



Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

April 7, 2004

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

TO: Interested Parties / Applicant

RE: Duke Energy North America, LLC / 167-17885-00125

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

Notice of Decision: Revocation

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

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

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.

Enclosures
FNPER-REV.dot 9/16/03

April 7, 2004

Ms. Kelly O'Brien, Director
Project Development
Duke Energy North America, LLC
5400 Westheimer Court
Houston, TX 77056-5310

Re: **167-17885-00125**
Revocation of New Source Construction/PSD
167-12481-00125 and Acid Rain Deposition Control
Program (Acid Rain) Permit AR 167-12909-00125

Dear Ms. O'Brien:

On June 27, 2003, Duke Energy, notified the Office of Air Quality (OAQ) that the Duke Energy Vigo (DEV) project at 5255 Darwin Road, West Terre Haute, Indiana, had expired due to "market conditions" prior to the commencement of construction, thus eliminating the need for the above referenced permits.

The New Source Construction/PSD permit 167-12481-00125, issued on June 6, 2001, and the Acid Rain Deposition Control Program Permit (Acid Rain) AR 167-12909-00125 issued on June 6, 2001, are hereby revoked. Pursuant to IC 4-21.5-3-5(a) and (b), this revocation letter is effective in eighteen (18) days from the date of this letter.

Any construction or modification that would result in potential to emit greater than the exemption levels, as specified in 326 IAC 2-1.1-3 (Exemptions) shall be subject to New Source Review (NSR) and must be approved by the OAQ before such construction or modification may occur.

If you have any questions regarding this revocation, please contact Janet Mobley of my staff at 317-232-8369 or at 1-800-451-6027 extension 2-8369.

Sincerely,
Original signed by Paul Dubenetzky

Paul Dubenetzky, Chief
Permits Branch
Office of Air Quality

PD/jm

cc: File - Vigo County
Vigo County Health Department
Air Compliance Section Inspector -Jim Thorpe
Vigo County Air Pollution Control
Compliance Data Section
Policy and Guidance Section - Cynthia Bymaster
Policy Planning & Coordination Section - Chet Bohannon
Contract Management Section - Barbara VanWinkle and Kim Wade
Permit Review Section II - Janet Mobley