



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: September 28, 2005
RE: Kerry Ingredients, Inc. /163-21398-00129
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 1/10/05



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

Mitchell E. Daniels, Jr.
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September 28, 2005

Mr. Joseph Stellem
Kerry Ingredients, Inc.
1515 Park Street
Evansville, IN 47710

Re: **163-21398**
First Administrative Amendment to
FESOP 163-21398-00129

Dear Mr. Stellem:

Kerry Ingredients, Inc. (Kerry) was issued a FESOP on September 9, 2004 for a stationary bread crumb/cracker and batter mix formulation source. The Permittee filed a petition for adjudicatory hearing and administrative review of this permit (cause no. 05-A-J-3569) on July 11, 2005. The petition requested changes in Conditions D.1.3 and D.1.4, and changes in the Technical support Document (TSD) for Significant Permit Revision No. 163-19665-00129. The TSD references an April 28, 2003 Notice of Violation as a pending enforcement action, that has since been resolved. The resolution of the enforcement action is hereby noted. Pursuant to the provisions of 326 IAC 2-8-10(a)(5) which states that an administrative amendment can be used for a modification that "makes a change to a monitoring, maintenance, or record keeping requirement that is not environmentally significant", the permit is hereby administratively amended as follows:

(1) Condition D.1.3 is modified as follows:

D.1.3 Volatile Organic Compounds (VOC)

Compliance with the VOC emission rates contained in Conditions D.1.1(a) and (b) shall be determined using an emission factor of ~~2.277~~ **2.227** lbs/ton for ABC dough and 2.361 lbs/ton for JBC dough. The conversion from tons of dough to tons of VOC per month is as follows:

Tons of dough per month * VOC emission factor/2000 lbs/ton = tons VOC per month.

IDEM, OAQ, and the City of Evansville EPA reserves the authority to determine compliance pursuant to the emission factor equation for bakery oven VOC emissions found in "Alternative Control Technology (ACT) Document for Bakery Oven Emissions" 453/R-92-017 for actual bread and bun production or using alternative method(s) as approved by the Administrator.

(2) Condition D.1.4(a) is modified as follows:

D.1.4 Record Keeping Requirements

(a) To document compliance with Conditions D.1.1(a) and(b), the Permittee shall maintain **the following** records in accordance with (1) through (2) below.

Records maintained for (1) through ~~(3)~~ **(2)** shall be ~~taken monthly and shall be~~ complete and sufficient to establish compliance with the VOC emission limits established in Conditions D.1.1(a) and (b). Records **required in subsection (1)** ~~necessary to demonstrate compliance~~ shall be available within thirty (30) days of the end of **each month and records required in subsection (2) shall be available thirty (30) days after the end of each quarterly reporting period** ~~compliance period~~.

- (1) The amount of baked dough produced at the ABC Oven and JBC Oven each month.
- (2) The tons of VOC per month for the ABC oven and JBC oven.

All other conditions of the permit shall remain unchanged and in effect. Please attach a copy of this amendment and the following revised permit pages to the front of the original permit.

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 Madhurima Moulik, at (800) 451-6027, extension 3-0868, or dial (317) 233-0868.

Sincerely,

Original signed by

Nysa L. James, Section Chief
Permits Branch
Office of Air Quality

Attachments

MDM

cc: File – Vanderburgh County
U.S. EPA, Region V
Vanderburgh County Health Department
Southwest Regional Office
City of Evansville EPA
Air Compliance Section Inspector - Derrick Ohning
Compliance Data Section
Administrative and Development
Office of Legal Counsel – Nancy Holloran



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FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP) Renewal OFFICE OF AIR QUALITY

And City of Evansville EPA

**Kerry Ingredients, Inc.
1515 Park Street
Evansville, Indiana 47710**

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit.

The Permittee must comply with all conditions of this permit. Noncompliance with any provision of this permit is grounds for enforcement action; permit termination, revocation and reissuance, or modification; and denial of a permit renewal application. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. An emergency does constitute an affirmative defense in an enforcement action provided the Permittee complies with the applicable requirements set forth in Section B, Emergency Provisions.

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-8 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17. This permit also addresses new source review requirements and is intended to fulfill the new source review procedures and permit revision requirements pursuant to 326 IAC 2-8-11.1, applicable to those conditions.

Operation Permit No.: F 163-15708-00129	
Issued by: Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: September 9, 2004 Expiration Date: September 9, 2009

First Significant Permit Revision No.: 163-19665

Issued on: June 22, 2005

First Administrative Amendment No.: F 163-21398	Pages Amended: 26, 27
Issued by:Original signed by Nysa L. James, Section Chief Office of Air Quality	Issuance Date:September 28, 2005

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SECTION D.1 FACILITY OPERATION CONDITIONS

Facility Description [326 IAC 2-8-4(10)]: ABC and JBC Bake Ovens

- (a) One (1) ABC (American Bread Crumb) natural gas-fired bake oven, identified as 29 & 30 Baker Perkins, installed prior to 1974, exhausting to Stacks 19 and 20, rated at 4.2 million British thermal units per hour, capacity: 9,886 pounds of baked product per hour.
- (b) One (1) JBC (Japanese Bread Crumb) dielectric oven, identified as JBC Dielectric Oven, installed in 1978, exhausting to Stack 6, capacity: 8,631 pounds of baked product per hour.

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

Emission Limitations and Standards [326 IAC 2-8-4(1)]

D.1.1 Volatile Organic Compounds (VOC) [326 IAC 2-8-4] [326 IAC 2-1.1-5]

- (a) The ABC bake oven throughput shall not exceed 44,004 tons of dough per twelve (12) consecutive month period with compliance determined at the end of each month at an emission rate of 2.227 pounds of VOC per ton of ABC baked dough, equivalent to 49.0 tons of VOC per year.
- (b) The JBC dielectric bake oven throughput will not exceed 41,508 tons of dough twelve (12) consecutive month period with compliance determined at the end of each month at an emission rate of 2.361 pounds of VOC per ton of JBC baked dough, equivalent to 49.0 tons of VOC per year.

Compliance with these emission limits shall render the requirements of 326 IAC 2-7 and Nonattainment NSR not applicable.

D.1.2 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

A Preventive Maintenance Plan, in accordance with Section B - Preventive Maintenance Plan, of this permit, is required for these facilities.

Compliance Determination Requirements

D.1.3 Volatile Organic Compounds (VOC)

Compliance with the VOC emission rates contained in Conditions D.1.1(a) and (b) shall be determined using an emission factor of 2.227 lbs/ton for ABC dough and 2.361 lbs/ton for JBC dough. The conversion from tons of dough to tons of VOC per month is as follows:

Tons of dough per month * VOC emission factor/2000 lbs/ton = tons VOC per month.

IDEM, OAQ, and the City of Evansville EPA reserves the authority to determine compliance pursuant to the emission factor equation for bakery oven VOC emissions found in "Alternative Control Technology (ACT) Document for Bakery Oven Emissions" 453/R-92-017 for actual bread and bun production or using alternative method(s) as approved by the Administrator.

Compliance Monitoring Requirements [326 IAC 2-8-4] [326 IAC 2-8-5(a)(1)]

There are no specific Compliance Monitoring Requirements applicable to these facilities.

Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)] [326 IAC 2-8-16]

D.1.4 Record Keeping Requirements

- (a) To document compliance with Conditions D.1.1(a) and(b), the Permittee shall maintain the following records. Records maintained for (1) through (2) shall be complete and sufficient to establish compliance with the VOC emission limits established in Conditions D.1.1(a) and (b). Records required in subsection (1) shall be available within thirty (30) days of the end of each month and records required in subsection (2) shall be available thirty (30) days after the end of each quarterly reporting period.
- (1) The amount of baked dough produced at the ABC Oven and JBC Oven each month.
- (2) The tons of VOC per month for the ABC oven and JBC oven.
- (b) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

D.1.5 Reporting Requirements

A quarterly summary of the information to document compliance with Conditions D.1.1(a) and (b) shall be submitted to the addresses listed in Section C - General Reporting Requirements, of this permit, using the reporting forms located at the end of this permit, or their equivalent, within thirty (30) days after the end of the quarter being reported. The report submitted by the Permittee does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).