

July 28, 2004

Mr. Bill Swan
Cargill Grain Division
321 West First Road
LaPaz, Indiana 46537

Re: Permit By Rule Status
099-19688-00011

Dear Mr. Swan:

The application from Cargill Grain Division was received on July 14, 2004. Based on the data and information submitted and the provisions of 326 IAC 2-11 (Permit by Rule), Cargill Grain Division states that the operation, located at 321 West First Road, in LaPaz, Indiana 46537 satisfies the criteria to operate under the Permit by Rule provisions.

(1) Pursuant to 326 IAC 2-11-1:

- (a) A source may limit its allowable emissions or potential to emit by complying with the conditions of the applicable section of 326 IAC 2-11. A source complying with this rule is not subject to 326 IAC 2-6.1 unless otherwise required by law. A source complying with this rule is not subject to 326 IAC 2-5.1 or 326 IAC 2-7 provided the rule limits the source's allowable emissions or potential to emit below the applicability thresholds for 326 IAC 2-5.1 or 326 IAC 2-7.
- (b) A source complying with this rule may at any time apply for a permit under 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-7, 326 IAC 2-8, or an operating agreement under 326 IAC 2-9, as applicable.
- (c) Before a source subject to this rule modifies its facility or operations in such a way that it will no longer comply with this rule, it shall obtain the appropriate approval from the Commissioner under 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-8, or 326 IAC 2-8.
- (d) Not later than thirty (30) days after receipt of a written request by the department or the U.S. EPA, the owner or operator of a source subject to this rule shall demonstrate that the source is in compliance with limits in the applicable section of this rule by providing throughput records for the previous twelve (12) months.
- (e) A source electing to comply with this rule shall comply with the following:
 - (1) The source shall operate and properly maintain air pollution control devices at the source.
 - (2) The source shall follow generally accepted industry work practices to minimize emissions of regulated air pollutants.
 - (3) The source shall not discharge air pollutants so as to create a public nuisance.
- (f) This section does not affect a requirement to comply with the provisions of any other applicable federal, state, or local requirement, except as specifically provided in this title.

- (g) A source subject to this rule may be subject to applicable requirements for a major source, including 326 IAC 2-7, if:
 - (1) at any time the source is not in compliance with the conditions provided in an applicable section of this rule, or
 - (2) the source does not timely or adequately demonstrate compliance with the conditions in an applicable section of this rule.
- (h) Any violation of this rule may result in administrative or judicial enforcement proceedings and penalties under IC 13-30-3.
- (2) Pursuant to 326 IAC 2-11-3, to limit the allowable emissions or potential to emit under permit by rule, the annual total throughput limits shall be equal to or less than the following:
 - (a) For truck or rail grain receiving and truck or rail grain shipping, eleven million two hundred thousand (11,200,000) bushels.
 - (b) For truck or rail grain receiving and barge grain shipping, eight million (8,000,000) bushels.
 - (c) For truck or rail grain receiving and ship grain shipping, five million six hundred eighty thousand (5,680,000) bushels.

Any change or modification which will alter operations in such a way that the source will no longer comply with 326 IAC 2-11 (Permit by Rule), must obtain the appropriate approval from the OAQ under 326 IAC 2-1.1, 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-7, 326 IAC 2-8, or 326 IAC 2-9 before such change may occur. This source may at any time apply for a state operating permit under 326 IAC 2-6.1, a Part 70 permit under 326 IAC 2-7, a FESOP under 326 IAC 2-8, or an operating agreement under 326 IAC 2-9, as applicable.

Sincerely,

Original Signed by
Paul Dubenetzky, Chief
Permit Branch
Office of Air Quality

SDF

cc: File - Marshall County
Marshall County Health Department
Northern Regional Office
Air Compliance Section - Rick Reynolds
Permit Tracking
Technical Support & Modeling - Michele Boner
Compliance Data Section - Karen Ampil