners and operators and the NO<sub>x</sub> authorized account representative of one (1) NO<sub>x</sub> budget unit shall not be liable for any violation by any other NO<sub>x</sub> budget unit of which they are not owners or operators or the NO<sub>x</sub> authorized account representative and that is located at a source of which they are not owners or operators or the NO<sub>x</sub> authorized account representative.**

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

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No provision of the NO<sub>x</sub> budget trading program, a NO<sub>x</sub> budget permit application, a NO<sub>x</sub> budget permit, or an exemption under 326 IAC 10-4-3 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget source or NO<sub>x</sub> budget unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the CAA.

**Conclusion**

This permit modification shall be subject to the conditions of the attached Part 70 Significant Permit Modification No. 127-17047-00067.

## Appendix A

# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT Office of Air Quality

## Technical Support Document (TSD) for the NO<sub>x</sub> Budget Permit

### Source Background and Description

Source Name:	Portside Energy, LLC
Source Location:	6290 US Highway12, Portage, Indiana 46368
County:	Porter
SIC Code:	4911
Operated By:	Portside Energy, LLC
Owned By:	Portside Energy, LLC
ORIS Code:	55096
Operation Permit No.:	T127-10138-00067
Operation Permit Issuance Date:	April 17, 2003
Significant Permit Modification No.:	127-17047-00067
Permit Reviewer:	Madhurima Moulik

### NO<sub>x</sub> Budget Permit Application and Rule Applicability

A complete Nitrogen Oxides (NO<sub>x</sub>) Budget Permit Application for this NO<sub>x</sub> budget source was received on September 2, 2003. The Office of Air Quality (OAQ) has reviewed a NO<sub>x</sub> budget permit application from Portside Energy, LLC under 326 IAC 10-4-7 for the operation of the NO<sub>x</sub> budget source. The NO<sub>x</sub> budget source includes all NO<sub>x</sub> Budget Units at the source, including opt-in units, if applicable. The following units at the source are NO<sub>x</sub> Budget Units:

- (1) One (1) natural gas fired dry low NO<sub>x</sub> combustion turbine in a combined cycle configuration, constructed in 1997, identified as CT-1, with a nominal design capacity of 498 mmBtu/hour at ISO conditions, and exhausting to stack CT-01.
- (2) Two (2) natural gas fired auxiliary boilers, constructed in 1997, with a nominal design capacity of 260 mmBtu/hr for each boiler, using low-NO<sub>x</sub> burners and flue gas recirculation as NO<sub>x</sub> inhibitors, and exhausting to two (2) stacks of ninety (90) feet each. Propane will be used for testing or as the backup fuel source. The exhaust from the combustion turbine and auxiliary boilers will produce a nominal design of 500,000 pounds of steam per hour and 63 megawatts of electricity.

Pursuant to 326 IAC 10-4-2(27), Boilers 1 and 2, and Combustion Turbine CT1 are each considered a "large affected unit" because they commenced operation on or after January 1, 1997 and before January 1, 1999, has a maximum design heat input greater than two hundred fifty million (250,000,000) Btus per hour and did not serve, during 1997 or 1998, 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<sub>x</sub> budget unit. Because this source meets the criteria of having one (1) or more NO<sub>x</sub> budget units, it is a NO<sub>x</sub> budget source.

The NO<sub>x</sub> budget permit is in Section E of the Part 70 permit.

The requirements of 326 IAC 2-7-20(a) and (c) do not apply to emission trades of SO<sub>2</sub> or NO<sub>x</sub> 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<sub>x</sub> budget permit shall be a complete and segregable portion of the Part 70 permit and the NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> budget permit in Section E of the Part 70 permit; and
- (b) The removal of Conditions D.1.9 and D.2.8, Nitrogen Oxides Monitoring Requirements, and D.1.12 and D.2.11, Nitrogen Oxides Budget Permit Application Submittal Requirements, from the original Part 70 permit. The monitoring conditions are no longer necessary in the D sections because all the NO<sub>x</sub> Budget Program Requirements are included in Section E of the permit. Portside Energy has already submitted the NO<sub>x</sub> Budget Permit Application; therefore, the requirement is no longer necessary.

### **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<sub>x</sub> emissions in the affected states. In the federal rule, the U.S. EPA established a NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> emissions from utility boilers and a 60% reduction from large industrial (non-utility) boilers and turbines. IDEM developed the NO<sub>x</sub> Budget Trading Program in 326 IAC 10-4 in response to this mandate. The NO<sub>x</sub> 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<sub>x</sub> SIP call. Electricity generating units (EGUs) and non-electricity generating units (non-EGUs) are allocated allowances for tons of NO<sub>x</sub> that they are allowed to emit during the ozone season. IDEM allocates NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> Budget Trading Program) Requirements**

- (a) Pursuant to 326 IAC 10-4-4(b), the owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget source and each NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall hold NO<sub>x</sub> allowances available for compliance deductions under 326 IAC 10-4-10(j), as of the NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> budget trading program, or a change in regulatory status of a NO<sub>x</sub> budget opt-in unit.
- (c) Pursuant to 326 IAC 10-4-4(d), the owners and operators of each NO<sub>x</sub> budget unit that has excess emissions in any ozone control period shall do the following:
- (1) Surrender the NO<sub>x</sub> 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<sub>x</sub> budget source and each NO<sub>x</sub> 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<sub>x</sub> authorized account representative for the source and each NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> budget trading program.
  - (4) Copies of all documents used to complete a NO<sub>x</sub> budget permit application and any other submission under the NO<sub>x</sub> budget trading program or to demonstrate compliance with the requirements of the NO<sub>x</sub> 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<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall submit the reports and compliance certifications required under the NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> Emissions Allocations

- (a) Pursuant to 326 IAC 10-4-7(e), this NO<sub>x</sub> 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<sub>x</sub> allowance to or from the compliance accounts of the NO<sub>x</sub> budget units or the overdraft account of the NO<sub>x</sub> 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<sub>x</sub> allowances:
  - (1) Each ton of NO<sub>x</sub> emitted in excess of the NO<sub>x</sub> budget emissions limitation shall constitute a separate violation of the Clean Air Act (CAA) and 326 IAC 10-4.
  - (2) NO<sub>x</sub> allowances shall be held in, deducted from, or transferred among NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> allowance was allocated.
  - (4) A NO<sub>x</sub> allowance allocated under the NO<sub>x</sub> budget trading program is a limited authorization to emit one (1) ton of NO<sub>x</sub> in accordance with the NO<sub>x</sub> budget trading program. No provision of the NO<sub>x</sub> budget trading program, the NO<sub>x</sub> budget permit application, the NO<sub>x</sub> 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<sub>x</sub> allowance allocated under the NO<sub>x</sub> 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<sub>x</sub> allowance to or from a NO<sub>x</sub> 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<sub>x</sub> budget permit of the NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> budget permit application covering the NO<sub>x</sub> 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<sub>x</sub> authorized account representative for each NO<sub>x</sub> budget source on behalf of which a submission is made must sign and certify every report or other submission required by the NO<sub>x</sub> budget permit. The NO<sub>x</sub> 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<sub>x</sub> budget sources or NO<sub>x</sub> 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<sub>x</sub> budget permit be approved.

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

### **Additional Information**

Questions regarding the NO<sub>x</sub> 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 Michael Hall at the Northwest Regional Office, 8315 Virginia Avenue, Suite 1, Merrillville, IN 46410-9201, or by telephone at (219) 757-0278.

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>