



Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

August 24, 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: Black Beauty Coal Company - Farmersburg Mine / 167-19371-00081

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

Notice of Decision – Approval

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 326 IAC 2, this approval was effective immediately upon submittal of the application.

If you wish to challenge this decision, IC 4-21.5-3-7 requires that you file a petition for administrative review. This petition may include a request for 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 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-AM.dot 9/16/03



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

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August 24, 2004

Mr. James F. Tolen
Black Beauty Coal Company - Farmersburg Mine
P. O. Box 312
Evansville, Indiana 47702-0312

Re: **A-167-19371-00081**
Increase of Mining Acreage
SSOA 167-7022-00081

Dear Mr. Tolen:

On February 3, 1998, Black Beauty Coal Company was issued a SSOA (167-7022-00081), for the operation of the Farmersburg Mine. On July 20, 2004, Black Beauty Coal Company submitted an amendment request to increase the mining acreage.

This amendment acknowledges the increase in mining acreage, with the legal description identified in the request letter. All the conditions of the existing SSOA shall remain unchanged and in effect. Please attach a copy of this amendment to the original SSOA.

If you have any questions regarding this amendment, 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 - Jennifer Dorn
Air Compliance Section - Jim Thorpe
Vigo County Air Pollution Control - Scott Sines

Compliance Data Section
Permit Review Section II - Janet Mobley