



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: April 21, 2005
RE: Black Beauty Coal Company - Miller Creek Mine - Knox Pit / 083-21018-00022
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 1/10/05



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We make Indiana a cleaner, healthier place to live.

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April 21, 2005

Mr. James F. Tolen
Black Beauty Coal Company
Miller Creek Mine – Knox Pit
P.O. Box 312
Evansville, IN 47702-0312

Re: **083-21018-00022**
Transfer of Ownership and Name Change
Third Administrative Amendment to
Source Specific Operation Status
083-7089-00022

Dear Mr. Tolen:

Beech Coal Company was issued a SSOA permit on January 2, 1998, for a coal mine collocated with a coal preparation plant. A transfer of ownership and name change was issued to Lexington Coal Company, LLC on December 14, 2004. On April 4, 2005, the Office of Air Quality received a request from Black Beauty Coal Company to transfer ownership of Lexington Coal Company, LLC - Knox #1 Mine located at 4421 North Bicknell Wheatland Road, Bicknell, Indiana, to Black Beauty Coal Company, at the same location.

This administrative amendment acknowledges the transfer of the above mentioned Source Specific Operating Agreement (SSOA) from LCC Indiana, LLC (Lexington Coal Company) to Black Beauty Coal Company at the same location. Pursuant to the provisions of 326 IAC 2-9 the permit is hereby administratively amended.

All other conditions of the permit shall remain unchanged and in effect. Please find a copy of the entire SSOA permit with the revisions.

This decision is subject to the Indiana Administrative Orders and Procedures Act - IC 4-21.5-3-5. If you have any questions on this matter, please contact Janet Mobley at 317-232-8369 or at 1-800 451-6027 extension 2-8369.

Sincerely,

Original signed by
Kathy Moore, Section Chief
Permits Branch
Office of Air Quality

KM/jm
cc: File – Knox County
Knox County Health Department
Air Compliance Section Inspector – Derrick Ohning
IDEM Southwest Regional Office
Compliance Data Section
Permit Review Section II- Janet Mobley

Source Specific Operating Agreement Annual Notification
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This form should be used to comply with the notification requirements under 326 IAC 2-9.

Company Name:	Black Beauty Coal Company – Farmersburg Mine – Bear Run East Pit
Address:	P.O. Box 312
City:	Evansville, IN 47702-0312
Contact Person:	Mr. James F. Tolen
Phone #:	(812) 434-8573
SSOA #:	S 153-6104-00011

I hereby certify that Black Beauty Coal Company – Farmersburg Mine – Bear Run East Pit is still in operation and is in compliance with the requirements of Source Specific Operating Agreement (SSOA) S 153-6104-00011.

Name (typed):
Title:
Signature:
Date: