



Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

December 29, 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: C.C. Perry K Steam Plant / 097-18636-00034

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

Notice of Decision: Approval - Effective Immediately

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 13-15-5-3, this permit is effective immediately, unless a petition for stay of effectiveness is filed and granted according to IC 13-15-6-3, 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 and IC 13-15-6-1 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 of Environmental Adjudication, 100 North Senate Avenue, Government Center North, Room 1049, Indianapolis, IN 46204, **within eighteen (18) calendar days of the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

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

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

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for 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.dot 9/16/03



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**Opt-In
ACID RAIN PERMIT RENEWAL
OFFICE OF AIR QUALITY**

**C.C. Perry K Steam Plant
366 Kentucky Avenue
Indianapolis, Indiana, 46204
ORIS: 992**

The owners and operators (hereinafter collectively known as the Permittee) of the above source are issued under the provisions of 326 Indiana Administrative Code (IAC) 21 with conditions listed on the attached pages.

Operation Permit No.: AR 097-18636-00034	
Issued by: Original signed by Janet G. McCabe, Assistant Commissioner Office of Air Quality	Issuance Date: December 29, 2004 Effective Date: January 1, 2005 Expiration Date: December 31, 2009

Title IV Operating Conditions

Title IV Source Description:

One (1) coke-oven gas (COG) and/or natural gas boiler identified as Unit 11 producing steam.

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

1. Statutory and Regulatory Authorities

In accordance with IC 13-17-3-4, IC 13-17-3-11, IC 13-17-8-1 and IC 13-17-8-2 as well as Titles IV and V of the Clean Air Act, the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ) issues this permit pursuant to 326 IAC 2 and 326 IAC 21 (incorporates by reference 40 Code of Federal Regulations (CFR) 72 through 78).

2. Standard Permit Requirements [326 IAC 21]

- (a) The designated representative has submitted a complete acid rain permit application in accordance with 40 CFR 74.
- (b) The Permittee shall:
 - 1) Have this opt-in permit; and
 - 2) Operate the opt-in source in compliance with this opt-in permit.
- (c) The participation by this source in the Acid Rain Program may be terminated only in accordance with 40 CFR 74.18 (withdrawal), 40 CFR 74.46 (shutdown, reconstruction, or change in affected status), and 40 CFR 74.50 (deducting allowances).
- (d) This opt-in source, if operated in accordance with this opt-in permit that governs Unit 11, shall be deemed to be operating in compliance with the Acid Rain Program, except as provided by 40 CFR 72.9(g)(6).

3. Monitoring Requirements [326 IAC 21]

- (a) The Permittee and, to the extent applicable, the designated representative of Unit 11 shall comply with the monitoring requirements as provided in 40 CFR 74 and 75.
- (b) The emissions measurements recorded and reported in accordance with 40 CFR 74 and 75 shall be used to determine compliance by the unit with the acid rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (c) The requirements of 40 CFR 74 and 75 shall not affect the responsibility of the Permittee to monitor emissions of other pollutants or other emissions characteristics at Unit 11 under other applicable requirements of the Clean Air Act and other provisions of the operating permit for the source.

4. Sulfur Dioxide Requirements [326 IAC 21]

- (a) The Permittee shall:
 - (1) Hold allowances, as of the allowance transfer deadline (as defined in 40 CFR 72.2), in the unit's compliance subaccount, after deductions under 40 CFR 73.34(c), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
 - (2) Comply with the applicable acid rain emissions limitations for sulfur dioxide.

- (b) Each ton of sulfur dioxide emitted in excess of the acid rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Clean Air Act.
- (c) Unit 11 shall be subject to the requirements under paragraph (a) of the sulfur dioxide requirements upon the effective date of this opt-in permit.
- (d) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program, including 40 CFR 73 and 74.
- (e) An allowance shall not be deducted in order to comply with the requirements under paragraph 4(a)(1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (f) An allowance allocated by the U.S. EPA under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the acid rain permit application, the acid rain permit, the acid rain portion of an operating permit, or the written exemption under 40 CFR 72.7 and 72.8 and 326 IAC 21, and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (g) An allowance allocated by U.S. EPA under the Acid Rain Program does not constitute a property right.
- (h) Sulfur dioxide allowances shall be allocated as follows:

SO ₂ Allowance Allocations for Unit 11					
year	2005	2006	2007	2008	2009
Tons	1,796	1,796	1,796	1,796	1,796

* The number of allowances allocated to Opt-In units by U.S. EPA may change in a revision to 40 CFR 74 and 326 IAC 21. In addition, the number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. Neither of the aforementioned conditions necessitates a revision to the unit SO₂ allowance allocations identified in this permit. (See 40 CFR 72.84)

5. Nitrogen Oxides Requirements [326 IAC 21]

In accordance with 40 CFR 74.12(c), the requirements of 40 CFR 76, Acid Rain Nitrogen Oxides Emission Reduction Program do not apply to Unit 11.

6. Excess Emissions Requirements [40 CFR 77] [326 IAC 21]

- (a) The designated representative of Unit 11, if the unit has excess emissions of sulfur dioxide in any calendar year shall submit a proposed offset plan to U.S. EPA and IDEM, OAQ as required under 40 CFR 77 and 326 IAC 21.
- (b) The designated representative shall submit required information to:

Indiana Department of Environmental Management
Air Compliance Section 1, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

and

Indianapolis Office of Environmental Services
2700 South Belmont Avenue
Indianapolis, Indiana 46221

and

Ms. Cecilia Mijares
Air and Radiation Division
U.S. Environmental Protection Agency, Region V
77 West Jackson Boulevard
Chicago, IL 60604-3590

and

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

- (c) The Permittee, if Unit 11 has excess emissions, as defined in 40 CFR 72.2, in any calendar year shall:
- (1) Pay to U.S. EPA without demand the penalty required, and pay to U.S. EPA upon demand the interest on that penalty, as required by 40 CFR 77 and 326 IAC 21; and,
 - (2) Comply with the terms of an approved sulfur dioxide offset plan, as required by 40 CFR 77 and 326 IAC 21.

7. Record Keeping and Reporting Requirements [326 IAC 21]

- (a) Unless otherwise provided, the Permittee shall keep on site each of the following documents for a period of 5 years, as required by 40 CFR 72.9(f), from the date the document is created. This period may be extended for cause, at any time prior to the end of the 5 years, in writing by U.S. EPA or IDEM, OAQ:
- (1) The certificate of representation for the designated representative for Unit 11 and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5 year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
 - (2) All emissions monitoring information collected in accordance with 40 CFR 75 shall be retained on site for 3 years;
 - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
 - (4) Copies of all documents used to complete an acid rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (b) The designated representative of Unit 11 shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR 72.90 subpart I, 40 CFR 75, and 326 IAC 21. Submit required information to the appropriate authority(ies) as specified in 40 CFR 72.90 subpart I and 40 CFR 75.

8. Submissions [326 IAC 21]

- (a) The designated representative shall submit a certificate of representation, and any superseding certificate of representation, to U.S. EPA and IDEM, OAQ in accordance with 40 CFR 74.16 and 326 IAC 21.
- (b) The designated representative shall submit required information to:
- Indiana Department of Environmental Management
Air Compliance Section 1, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015
- and
- Indianapolis Office of Environmental Services
2700 South Belmont Avenue
Indianapolis, Indiana 46221
- and
- U.S. Environmental Protection Agency
Clean Air Markets Division
1200 Pennsylvania Avenue, NW
Mail Code (6204N)
Washington, DC 20460
- (c) Each such submission under the Acid Rain Program shall be submitted, signed and certified by the designated representative for all sources on behalf of which the submission is made.
- (d) In each submission under the Acid Rain Program, the designated representative shall certify, by his or her signature, the following statements which shall be included verbatim in the submission:
- (1) "I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made."; and,
- (2) "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."
- (e) The designated representative of a source shall notify the Permittee:
- (1) By the date of submission, of any Acid Rain Program submissions by the designated representative;
- (2) Within 10 business days of receipt of any written determination by U.S. EPA or IDEM, OAQ; and,
- (3) Provided that the submission or determination covers Unit 11.

- (f) The designated representative of Unit 11 shall provide the Permittee a copy of any submission or determination under condition (e) of this section, unless the Permittee expressly waives the right to receive a copy.

9. Severability [326 IAC 21]

Invalidation of the acid rain portion of an operating permit does not affect the continuing validity of the rest of the operating permit, nor shall invalidation of any other portion of the operating permit affect the continuing validity of the acid rain portion of the permit. [40 CFR 72.72(b), 326 IAC 21, and 326 IAC 2-7-5(5)]

10. Liability [326 IAC 21]

- (a) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, an acid rain permit, an acid rain portion of an operation permit, or a written exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement by U.S. EPA pursuant to Section 113(c) of the Clean Air Act and shall be subject to enforcement by IDEM pursuant to 326 IAC 21 and IC 13-30-3.
- (b) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to Section 113(c) of the Clean Air Act, 18 U.S.C. 1001 and IDEM pursuant to 326 IAC 21 and IC 13-30-6-2.
- (c) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (d) Unit 11 shall meet the requirements of the Acid Rain Program.
- (e) Any provision of the Acid Rain Program that applies to Unit 11, including a provision applicable to the designated representative of an affected source, shall also apply to the Permittee.
- (f) Any provision of the Acid Rain Program that applies to Unit 11, including a provision applicable to the designated representative of an affected unit, shall also apply to the Permittee. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NOx averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR 75, including 40 CFR 75.16, 75.17, and 75.18, the Permittee and the designated representative of Unit 11 shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
- (g) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 77, and 78 by Unit 11, or by the Permittee or designated representative of Unit 11, shall be a separate violation of the Clean Air Act.

11. Effect on Other Authorities [326 IAC 21]

No provision of the Acid Rain Program, an opt-in permit application, an opt-in permit, an acid rain portion of an operation permit, or a written exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (a) Except as expressly provided in Title IV of the Clean Air Act (42 USC 7651 to 7651(o)), exempting or excluding the Permittee and, to the extent applicable, the designated representative of Unit 11 from compliance with any other provision of the Clean Air Act, including the provisions of Title I of the Clean Air Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;

- (b) Limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Clean Air Act;
- (c) Requiring a change of any kind in any state law regulating electric utility rates and charges, affecting any state law regarding such state regulation, or limiting such state regulation, including any prudence review requirements under such state law;
- (d) Modifying the Federal Power Act (16 USC 791(a) et seq.) or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act.
- (e) Interfering with or impairing any program for competitive bidding for power supply in a state in which such a program is established.

Indiana Department of Environmental Management Office of Air Quality

Addendum to the Technical Support Document for a Phase II Title IV Acid Rain Permit

Source Name: C.C. Perry K Steam Plant
 Source Location: 366 Kentucky Avenue, Indianapolis, Indiana, 46204
 County: Marion
 ORIS Code: 992
 Permit No.: AR 097-18636-00034
 Permit Reviewer: Cynthia Bymaster

On October 30, 2004, the Office of Air Quality (OAQ) had a notice published in the Indianapolis Star, Indianapolis, Indiana, stating that Citizens Thermal Energy had applied for a Phase II Title IV Permit renewal for C.C. Perry K Steam Plant. The notice also stated that OAQ proposed to issue a permit for this operation and provided information on how the public could review the proposed permit and other documentation. Finally, the notice informed interested parties that there was a period of thirty (30) days to provide comments on whether or not this permit should be issued as proposed. A comment was received from David J. Toombs, Citizens Thermal Energy, on November 30, 2004. IDEM, OAQ has made the following revisions to the permit, following the general suggestions from Citizens Thermal Energy and EPA, Region V.

1. A change to the cover page to clarify the term "Permittee" and change the date box to show issuance and effective date are not necessarily the same date; a third date has been added to the cover page.

C.C. Perry K Steam Plant 366 Kentucky Avenue Indianapolis, Indiana, 46204 ORIS: 992

This permit is issued under the provisions of 326 Indiana Administrative Code (IAC) 21 with conditions listed on the attached pages.

Operation Permit No.: AR 097-18636-00034	
Issued by: Janet G. McCabe, Assistant Commissioner Office of Air Quality	Issuance Date: Effective Date: January 1, 2005 Expiration Date: December 31, 2009

Comment (from David J. Toombs, Citizens Thermal Energy):

Citizens Thermal Energy owns and operates Boiler 11 at the C.C. Perry K Steam Plant, and offers the following comment on the Acid Rain Program Opt-In Permit renewal which is on public notice. Respectfully, we request that the final permit issued by IDEM accurately reflect the requirements of 40 CFR 74, the regulations that govern the opt-in program.

Response:

IDEM, OAQ will change the permit terms below to clarify the opt-in requirements.

2. To clarify and correct the opt-in requirements in Condition 2, the following changes have been made:

2. Standard Permit Requirements [326 IAC 21]

- (a) The designated representative has submitted a complete acid rain permit application in accordance with ~~the deadlines in 40 CFR 72.30~~ 74.
- (b) ~~The owners and operators of each affected source and each affected unit~~ Permittee shall ~~operate the unit in compliance with this permit:~~
 - 1) Have this opt-in permit; and
 - 2) Operate the opt-in source in compliance with this opt-in permit.
- (c) The participation by this source in the Acid Rain Program may be terminated only in accordance with 40 CFR 74.18 (withdrawal), 40 CFR 74.46 (shutdown, reconstruction, or change in affected status), and 40 CFR 74.50 (deducting allowances).
- (d) This opt-in source, if operated in accordance with this opt-in permit that governs Unit 11, shall be deemed to be operating in compliance with the Acid Rain Program, except as provided by 40 CFR 72.9(g)(6).

3. To clarify and correct the opt-in requirements in Condition 3, the following changes have been made:

3. Monitoring Requirements [326 IAC 21]

- (a) ~~The owners and operators~~ Permittee and, to the extent applicable, the designated representative of ~~each affected source and each affected unit at the source~~ Unit 11 shall comply with the monitoring requirements as provided in 40 CFR 74 and 75 ~~and 76~~.
- (b) The emissions measurements recorded and reported in accordance with 40 CFR 74 and 75 ~~and 76~~ shall be used to determine compliance by the unit with the acid rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (c) The requirements of 40 CFR 74 and 75 ~~and 76~~ shall not affect the responsibility of the ~~owners and operators~~ Permittee to monitor emissions of other pollutants or other emissions characteristics at ~~the unit~~ Unit 11 under other applicable requirements of the Clean Air Act and other provisions of the operating permit for the source.

4. To clarify Condition 4 that this unit is an Opt-In unit, the following changes have been made:

4. Sulfur Dioxide Requirements [326 IAC 21]

- (a) ~~The owners and operators of each source and each affected unit at the source~~ Permittee shall:
 - (1) Hold allowances, as of the allowance transfer deadline (as defined in 40 CFR 72.2), in the unit's compliance subaccount, after deductions under 40 CFR 73.34(c), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and,
 - (2) Comply with the applicable acid rain emissions limitations for sulfur dioxide.
- (b) Each ton of sulfur dioxide emitted in excess of the acid rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Clean Air Act.
- (c) ~~An opt-in unit~~ Unit 11 shall be subject to the requirements under paragraph (a) of the sulfur dioxide requirements upon the effective date of ~~the opt-in source's~~ this opt-in permit.

...

- (h) Sulfur dioxide allowances shall be allocated ~~to each unit at the source~~ as follows:

SO ₂ Allowance Allocations for Unit 11					
year	2005	2006	2007	2008	2009
Tons	1,796	1,796	1,796	1,796	1,796

* The number of allowances allocated to Opt-In units by U.S. EPA may change in a revision to 40 CFR 74 and 326 IAC 21. In addition, the number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. Neither of the aforementioned conditions necessitate a revision to the unit SO₂ allowance allocations identified in this permit. (See 40 CFR 72.84)

5. To clarify the following Conditions, the following change have been made:

5. Nitrogen Oxides Requirements [326 IAC 21]

In accordance with 40 CFR 74.12(c), the requirements of 40 CFR 76, Acid Rain Nitrogen Oxides Emission Reduction Program do not apply to ~~this sulfur dioxide opt-in unit~~ **Unit 11**.

6. To clarify Condition 6 and add the Indianapolis Office of Environmental Services, the following changes have been made.

6. Excess Emissions Requirements [40 CFR 77] [326 IAC 21]

(a) The designated representative of ~~an affected unit~~ **Unit 11, if the unit** that has excess emissions of sulfur dioxide in any calendar year shall submit a proposed offset plan to U.S. EPA and IDEM, OAQ as required under 40 CFR 77 and 326 IAC 21.

(b) The designated representative shall submit required information to:

Indiana Department of Environmental Management
~~Permit Administration~~ **Air Compliance** Section **1**, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

and

Indianapolis Office of Environmental Services
2700 South Belmont Avenue
Indianapolis, Indiana 46221

and

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

(c) The ~~owners and operators~~ **Permittee**, if of ~~an affected unit~~ **Unit 11** that has excess emissions, as defined in 40 CFR 72.2, in any calendar year shall:

- (1) Pay to U.S. EPA without demand the penalty required, and pay to U.S. EPA upon demand the interest on that penalty, as required by 40 CFR 77 and 326 IAC 21; and,
- (2) Comply with the terms of an approved sulfur dioxide offset plan, as required by 40 CFR 77 and 326 IAC 21.

7. Record Keeping and Reporting Requirements [326 IAC 21]

(a) Unless otherwise provided, the ~~owners and operators~~ Permittee of the source and each affected unit at the source shall keep on site each of the following documents for a period of 5 years, as required by 40 CFR 72.9(f), from the date the document is created. This period may be extended for cause, at any time prior to the end of the 5 years, in writing by U.S. EPA or IDEM, OAQ:

(1) The certificate of representation for the designated representative for ~~the source and each affected unit at the source~~ Unit 11 and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5 year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;

...

(b) The designated representative of ~~an affected source and each affected unit at the source~~ Unit 11 shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR 72.90 subpart I, 40 CFR 75, and 326 IAC 21. Submit required information to the appropriate authority(ies) as specified in 40 CFR 72.90 subpart I and 40 CFR 75.

8. To clarify Condition 8 and add the Indianapolis Office of Environmental Services the following changes have been made:

8. Submissions [326 IAC 21]

(a) The designated representative shall submit a certificate of representation, and any superseding certificate of representation, to U.S. EPA and IDEM, OAQ in accordance with 40 CFR 74.16 and 326 IAC 21.

(b) The designated representative shall submit required information to:

Indiana Department of Environmental Management
~~Permit Administration~~ Air Compliance Section 1, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

and

Indianapolis Office of Environmental Services
2700 South Belmont Avenue
Indianapolis, Indiana 46221

and

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

...

(e) The designated representative of a source shall notify ~~each owner and operator of the source and of an affected unit at the source~~ the Permittee:

(1) By the date of submission, of any Acid Rain Program submissions by the designated representative;

- (2) Within 10 business days of receipt of any written determination by U.S. EPA or IDEM, OAQ; and,
- (3) Provided that the submission or determination covers ~~the source or the unit~~ **Unit 11**.
- (f) The designated representative of ~~a source~~ **Unit 11** shall provide ~~each owner and operator of an affected unit at the source~~ **the Permittee** a copy of any submission or determination under condition (e) of this section, unless the ~~owner or operator~~ **Permittee** expressly waives the right to receive a copy.

10. To clarify, the following change has been made to Conditions 10 and 11.

10. Liability [326 IAC 21]

...

- (d) ~~Each affected source and each affected unit~~ **Unit 11** shall meet the requirements of the Acid Rain Program.
- (e) Any provision of the Acid Rain Program that applies to ~~an affected source~~ **Unit 11**, including a provision applicable to the designated representative of ~~an affected source~~ **Unit 11**, shall also apply to the ~~owners and operators of such source and of the affected units at the source~~ **Permittee**.
- (f) Any provision of the Acid Rain Program that applies to ~~an affected unit~~ **Unit 11**, including a provision applicable to the designated representative of an affected unit, shall also apply to the ~~owners and operators of such unit~~ **Permittee**. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NOx averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR 75, including 40 CFR 75.16, 75.17, and 75.18, the ~~owners and operators~~ **Permittee** and the designated representative of ~~one affected unit~~ **Unit 11** shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
- (g) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 77, and 78 by ~~an affected source or affected unit~~ **Unit 11**, or by ~~an owner or operator~~ **the Permittee** or designated representative of ~~such source or unit~~ **Unit 11**, shall be a separate violation of the Clean Air Act.

11. Effect on Other Authorities [326 IAC 21]

No provision of the Acid Rain Program, an opt-in permit application, an opt-in permit, an acid rain portion of an operation permit, or a written exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (a) Except as expressly provided in Title IV of the Clean Air Act (42 USC 7651 to 7651(o)), exempting or excluding the ~~owners and operators~~ **the Permittee** and, to the extent applicable, the designated representative of ~~an affected source or affected unit~~ **Unit 11** from compliance with any other provision of the Clean Air Act, including the provisions of Title I of the Clean Air Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (b) Limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Clean Air Act;

...

Indiana Department of Environmental Management Office of Air Quality

Technical Support Document
For a Phase II Acid Rain Permit Renewal

Source Background and Description

Source Name:	C.C. Perry K Steam Plant
Source Location:	366 Kentucky Avenue, Indianapolis, Indiana, 46204
Mailing Address:	366 Kentucky Avenue, Indianapolis, Indiana, 46204
County:	Marion
Operated By:	Citizens Thermal Energy
Designated Representative:	David Toombs
ORIS Code:	0992
Previous Phase II Permit No.:	097-11658-00034
Phase II Renewal Permit No.:	097-18636-00034
Permit Reviewer:	Cynthia Bymaster, (317) 233-2641

The Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ) has reviewed a Phase II Acid Rain permit renewal application submitted by Citizens Thermal Energy on March 5, 2004. The application is for the operation of the following affected units at a station located at 366 Kentucky Avenue, Indianapolis, Indiana.

Unit 11: One (1) coke-oven gas (COG) and/or natural gas boiler

This permit renewal AR 097-18636-00034 covers calendar years 2005 to 2009 involving the same affected units as indicated in the initial Phase II permit AR 097-11658-00034

Existing Approvals

The source has been operating under the following previous Phase II approvals:

- (a) AR 097-11658-00034, issued on September 29, 2000; and
- (b) AAR 097-115578-00034, issued on July 29, 2003.

Indianapolis Power and Light was issued a Title IV permit for the C.C. Perry K Steam Plant, effective from September 30, 2000 to December 31, 2004. May 1, 2002, Citizens Thermal Energy notified IDEM, OAQ, that a change in ownership was required. Citizens Thermal Energy, C.C. Perry K Steam Plant submitted a Phase II Acid Rain renewal application on March, 5, 2004.

Program Description

The following information is provided to explain the Acid Rain Program.

- (a) **Goal of the Program**
The goal of the 1990 Clean Air Act (CAA) Amendments, Acid Rain Program is to reduce the impact of man-made emissions of sulfur dioxide (SO₂) and nitrogen oxide (NO_x) on lakes, streams, forests, crops and, most important, the health of the public, by a nationwide SO₂ allocation of emissions from power plants. While it may not seem to be a local problem, the information collected shows a need for this reduction. This is because these emissions can be transported great distances. Results of the SO₂ and NO_x program, along with past, present and future plans, can be found on the Internet at <http://www.epa.gov/airmarkets/arp/>. Additional information in the form of maps showing

the results of the SO₂ and NO_x limitations can be found on the Internet at <http://nadp.sws.uiuc.edu/>.

The U.S. EPA has set a limit on the amount of sulfur dioxide emissions and the emission rate of nitrogen oxides for all regulated power plants, for each year from 2000 through 2009. The total sulfur dioxide emissions for all affected power plants in the nation have been limited to 9.4 million tons every year. That amount is 10 million tons less than the total emissions of sulfur dioxide in 1980. In 1993, U.S. EPA allocated a certain amount of sulfur dioxide emissions allowances to each power plant regulated by Phase II of the Acid Rain Program. Emissions of nitrogen oxides are being reduced by at least 2 million tons per year, by setting limits on the emission rate of nitrogen oxides from coal-fired power plant boilers.

- (b) **Federal Rules**
The emission allowances and conditions in this draft Phase II permit were taken from the limits developed by the U.S. EPA for the Acid Rain Program pursuant to Title IV of the Clean Air Act, 42 United States Code 7401, as amended by Public Law 101-5049 (November 15, 1990). Parts 72 through 78 of Title 40 of the Code of Federal Regulations (CFR), 61 Federal Register (FR) 59142, 61 FR 67111, 61 FR 68821, and 62 FR 3463, apply to regulated power plants.
- (c) **Indiana's Rules**
Title 326 of the Indiana Administrative Code (IAC) Article 21, Acid Deposition Control, has adopted the federal rule by referencing 40 CFR 72 through 78, 61 FR 59142, 61 FR 67111, 61 FR 68821, and 62 FR 3463. The rule incorporates the requirements of Title IV, Clean Air Act Acid Rain Program, of the 1990 Clean Air Act (CAA).
- (d) **Sulfur Dioxide (SO₂) Emission Allocations**
The sulfur dioxide allowance allocation rule (40 CFR Part 73) was revised in August 1998. The nation wide allocated sulfur dioxide emissions are 9,480,000 tons per year for 2000 through 2009. The 2010 cap is projected to reduce sulfur dioxide emissions to 8,900,000 tons per year. No allocations were made for new sources. New regulated power plants have to obtain sulfur dioxide emission allocations by purchasing them from pre-existing power plants that have received U.S. EPA allocations. A regulated power plant may have emission allocations to sell because the plant purchased newer, less polluting, equipment. The U.S. EPA keeps track of the transfer of all sulfur dioxide emission allocations in an official accounting system.
- (e) **Nitrogen Oxide Emission (NO_x) Limitations**
Pursuant to 40 CFR 76, nitrogen oxide (NO_x) emission limitations are applicable only to coal-fired utility and coal-fired substitution units that are subject to Phase I and Phase II sulfur dioxide (SO₂) reduction requirements.

Specific Sulfur Dioxide (SO₂) Emission Allocations

There is one affected unit, identified as Unit 11, in this generating station. Table 1 below summarizes the SO₂ Allowance Allocations for this.

Table 1					
SO ₂ Allowance Allocations (tons/year)					
	2005	2006	2007	2008	2009
Unit 11	1,796	1,796	1,796	1,796	1,796

Specific NO_x Compliance and Averaging Plan

There are no affected units, in this generating station. Unit 11 is an Opt-In unit and as such is not subject to Nitrogen Oxides Limitation Requirements

Emissions Monitoring Requirements

The owners and operators and, to the extent applicable, the designated representative for the source must comply with the monitoring requirements set out in 40 CFR 75 and 72.9(b)(1) and (2). The source must measure and record its emissions of sulfur dioxide. The source must report these measurements to IDEM and U.S. EPA. These records and reports are used to determine if the source is in compliance with the sulfur dioxide allocation program. The requirements of the Phase II permit do not affect the source's responsibility to monitor emissions of other pollutants or other emissions characteristics required by the Clean Air Act and other operating permit provisions. Monitoring requirements outlined in the source's Phase II permit renewal application are considered as part of the Phase II renewal permit.

Other Record Keeping and Reporting Requirements

The source must keep copies of all reports and compliance certifications that it submits to demonstrate compliance with the requirements of the Phase II permit for five years. The source must submit the reports and compliance certifications required by the Phase II permit to the U.S. EPA and IDEM, OAQ. Record keeping and reporting requirements outlined in the Phase II renewal application are considered part of the Phase II renewal permit.

Submissions

The designated representative for each emissions unit must sign and certify every report or other submission required by the Phase II renewal permit. The designated representative must include the following certification statement in every submission:

"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."

The designated representative must send each owner and operator of the source a notification regarding every submission. The designated representative must also notify each owner and operator of the source within ten (10) business days of the receipt of any written determination made by U.S. EPA or IDEM.

Draft Phase II Permit Renewal

Based on the information IDEM received from the proposed operator, IDEM has preliminarily determined that the source meets the requirement of Indiana Code (IC) 13-17-3-4, IC 13-17-3-11, IC 13-17-8-1, and IC 13-17-8-2, as well as Title IV of the Clean Air Act. IDEM proposes this draft Phase II permit renewal pursuant to 326 IAC 21.

Recommendation

The staff recommends to the IDEM's Commissioner that the Title IV Acid Rain permit renewal be approved. This 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.

A Phase II Acid Rain permit renewal application for the purposes of this review was received on February 24, 2004.

IDEM Contact

- (a) **Permit**
Questions regarding the proposed Phase II renewal permit can be directed to Cynthia Bymaster at the Indiana Department Environmental Management (IDEM), Office of Air Quality (OAQ), 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015 or by telephone at (317) 233-2641 or toll free at 1-800-451-6027 extension 3-2641.
- (b) **Compliance Inspection**
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 Dan Hancock at the Office of Air Quality (OAQ) address or by telephone at (317) 232-8429 or toll free at 1-800-451-6027 extension 232-8429.
- (c) **Copies**
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
P.O. Box 6015
Indianapolis, Indiana 46206-6015

or

The Government Printing Office
Washington, D.C. 20402

or

on the Government Printing Office website at
<http://www.access.gpo.gov/nara/cfr/index.html>