

TO: Interested Parties / Applicant
RE: BGT Green Valley Project, LLC / 167-21781-00124
FROM: George M. Needham
Director
Vigo County Air Pollution Control

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, 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 4-21.5-3-7 and IC 13-15-6-1(b) or IC 13-15-6-1(a) 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.

For an **initial Title V Operating Permit**, a petition for administrative review must be submitted to the Office of Environmental Adjudication within **thirty (30)** days from the receipt of this notice provided under IC 13-15-5-3, pursuant to IC 13-15-6-1(b).

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.

Pursuant to 326 IAC 2-7-18(d), any person may petition the U.S. EPA to object to the issuance of an initial Title V operating permit, permit renewal, or modification within sixty (60) days of the end of the forty-five (45) day EPA review period. Such an objection must be based only on issues that were raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise such issues, or if the grounds for such objection arose after the comment period.

To petition the U.S. EPA to object to the issuance of a Title V operating permit, contact:

U.S. Environmental Protection Agency
401 M Street
Washington, D.C. 20406

If you have technical questions regarding the enclosed documents, please contact Mr. Scott Sines, Vigo County Air Pollution Control, at 812-462-3433, ext 12.

Enclosures
FNTVOP.dot 9/16/03

**NEW SOURCE CONSTRUCTION PERMIT
And PART 70 OPERATING PERMIT**

**INDIANA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT - OFFICE OF AIR QUALITY
And
Vigo County Air Pollution Control**

**BGT Green Valley Project, LLC
4004 West Concannon Ave.
West Terre Haute, Indiana 47885**

(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 provisions of this permit is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Noncompliance with any provision of this permit, except any provision specifically designated as not federally enforceable, constitutes a violation of the Clean Air Act. 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 2-7 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.

Operation Permit No.: T167-21781-00124	
Issued by: //Original Signed By// Nisha Sizemore, Chief Permits Branch Office Air Quality	Issuance Date: April 17, 2006 Expiration Date: April 17, 2011

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SECTION A SOURCE SUMMARY

This permit is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ) and Vigo County Air Pollution Control (VCAPC). The information describing the source contained in conditions A.1 through A.3 is descriptive information and does not constitute enforceable conditions. However, the Permittee should be aware that a physical change or a change in the method of operation that may render this descriptive information obsolete or inaccurate may trigger requirements for the Permittee to obtain additional permits or seek modification of this permit pursuant to 326 IAC 2, or change other applicable requirements presented in the permit application.

A.1 General Information [326 IAC 2-7-4(c)] [326 IAC 2-7-5(15)] [326 IAC 2-7-1(22)]

The Permittee owns and operates a stationary power generation facility.

Authorized Individual: Jim Hiendlmayr, Managing Partner
Source Address: 4004 West Concannon Ave., West Terre Haute, Indiana, 47885
Mailing Address: 1 Continental Way, Norwalk, Ohio, 44857
General Source Phone: (419) 663-8000
SIC Code: 4931
County Location: Vigo
Source Location Status: Basic nonattainment for ozone under the 8-hour standard
Attainment for ozone under the 1-hour standard
Maintenance attainment for sulfur dioxide
Attainment area for all other criteria pollutants
Source Status: Part 70 Permit Program
Minor Source, under PSD and Emission Offset Rules
Minor Source, Section 112 of the Clean Air Act
Not 1 of 28 Source Categories

A.2 Emission Units and Pollution Control Equipment Summary [326 IAC 2-7-4(c)(3)] [326 IAC 2-7-5(15)]

This stationary source is approved to construct and operate the following emissions units and pollution control devices:

Three (3) Caterpillar 3520C low BTU gas engine/generator sets, identified as GEN-1, GEN-2, and GEN-3, each with a maximum capacity of 2233 bhp (also equivalent to 14.1 million BTU per hour of heat input and 1600 kW output), utilizing no control, and exhausting to stack Vents #1 through #3 respectively.

A.3 Specifically Regulated Insignificant Activities [326 IAC 2-7-1(21)] [326 IAC 2-7-4(c)] [326 IAC 2-7-5(15)]

This stationary source does not currently have any insignificant activities, as defined in 326 IAC 2-7-1(21).

A.4 Part 70 Permit Applicability [326 IAC 2-7-2]

This stationary source is required to have a Part 70 permit by 326 IAC 2-7-2 (Applicability) because:

- (a) It is a major source, as defined in 326 IAC 2-7-1(22);
- (b) It is a source in a source category designated by the United States Environmental Protection Agency (U.S. EPA) under 40 CFR 70.3 (Part 70 - Applicability).

SECTION B

GENERAL CONDITIONS

B.1 Definitions [326 IAC 2-7-1]

Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, the applicable definitions found in the statutes or regulations (IC 13-11, 326 IAC 1-2 and 326 IAC 2-7) shall prevail.

B.2 Effective Date of the Permit [IC 13-15-5-3]

Pursuant to IC 13-15-5-3, this permit becomes effective upon its issuance.

B.3 Revocation of Permits [326 IAC 2-1.1-9(5)]

Pursuant to 326 IAC 2-1.1-9(5)(Revocation of Permits), the Commissioner may revoke this permit if construction is not commenced within eighteen (18) months after receipt of the approval or if construction is suspended for a continuous period of one (1) year or more.

B.4 Permit Term [326 IAC 2-7-5(2)] [326 IAC 2-1.1-9.5] [326 IAC 2-7-4(a)(1)(D)] [IC 13-15-3-6(a)]

- (a) This permit is issued for a fixed term of five (5) years from the issuance date of this permit, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3. Subsequent revisions, modifications, or amendments of this permit do not affect the expiration date of this permit.
- (b) If IDEM, OAQ and VCAPC, upon receiving a timely and complete renewal permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect, including any permit shield provided in 326 IAC 2-7-15, until the renewal permit has been issued or denied.

B.5 Affidavit of Construction [326 IAC 2-5.1-3(h)] [326 IAC 2-5.1-4] [326 IAC 2-8]

This document shall also become the approval to operate pursuant to 326 IAC 2-5.1-4 and 326 IAC 2-8 when prior to the start of operation, the following requirements are met:

- (a) The attached Affidavit of Construction shall be submitted to Vigo County Air Pollution Control (VCAPC), verifying that the emission units were constructed as proposed in the application or the permit. The emission units covered in this permit may begin operating on the date the Affidavit of Construction is postmarked or hand delivered to VCAPC if constructed as proposed.
- (b) If actual construction of the emission units differs from the construction proposed in the application, the source may not begin operation until the permit has been revised pursuant to 326 IAC 2 and an Operation Permit Validation Letter is issued.
- (c) The Permittee shall attach the Operation Permit Validation Letter received from Vigo County Air Pollution Control to this permit.

B.6 Term of Conditions [326 IAC 2-1.1-9.5]

Notwithstanding the permit term of a permit to construct, a permit to operate, or a permit modification, any condition established in a permit issued pursuant to a permitting program approved in the state implementation plan shall remain in effect until:

- (a) the condition is modified in a subsequent permit action pursuant to Title I of the Clean Air Act; or
- (b) the emission unit to which the condition pertains permanently ceases operation.

B.7 Enforceability [326 IAC 2-7-7]

- (a) Unless otherwise stated, all terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM, VCAPC, the United States Environmental Protection Agency (U.S. EPA) and by citizens in accordance with the Clean Air Act.
- (b) Unless otherwise stated, all terms and conditions in this permit that are local requirements, including any provisions designed to limit the source's potential to emit, are enforceable by Vigo County Air Pollution Control.

B.8 Severability [326 IAC 2-7-5(5)]

The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.

B.9 Property Rights or Exclusive Privilege [326 IAC 2-7-5(6)(D)]

This permit does not convey any property rights of any sort or any exclusive privilege.

B.10 Duty to Provide Information [326 IAC 2-7-5(6)(E)]

- (a) The Permittee shall furnish to IDEM, OAQ and VCAPC, within a reasonable time, any information that IDEM, OAQ and VCAPC, may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The submittal by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34). Upon request, the Permittee shall also furnish to IDEM, OAQ and VCAPC, copies of records required to be kept by this permit.
- (b) For information furnished by the Permittee to IDEM, OAQ and VCAPC, the Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1. When furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.

B.11 Certification [326 IAC 2-7-4(f)] [326 IAC 2-7-6(1)] [326 IAC 2-7-5(3)(C)]

- (a) Where specifically designated by this permit or required by an applicable requirement, any application form, report, or compliance certification submitted shall contain certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (b) One (1) certification shall be included, using the attached Certification Form, with each submittal requiring certification. One (1) certification may cover multiple forms in one (1) submittal.
- (c) A responsible official is defined at 326 IAC 2-7-1(34).

B.12 Annual Compliance Certification [326 IAC 2-7-6(5)]

- (a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. The initial certification shall cover the time period from the date of final permit issuance through December 31 of the same year. All subsequent certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted in letter form no later than July 1 of each year to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality

100 North Senate Avenue
Indianapolis, Indiana 46204-2251

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

and

United States Environmental Protection Agency, Region V
Air and Radiation Division, Air Enforcement Branch - Indiana (AE-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

- (b) The annual compliance certification report required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ and VCAPC, on or before the date it is due.
- (c) The annual compliance certification report shall include the following:
- (1) The appropriate identification of each term or condition of this permit that is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether compliance was continuous or intermittent;
 - (4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-7-5(3); and
 - (5) Such other facts, as specified in Sections D of this permit, as IDEM, OAQ and VCAPC, may require to determine the compliance status of the source.

The submittal by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

B.13 Preventive Maintenance Plan [326 IAC 2-7-5(1),(3) and (13)] [326 IAC 2-7-6(1) and (6)]
[326 IAC 1-6-3]

- (a) If required by specific condition(s) in Section D of this permit, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMPs) within ninety (90) days after issuance of this permit, including the following information on each facility:
- (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
 - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and
 - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If, due to circumstances beyond the Permittee's control, the PMPs cannot be prepared

and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

The PMP extension notification does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (b) A copy of the PMPs shall be submitted to IDEM, OAQ and VCAPC, upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ and VCAPC. IDEM, OAQ and VCAPC, may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or is the primary contributor to an exceedance of any limitation on emissions or potential to emit. The PMPs do not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (c) To the extent the Permittee is required by 40 CFR Part 60/63 to have an Operation Maintenance, and Monitoring (OMM) Plan for a unit, such Plan is deemed to satisfy the PMP requirements of 326 IAC 1-6-3 for that unit.

B.14 Emergency Provisions [326 IAC 2-7-16]

- (a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation.
- (b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:
 - (1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;
 - (2) The permitted facility was at the time being properly operated;
 - (3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;
 - (4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ and VCAPC, within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

IDEM

Telephone Number: 1-800-451-6027 (ask for Office of Air Quality,
Compliance Section), or
Telephone Number: 317-233-5674 (ask for Compliance Section)
Facsimile Number: 317-233-5967

VCAPC

Telephone Number: 812-462-3433

Facsimile Number: 812-462-3447

- (5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

within two (2) working days of the time when emission limitations were exceeded due to the emergency.

The notice fulfills the requirement of 326 IAC 2-7-5(3)(C)(ii) and must contain the following:

- (A) A description of the emergency;
- (B) Any steps taken to mitigate the emissions; and
- (C) Corrective actions taken.

The notification which shall be submitted by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (6) The Permittee immediately took all reasonable steps to correct the emergency.
- (c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.
- (d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.
- (e) The Permittee seeking to establish the occurrence of an emergency shall make records available upon request to ensure that failure to implement a PMP did not cause or contribute to an exceedance of any limitations on emissions. However, IDEM, OAQ and VCAPC, may require that the Preventive Maintenance Plans required under 326 IAC 2-7-4(c)(9) be revised in response to an emergency.
- (f) Failure to notify IDEM, OAQ and VCAPC, by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-7 and any other applicable rules.
- (g) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the

Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.

- (h) The Permittee shall include all emergencies in the Quarterly Deviation and Compliance Monitoring Report.

B.15 Permit Shield [326 IAC 2-7-15] [326 IAC 2-7-20] [326 IAC 2-7-12]

- (a) Pursuant to 326 IAC 2-7-15, the Permittee has been granted a permit shield. The permit shield provides that compliance with the conditions of this permit shall be deemed in compliance with any applicable requirements as of the date of permit issuance, provided that either the applicable requirements are included and specifically identified in this permit or the permit contains an explicit determination or concise summary of a determination that other specifically identified requirements are not applicable. The Indiana statutes from IC 13 and rules from 326 IAC, referenced in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a Part 70 permit under 326 IAC 2-7 or for applicable requirements for which a permit shield has been granted.

This permit shield does not extend to applicable requirements which are promulgated after the date of issuance of this permit unless this permit has been modified to reflect such new requirements.

- (b) If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement that applied to the source on the date of permit issuance, IDEM, OAQ and VCAPC, shall immediately take steps to reopen and revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the Permittee is in compliance with the compliance order.
- (c) No permit shield shall apply to any permit term or condition that is determined after issuance of this permit to have been based on erroneous information supplied in the permit application. Erroneous information means information that the Permittee knew to be false, or in the exercise of reasonable care should have been known to be false, at the time the information was submitted.
- (d) Nothing in 326 IAC 2-7-15 or in this permit shall alter or affect the following:
 - (1) The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the U.S. EPA under Section 303 of the Clean Air Act;
 - (2) The liability of the Permittee for any violation of applicable requirements prior to or at the time of this permit's issuance;
 - (3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the Clean Air Act; and
 - (4) The ability of U.S. EPA to obtain information from the Permittee under Section 114 of the Clean Air Act.
- (e) This permit shield is not applicable to any change made under 326 IAC 2-7-20(b)(2) (Sections 502(b)(10) of the Clean Air Act changes) and 326 IAC 2-7-20(c)(2) (trading based on State Implementation Plan (SIP) provisions).
- (f) This permit shield is not applicable to modifications eligible for group processing until after

IDEM, OAQ or VCAPC, has issued the modifications. [326 IAC 2-7-12(c)(7)]

- (g) This permit shield is not applicable to minor Part 70 permit modifications until after IDEM, OAQ or VCAPC, has issued the modification. [326 IAC 2-7-12(b)(8)]

B.16 Prior Permits Superseded [326 IAC 2-1.1-9.5]

- (a) All terms and conditions of permits established prior to T167-21781-00124 and issued pursuant to permitting programs approved into the state implementation plan have been either
- (1) incorporated as originally stated,
 - (2) revised under 326 IAC 2-7-10.5, or
 - (3) deleted under 326 IAC 2-7-10.5.
- (b) Provided that all terms and conditions are accurately reflected in this combined permit, all previous registrations and permits are superseded by this combined new source review and part 70 operating permit.

B.17 Termination of Right to Operate [326 IAC 2-7-10] [326 IAC 2-7-4(a)]

The Permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least nine (9) months prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-7-3 and 326 IAC 2-7-4(a).

B.18 Deviations from Permit Requirements and Conditions [326 IAC 2-7-5(3)(C)(ii)]

- (a) Deviations from any permit requirements (for emergencies see Section B - Emergency Provisions), the probable cause of such deviations, and any response steps or preventive measures taken shall be reported to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

using the attached Quarterly Deviation and Compliance Monitoring Report, or its equivalent. A deviation required to be reported pursuant to an applicable requirement that exists independent of this permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report.

The Quarterly Deviation and Compliance Monitoring Report does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (b) A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit.

B.19 Permit Modification, Reopening, Revocation and Reissuance, or Termination [326 IAC 2-7-5(6)(C)] [326 IAC 2-7-8(a)] [326 IAC 2-7-9]

- (a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Part 70 permit modification, revocation and

reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-7-5(6)(C)] The notification by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAQ or VCAPC, determines any of the following:
 - (1) That this permit contains a material mistake.
 - (2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.
 - (3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-7-9(a)(3)]
- (c) Proceedings by IDEM, OAQ or VCAPC, to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-7-9(b)]
- (d) The reopening and revision of this permit, under 326 IAC 2-7-9(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAQ or VCAPC, at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAQ or VCAPC, may provide a shorter time period in the case of an emergency. [326 IAC 2-7-9(c)]

B.20 Permit Renewal [326 IAC 2-7-3] [326 IAC 2-7-4] [326 IAC 2-7-8(e)]

- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ and VCAPC, and shall include the information specified in 326 IAC 2-7-4. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40). The renewal application does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Request for renewal shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

- (b) A timely renewal application is one that is:
 - (1) Submitted at least nine (9) months prior to the date of the expiration of this permit; and
 - (2) If the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if

received by IDEM, OAQ and VCAPC, on or before the date it is due.

- (c) If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-7 until IDEM, OAQ and VCAPC, take final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by the deadline specified in writing by IDEM, OAQ and VCAPC, any additional information identified as being needed to process the application.

B.21 Permit Amendment or Modification [326 IAC 2-7-11] [326 IAC 2-7-12]

- (a) Permit amendments and modifications are governed by the requirements of 326 IAC 2-7-11 or 326 IAC 2-7-12 whenever the Permittee seeks to amend or modify this permit.
- (b) Any application requesting an amendment or modification of this permit shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

Any such application shall be certified by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-7-11(c)(3)]
- (d) No permit amendment or modification is required for the addition, operation or removal of a nonroad engine, as defined in 40 CFR 89.2.

B.22 Permit Revision Under Economic Incentives and Other Programs [326 IAC 2-7-5(8)] [326 IAC 2-7-12 (b)(2)]

- (a) No Part 70 permit revision shall be required under any approved economic incentives, marketable Part 70 permits, emissions trading, and other similar programs or processes for changes that are provided for in a Part 70 permit.
- (b) Notwithstanding 326 IAC 2-7-12(b)(1) and 326 IAC 2-7-12(c)(1), minor Part 70 permit modification procedures may be used for Part 70 modifications involving the use of economic incentives, marketable Part 70 permits, emissions trading, and other similar approaches to the extent that such minor Part 70 permit modification procedures are explicitly provided for in the applicable State Implementation Plan (SIP) or in applicable requirements promulgated or approved by the U.S. EPA.

B.23 Operational Flexibility [326 IAC 2-7-20] [326 IAC 2-7-10.5]

- (a) The Permittee may make any change or changes at the source that are described in 326 IAC 2-7-20(b), (c), or (e), without a prior permit revision, if each of the following conditions is met:
 - (1) The changes are not modifications under any provision of Title I of the Clean Air

Act;

- (2) Any preconstruction approval required by 326 IAC 2-7-10.5 has been obtained;
- (3) The changes do not result in emissions which exceed the limitations provided in this permit (whether expressed herein as a rate of emissions or in terms of total emissions);
- (4) The Permittee notifies the:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

and

United States Environmental Protection Agency, Region V
Air and Radiation Division, Regulation Development Branch - Indiana (AR-18J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

in advance of the change by written notification at least ten (10) days in advance of the proposed change. The Permittee shall attach every such notice to the Permittee's copy of this permit; and

- (5) The Permittee maintains records on-site, on a rolling five (5) year basis, which document all such changes and emission trades that are subject to 326 IAC 2-7-20(b), (c), or (e). The Permittee shall make such records available, upon reasonable request, for public review.

Such records shall consist of all information required to be submitted to IDEM, OAQ and VCAPC, in the notices specified in 326 IAC 2-7-20(b)(1), (c)(1), and (e)(2).

- (b) The Permittee may make Section 502(b)(10) of the Clean Air Act changes (this term is defined at 326 IAC 2-7-1(36)) without a permit revision, subject to the constraint of 326 IAC 2-7-20(a). For each such Section 502(b)(10) of the Clean Air Act change, the required written notification shall include the following:

- (1) A brief description of the change within the source;
- (2) The date on which the change will occur;
- (3) Any change in emissions; and
- (4) Any permit term or condition that is no longer applicable as a result of the change.

The notification which shall be submitted is not considered an application form, report or compliance certification. Therefore, the notification by the Permittee does not require the

certification by the “responsible official” as defined by 326 IAC 2-7-1(34).

- (c) Emission Trades [326 IAC 2-7-20(c)]
The Permittee may trade emissions increases and decreases at the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-7-20(c).
- (d) Alternative Operating Scenarios [326 IAC 2-7-20(d)]
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-7-5(9). No prior notification of IDEM, OAQ, VCAPC, or U.S. EPA is required.
- (e) Backup fuel switches specifically addressed in, and limited under, Section D of this permit shall not be considered alternative operating scenarios. Therefore, the notification requirements of part (a) of this condition do not apply.

B.24 Source Modification Requirement [326 IAC 2-7-10.5][326 IAC 2-2-2][326 IAC 2-3-2]

- (a) A modification, construction, or reconstruction is governed by the requirements of 326 IAC 2 and 326 IAC 2-7-10.5.
- (b) Any modification at an existing major source is governed by the requirements of 326 IAC 2-2-2 and/or 326 IAC 2-3-2.

B.25 Inspection and Entry [326 IAC 2-7-6] [IC 13-14-2-2] [IC 13-30-3-1] [IC 13-17-3-2]

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee’s right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, VCAPC, U.S. EPA, or an authorized representative to perform the following:

- (a) Enter upon the Permittee's premises where a Part 70 source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, have access to and copy any records that must be kept under the conditions of this permit;
- (c) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, sample or monitor substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and
- (e) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.

B.26 Transfer of Ownership or Operational Control [326 IAC 2-7-11]

- (a) The Permittee must comply with the requirements of 326 IAC 2-7-11 whenever the Permittee seeks to change the ownership or operational control of the source and no other change in the permit is necessary.
- (b) Any application requesting a change in the ownership or operational control of the source shall contain a written agreement containing a specific date for transfer of permit

responsibility, coverage and liability between the current and new Permittee. The application shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

The application which shall be submitted by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-7-11(c)(3)]

B.27 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-7-5(7)][326 IAC 2-1.1-7]

- (a) The Permittee shall pay annual fees to IDEM, OAQ and VCAPC, within thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ or VCAPC, the applicable fee is due April 1 of each year.
- (b) Except as provided in 326 IAC 2-7-19(e), failure to pay may result in administrative enforcement action or revocation of this permit.
- (c) The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-4230 (ask for OAQ, Billing, Licensing, and Training Section), to determine the appropriate permit fee.

B.28 Credible Evidence [326 IAC 2-7-5(3)][326 IAC 2-7-6][62 FR 8314] [326 IAC 1-1-6]

For the purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of any condition of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether the Permittee would have been in compliance with the condition of this permit if the appropriate performance or compliance test or procedure had been performed.

SECTION C

SOURCE OPERATION CONDITIONS

Entire Source

Emission Limitations and Standards [326 IAC 2-7-5(1)]

C.1 Opacity [326 IAC 5-1]

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-3 (Temporary Alternative Opacity Limitations), opacity shall meet the following, unless otherwise stated in this permit:

- (a) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.
- (b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

C.2 Open Burning [326 IAC 4-1] [IC 13-17-9]

The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1. 326 IAC 4-1-3 (a)(2)(A) and (B) are not federally enforceable.

C.3 Incineration [326 IAC 4-2] [326 IAC 9-1-2]

The Permittee shall not operate an incinerator or incinerate any waste or refuse except as provided in 326 IAC 4-2 and 326 IAC 9-1-2. 326 IAC 9-1-2 is not federally enforceable.

C.4 Fugitive Dust Emissions [326 IAC 6-4]

The Permittee shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4 (Fugitive Dust Emissions). 326 IAC 6-4-2(4) is not federally enforceable.

C.5 Operation of Equipment [326 IAC 2-7-6(6)]

Except as otherwise provided by statute or rule, or in this permit, all air pollution control equipment listed in this permit and used to comply with an applicable requirement shall be operated at all times that the emission unit(s) vented to the control equipment are in operation.

C.6 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]

- (a) Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.
- (b) The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:
 - (1) When the amount of affected asbestos containing material increases or

decreases by at least twenty percent (20%); or

- (2) If there is a change in the following:
 - (A) Asbestos removal or demolition start date;
 - (B) Removal or demolition contractor; or
 - (C) Waste disposal site.
- (c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).
- (d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).

All required notifications shall be submitted to:

Indiana Department of Environmental Management
Asbestos Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

The notice shall include a signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project. The notifications do not require a certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (e) **Procedures for Asbestos Emission Control**
The Permittee shall comply with the applicable emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-1, emission control requirements are applicable for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.
- (f) **Demolition and renovation**
The Permittee shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos pursuant to 40 CFR 61.145(a).
- (g) **Indiana Accredited Asbestos Inspector**
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Accredited Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos. The requirement to use an Indiana Accredited Asbestos inspector is not federally enforceable.

Testing Requirements [326 IAC 2-7-6(1)]

C.7 Performance Testing [326 IAC 3-6]

- (a) All testing shall be performed according to the provisions of 326 IAC 3-6 (Source Sampling Procedures), except as provided elsewhere in this permit, utilizing any applicable procedures and analysis methods specified in 40 CFR 51, 40 CFR 60, 40 CFR 61, 40 CFR 63, 40 CFR 75, or other procedures approved by IDEM, OAQ and VCAPC.

A test protocol, except as provided elsewhere in this permit, shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

no later than thirty-five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (b) The Permittee shall notify IDEM, OAQ and VCAPC of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require certification by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ and VCAPC not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ and VCAPC, if the Permittee submits to IDEM, OAQ and VCAPC, a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.

Compliance Requirements [326 IAC 2-1.1-11]

C.8 Compliance Requirements [326 IAC 2-1.1-11]

The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements by issuing an order under 326 IAC 2-1.1-11. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U. S. EPA.

Compliance Monitoring Requirements [326 IAC 2-7-5(1)] [326 IAC 2-7-6(1)]

C.9 Compliance Monitoring [326 IAC 2-7-5(3)] [326 IAC 2-7-6(1)]

Unless otherwise specified in this permit, all monitoring and record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance. If required by Section D, the Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment. If due to circumstances beyond its control, that equipment cannot be installed and operated within ninety (90) days, the Permittee may extend the compliance schedule related to the equipment for an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality

100 North Senate Avenue
Indianapolis, Indiana 46204-2251

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

in writing, prior to the end of the initial ninety (90) day compliance schedule, with full justification of the reasons for the inability to meet this date.

The notification which shall be submitted by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Unless otherwise specified in the approval for the new emission unit(s), compliance monitoring for new emission units or emission units added through a source modification shall be implemented when operation begins.

C.10 Monitoring Methods [326 IAC 3] [40 CFR 60] [40 CFR 63]

Any monitoring or testing required by Section D of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, 40 CFR 60 Appendix B, 40 CFR 63, or other approved methods as specified in this permit.

Corrective Actions and Response Steps [326 IAC 2-7-5] [326 IAC 2-7-6]

C.11 Emergency Reduction Plans [326 IAC 1-5-2] [326 IAC 1-5-3]

Pursuant to 326 IAC 1-5-2 (Emergency Reduction Plans; Submission):

- (a) The Permittee shall prepare written emergency reduction plans (ERPs) consistent with safe operating procedures.
- (b) These ERPs shall be submitted for approval to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

within 180 days from the date on which this source commences operation.

The ERP does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (c) If the ERP is disapproved by IDEM, OAQ and VCAPC, the Permittee shall have an additional thirty (30) days to resolve the differences and submit an approvable ERP.
- (d) These ERPs shall state those actions that will be taken, when each episode level is declared, to reduce or eliminate emissions of the appropriate air pollutants.

- (e) Said ERPs shall also identify the sources of air pollutants, the approximate amount of reduction of the pollutants, and a brief description of the manner in which the reduction will be achieved.
- (f) Upon direct notification by IDEM, OAQ and VCAPC, that a specific air pollution episode level is in effect, the Permittee shall immediately put into effect the actions stipulated in the approved ERP for the appropriate episode level.
[326 IAC 1-5-3]

C.12 Risk Management Plan [326 IAC 2-7-5(12)] [40 CFR 68]

If a regulated substance, as defined in 40 CFR 68, is present at a source in more than a threshold quantity, the Permittee must comply with the applicable requirements of 40 CFR 68.

C.13 Response to Excursions or Exceedances [326 IAC 2-7-5] [326 IAC 2-7-6]

- (a) Upon detecting an excursion or exceedance, the Permittee shall restore operation of the emissions unit (including any control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.
- (b) The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Corrective actions may include, but are not limited to, the following:
 - (1) initial inspection and evaluation;
 - (2) recording that operations returned to normal without operator action (such as through response by a computerized distribution control system); or
 - (3) any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.
- (c) A determination of whether the Permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include, but is not limited to, the following:
 - (1) monitoring results;
 - (2) review of operation and maintenance procedures and records;
 - (3) inspection of the control device, associated capture system, and the process.
- (d) Failure to take reasonable response steps shall be considered a deviation from the permit.
- (e) The Permittee shall maintain the following records:
 - (1) monitoring data;
 - (2) monitor performance data, if applicable; and
 - (3) corrective actions taken.

C.14 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-7-5] [326 IAC 2-7-6]

- (a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate response actions. The Permittee shall submit a description of these response actions to IDEM, OAQ and VCAPC, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize excess emissions from the affected facility while the response actions are being implemented.
- (b) A retest to demonstrate compliance shall be performed within one hundred twenty (120) days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAQ and VCAPC that retesting in one-hundred and twenty (120) days is not practicable, IDEM, OAQ and VCAPC may extend the retesting deadline.
- (c) IDEM, OAQ and VCAPC reserve the authority to take any actions allowed under law in response to noncompliant stack tests.

The response action documents submitted pursuant to this condition do require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]

C.15 Emission Statement [326 IAC 2-7-5(3)(C)(iii)][326 IAC 2-7-5(7)][326 IAC 2-7-19(c)][326 IAC 2-6]

- (a) Pursuant to 326 IAC 2-6-3(b)(3), starting in 2006 and every three (3) years thereafter, the Permittee shall submit by July 1 an emission statement covering the previous calendar year. The emission statement shall contain, at a minimum, the information specified in 326 IAC 2-6-4(c) and shall meet the following requirements:
 - (1) Indicate estimated actual emissions of all pollutants listed in 326 IAC 2-6-4(a);
 - (2) Indicate estimated actual emissions of regulated pollutants as defined by 326 IAC 2-7-1 (32) ("Regulated pollutant, which is used only for purposes of Section 19 of this rule") from the source, for purpose of fee assessment.

The statement must be submitted to:

Indiana Department of Environmental Management
Technical Support and Modeling Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

The emission statement does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (b) The emission statement required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ and VCAPC, on or before the date it is due.

C.16 General Record Keeping Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-6] [326 IAC 2-2]
[326 IAC 2-3]

- (a) Records of all required monitoring data, reports and support information required by this permit shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be physically present or electronically accessible at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner or Vigo County Air Pollution Control makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner or Vigo County Air Pollution Control within a reasonable time.
- (b) Unless otherwise specified in this permit, all record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance.
- (c) If there is a reasonable possibility that a “project” (as defined in 326 IAC 2-2-1(qq)) at an existing emissions unit, other than projects at a Clean Unit, which is not part of a “major modification” (as defined in 326 IAC 2-2-1(ee)) may result in significant emissions increase and the Permittee elects to utilize the “projected actual emissions” (as defined in 326 IAC 2-2-1 (rr)), the Permittee shall comply with following:
 - (1) Prior to commencing the construction of the “project” (as defined in 326 IAC 2-2-1 (qq)) at an existing emissions unit, document and maintain the following records:
 - (A) A description of the project.
 - (B) Identification of any emissions unit whose emissions of a regulated new source review pollutant could be affected by the project.
 - (C) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including:
 - (i) Baseline actual emissions;
 - (ii) Projected actual emissions;
 - (iii) Amount of emissions excluded under section 326 IAC 2-2-1(rr)(2)(A)(iii); and
 - (iv) An explanation for why the amount was excluded, and any netting calculations, if applicable.
 - (2) Monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any existing emissions unit identified in (1)(B) above; and
 - (3) Calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of five (5) years following resumption of regular operations after the change, or for a period of ten (10) years following resumption of regular operations after the change if the project increases the design capacity of or the potential to emit that regulated NSR pollutant at the emissions unit.

C.17 General Reporting Requirements [326 IAC 2-7-5(3)(C)] [326 IAC 2-1.1-11] [326 IAC 2-2] [326 IAC 2-3]

- (a) The Permittee shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported. This report shall be submitted within thirty (30) days of the end of the reporting period. The Quarterly Deviation and Compliance Monitoring Report shall include the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).
- (b) The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

- (c) Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ and VCAPC, on or before the date it is due.
- (d) Unless otherwise specified in this permit, all reports required in Section D of this permit shall be submitted within thirty (30) days of the end of the reporting period. All reports do require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (e) The first report shall cover the period commencing on the date of issuance of this permit and ending on the last day of the reporting period. Reporting periods are based on calendar years, unless otherwise specified in this permit. For the purpose of this permit "calendar year" means the twelve (12) month period from January 1 to December 31 inclusive.
- (f) If the Permittee is required to comply with the recordkeeping provisions of (c) in Section C- General Record Keeping Requirements for any "project" (as defined in 326 IAC 2-2-1 (qq)) at an existing emissions unit other than Electric Utility Steam Generating Unit, and the project meets the following criteria, then the Permittee shall submit a report to IDEM, OAQ and VCAPC:
 - (1) The annual emissions, in tons per year, from the project identified in (c)(1) in Section C- General Record Keeping Requirements exceed the baseline actual emissions, as documented and maintained under Section C- General Record Keeping Requirements (c)(1)(C)(i), by a significant amount, as defined in 326 IAC 2-2-1 (xx), for that regulated NSR pollutant, and
 - (2) The emissions differ from the preconstruction projection as documented and maintained under Section C- General Record Keeping Requirements (c)(1)(C)(ii).
- (g) The report for project at an existing emissions unit other than Electric Utility Steam Generating Unit shall be submitted within sixty (60) days after the end of the year and contain the following:
 - (1) The name, address, and telephone number of the major stationary source.
 - (2) The annual emissions calculated in accordance with (c)(2) and (3) in Section C- General Record Keeping Requirements.
 - (3) The emissions calculated under the actual-to-projected actual test stated in 326 IAC 2-2-2(d)(3).
 - (4) Any other information that the Permittee deems fit to include in this report,

Reports required in this part shall be submitted to:

Indiana Department of Environmental Management
Air Compliance Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

- (h) The Permittee shall make the information required to be documented and maintained in accordance with (c) in Section C- General Record Keeping Requirements available for review upon a request for inspection by IDEM, OAQ and VCAPC. The general public may request this information from the IDEM, OAQ and VCAPC under 326 IAC 17.1.

Stratospheric Ozone Protection

C.18 Compliance with 40 CFR 82 and 326 IAC 22-1

Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with the standards for recycling and emissions reduction:

- (a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156.
- (b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.
- (c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.

SECTION D.1 FACILITY OPERATION CONDITIONS

Facility Description [326 IAC 2-7-5(15)]: Three (3) Caterpillar 3520C low BTU gas engine/generator sets, identified as GEN-1, GEN-2, and GEN-3, each with a maximum capacity of 2233 bhp (also equivalent to 14.1 million BTU per hour of heat input and 1600 kW output), utilizing no control, and exhausting to stack Vents #1 through #3 respectively.

(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 2-7-5(1)]

D.1.1 PSD Minor Limit [326 IAC 2-2]

- (a) The engine/generator sets shall not exceed 23,202 total hours of operation for the three units combined per 12 consecutive month period with compliance determined at the end of each month.
- (b) The CO emissions shall be limited to 21.46 pounds per hour for each unit.

These limitations are required to limit the potential to emit of CO to less than 250 tons per 12 consecutive month period. Compliance with this limit makes 326 IAC 2-2 (Prevention of Significant Deterioration) not applicable.

D.1.2 Preventive Maintenance Plan [326 IAC 1-6-3]

A Preventive Maintenance Plan, in accordance with Section C - Preventive Maintenance Plan, of this permit, is required for these emission units.

Compliance Determination Requirements

D.1.3 New Units Exemption [326 IAC 21-1-1] [40 CFR 72.7]

Each engine generator set shall burn only methane gas as fuel. The engines shall not serve a generator or generators with a nameplate capacity greater than 25 MWe. Compliance with these requirement makes each engine exempt from the requirements of 40 CFR 72.7 as incorporated by 326 IAC 21-1-1, Acid Deposition Control.

D.1.4 Testing Requirements [326 IAC 3-6]

Within 60 days of achieving maximum capacity, but not later than 180 days after installation of the first engine/generator set, the Permittee shall perform CO testing utilizing methods as approved by the Commissioner on all three units to verify compliance with Condition D.1.1. This test shall be repeated on all three units at least once every five (5) years from the date of this valid compliance demonstration. Testing shall be conducted in accordance with Section C – Performance Testing.

Compliance Monitoring Requirements [326 IAC 2-7-6(1)] [326 IAC 2-7-5(1)]

D.1.5 Monitoring

Daily observations of the equipment shall be performed on each engine/generator set that is in operation that day to ensure that they are operating per the manufacturer's specifications. Reasonable response steps shall be taken in accordance with Section C – Response to Excursions or Exceedances whenever a condition exists which should result in a response step. Failure to take response steps in accordance with Section C – Response to Excursions or Exceedances shall be considered a deviation from this permit.

Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]

D.1.6 Record Keeping Requirements

- (a) To document compliance with Condition D.1.5, the Permittee shall maintain a log of the daily observations of each unit and quarterly inspections.
- (b) To document compliance with Condition D.1.1, the Permittee shall maintain a record of monthly operating hours for each emission unit.
- (c) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

D.1.7 Reporting Requirements

A quarterly summary of the information to document compliance with Condition D.1.1 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 a "responsible official" as defined by 326 IAC 2-7-1.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
And
VIGO COUNTY AIR POLLUTION CONTROL**

**PART 70 OPERATING PERMIT
CERTIFICATION**

Source Name: BGT Green Valley Project, LLC
Source Address: 4004 W. Concannon Ave., West Terre Haute, Indiana 47885
Mailing Address: 1 Continental Way, Norwalk, Ohio, 44857
Part 70 Permit No.: T167-21781-00124

This certification shall be included when submitting monitoring, testing reports/results or other documents as required by this permit.

Please check what document is being certified:

- Annual Compliance Certification Letter
- Test Result (specify)
- Report (specify)
- Notification (specify)
- Affidavit (specify)
- Other (specify)

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Signature:

Printed Name:

Title/Position:

Phone:

Date:

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY**

**COMPLIANCE BRANCH
100 North Senate Avenue
Indianapolis, Indiana 46204-2251
Phone: 317-233-5674
Fax: 317-233-5967**

VIGO COUNTY AIR POLLUTION CONTROL

**103 South 3rd Street
Terre Haute, Indiana 47807
Phone: 812-462-3433
Fax: 812-462-3447**

**PART 70 OPERATING PERMIT
EMERGENCY OCCURRENCE REPORT**

Source Name: BGT Green Valley Project, LLC
Source Address: 4004 W. Concannon Ave., West Terre Haute, Indiana 47885
Mailing Address: 1 Continental Way, Norwalk, Ohio, 44857
Part 70 Permit No.: T167-21781-00124

This form consists of 2 pages

Page 1 of 2

<input type="checkbox"/> This is an emergency as defined in 326 IAC 2-7-1(12)
C The Permittee must notify the Office of Air Quality (OAQ) and Vigo County Air Pollution Control (VCAPC), within four (4) business hours (OAQ 1-800-451-6027 or 317-233-5674, ask for Compliance Section and VCAPC 812-462-3433); and
C The Permittee must submit notice in writing or by facsimile within two (2) working days (OAQ Facsimile Number: 317-233-5967 and VCAPC Facsimile Number: 812-462-3447), and follow the other requirements of 326 IAC 2-7-16.

If any of the following are not applicable, mark N/A

Facility/Equipment/Operation:
Control Equipment:
Permit Condition or Operation Limitation in Permit:
Description of the Emergency:
Describe the cause of the Emergency:

If any of the following are not applicable, mark N/A

Page 2 of 2

Date/Time Emergency started:
Date/Time Emergency was corrected:
Was the facility being properly operated at the time of the emergency? Y N
Type of Pollutants Emitted: TSP, PM-10, SO ₂ , VOC, NO _x , CO, Pb, other:
Estimated amount of pollutant(s) emitted during emergency:
Describe the steps taken to mitigate the problem:
Describe the corrective actions/response steps taken:
Describe the measures taken to minimize emissions:
If applicable, describe the reasons why continued operation of the facilities are necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw materials of substantial economic value:

Form Completed by:

Title / Position:

Date:

Phone:

A certification is not required for this report.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE DATA SECTION
And
VIGO COUNTY AIR POLLUTION CONTROL**

Part 70 Quarterly Report

Source Name: BGT Green Valley Project, LLC
Source Address: 4004 W. Concannon Ave., West Terre Haute, Indiana 47885
Mailing Address: 1 Continental Way, Norwalk, Ohio, 44857
Part 70 Permit No.: T167-21781-00124
Facility: GEN-1, GEN-2, and GEN-3
Parameter: Hours of Operation
Limit: 23,202 total hours of operation for all 3 units combined per 12 consecutive month period

YEAR:

Month	Combined Hours of Operation		
	This Month	Previous 11 Months	12 Month Total
Month 1			
Month 2			
Month 3			

No deviation occurred in this quarter.

Deviation/s occurred in this quarter.
Deviation has been reported on:

Submitted by:
Title / Position:
Signature:
Date:
Phone:

Attach a signed certification to complete this report.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 OFFICE OF AIR QUALITY
 COMPLIANCE DATA SECTION
 And
 VIGO COUNTY AIR POLLUTION CONTROL**

**PART 70 OPERATING PERMIT
 QUARTERLY DEVIATION AND COMPLIANCE MONITORING REPORT**

Source Name: BGT Green Valley Project, LLC
 Source Address: 4004 W. Concannon Ave., West Terre Haute, Indiana 47885
 Mailing Address: 1 Continental Way, Norwalk, Ohio, 44857
 Part 70 Permit No.: T167-21781-00124

Months: _____ **to** _____ **Year:** _____

<p>This report shall be submitted quarterly based on a calendar year. Any deviation from the requirements, the date(s) of each deviation, the probable cause of the deviation, and the response steps taken must be reported. A deviation required to be reported pursuant to an applicable requirement that exists independent of the permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report. Additional pages may be attached if necessary. If no deviations occurred, please specify in the box marked "No deviations occurred this reporting period".</p>	
<input type="checkbox"/> NO DEVIATIONS OCCURRED THIS REPORTING PERIOD.	
<input type="checkbox"/> THE FOLLOWING DEVIATIONS OCCURRED THIS REPORTING PERIOD	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	

Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	

Form Completed By:

Title/Position:

Date:

Phone:

Attach a signed certification to complete this report.

BGT Green Valley Project, LLC
1 Continental Way
Norwalk, Ohio 44857

Affidavit of Construction

I, _____, being duly sworn upon my oath, depose and say:
(Name of the Authorized Representative)

- 1. I live in _____ County, Indiana and being of sound mind and over twenty-one (21) years of age, I am competent to give this affidavit.
- 2. I hold the position of _____ for _____.
(Title) (Company Name)
- 3. By virtue of my position with _____, I have personal
(Company Name)
knowledge of the representations contained in this affidavit and am authorized to make these representations on behalf of _____.
(Company Name)
- 4. I hereby certify that BGT Green Valley Project, LLC, 4004 West Concannon Road, West Terre Haute, Indiana, 47885, has constructed the stationary power generation facility in conformity with the requirements and intent of the construction permit application received by Vigo County Air Pollution Control on September 12, 2005 and as permitted pursuant to New Source **Construction Permit and Part 70 Operating Permit No. T167-21781-00124, Plant ID No. 167- 00124** issued on **DATE**
- 5. Additional facilities were constructed/substituted as described in the attachment to this document and were not made in accordance with the construction permit. (Delete this statement if it does not apply.)
- 6. I hereby certify that BGT Green Valley Project, LLC is now subject to the Title V program and will submit a Title V operating permit application within twelve (12) months from the postmarked submission date of this Affidavit of Construction.

Further Affiant said not.

I affirm under penalties of perjury that the representations contained in this affidavit are true, to the best of my information and belief.

Signature

Date

STATE OF INDIANA)
)SS

COUNTY OF _____)

Subscribed and sworn to me, a notary public in and for _____ County and State of
Indiana on this _____ day of _____, 20 _____.

My Commission expires:

Signature

Name (typed or printed)

Indiana Department of Environmental Management Office of Air Quality

Addendum to the Technical Support Document (TSD) for a New Source Construction and Part 70 Operating Permit

Source Background and Description

Source Name: BGT Green Valley Project, LLC
Source Location: 4004 W. Concannon Ave., West Terre Haute, IN 47885
County: Vigo
SIC Code: 4931
Operation Permit No.: 167-21781-00124
Permit Reviewer: Scott Sines

On October 20, 2005, the Indiana Department of Environmental Management, Office of Air Quality (IDEM, OAQ) had a notice published in the Tribune Star, Vigo County, Indiana, stating that BGT Green Valley Project, LLC (BGT) had applied for a New Source Construction and Part 70 Operating Permit to construct and operate a power generation facility. The notice also stated that IDEM, OAQ proposed to issue a permit for this source and provided information on how the public could review the draft 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.

On December 20, 2005, the Indiana Department of Environmental Management, Office of Air Quality (IDEM, OAQ) had a notice published in the Tribune Star, Vigo County, Indiana, stating that a public hearing would be held to receive comments from citizens regarding the draft permit. On January 25, 2006, a public hearing was held at the Vigo County Annex, Terre Haute, Indiana. Scott Sines representing VCAPC, served as the hearing officer. Rob Harmon and George Needham, also representing VCAPC, and Doug Wagner, representing IDEM, OAQ, were present. Comments were heard from Jim Hiendlmayr of BGT, Scott Anderson, Sherri Anderson, Bob Land and Sherry Land. Renee R. Dobson of Accurate Reporting of Indiana transcribed the proceedings.

Comments and questions relating to the permit have been summarized and are addressed below:

Comment 1:

Will the emissions from BGT pose adverse health risks or affect the health of residents in the area? There are half a dozen houses close to BGT, all of which are directly east. Is this facility safe to permit in a residential area? These houses are directly in the wind pattern for the emissions from BGT and it's like it doesn't matter. An independent third party should do an actual on-site model of the emissions. The model should use different weather conditions and wind directions along with stack velocity and stack height. Does the modeling take into account that we are 290 feet from BGT and directly downwind? Does it take into account that we will get these emissions day after day? Can we get a copy of the modeling?

Response to Comment 1:

In response to the health concerns expressed by the residents, IDEM, OAQ and VCAPC have conducted predictive air modeling utilizing sophisticated computer programs to determine the impact of carbon monoxide (CO), nitrogen dioxide (NO₂) and formaldehyde resulting from BGT

operating the power generation facility under the conditions established in the final air permit. CO and NO₂ are the only criteria pollutants with emissions above one ton per year. All other remaining criteria pollutants were significantly below one ton per year and were not included in this analysis. Additionally, formaldehyde was the only Hazardous Air Pollutant (HAP) identified. The two criteria pollutants carbon monoxide (CO) and nitrogen dioxide (NO₂) along with the hazardous air pollutant (HAP) formaldehyde were included with this air quality analysis.

The modeling results indicate that the Limited Potential to Emit (PTE) criteria pollutants, CO and NO₂, from BGT Green Valley Energy Project in West Terre Haute (Vigo County), Indiana will not exceed the National Ambient Air Quality Standards (NAAQS). The air quality analysis for BGT Green Valley Energy Project was performed using the SCREEN3 air quality model.

The results of the SCREEN3 modeling in Table 1 show the 1-hour concentration for CO was 715.1 ug/m³ and the 8-hour concentration was 572.1 ug/m³. SCREEN3 gives one hour concentrations only which are converted to the 8-hour and annual time averaging periods. The results compare with the National Ambient Air Quality Standards (NAAQS) for CO of 40,000 ug/m³ (1-hour) and 10,000 ug/m³ (8-hour). There is no annual NAAQS for CO. The annual NAAQS for NO₂ is 100 ug/m³, and the annual modeled concentration was 6.81 ug/m³. There are no 1-hour, 8-hour, or 24-hour NAAQS for NO₂.

Table 1
SCREEN3 Criteria Pollutants Modeling Results for BGT

	CO NAAQS	Model CO Concentration	CO NAAQS	Model CO Concentration	NO₂ NAAQS	Model NO₂ Concentration
Criteria Pollutant	1-Hour (ug/m³)	1-Hour (ug/m³)	8-Hour (ug/m³)	8-Hour (ug/m³)	Annual (ug/m³)	Annual (ug/m³)
CO	40000	715.1	10000	572.1		
NO ₂		85.16			100	6.81

The U.S. Environmental Protection Agency (U.S. EPA) has set the National Ambient Air Quality Standard (NAAQS) based on health, which is why the NAAQS are often referred to as the federal health standards for outdoor air. The Clean Air Act requires U.S. EPA to set the NAAQS for pollutants that cause adverse effects to public health and the environment. U.S. EPA does not base the NAAQS standards on the needs of industry.

HAPs are those pollutants that may cause cancer or other health effects and are regulated under the Clean Air Act Amendments of 1990. IDEM, OAQ also performed a HAP screening analysis for formaldehyde. This HAP screening analysis uses health protective assumptions in estimations that are higher than the actual risk associated with emissions from BGT. Estimates 1) assume a 70 year exposure time, 2) assume maximum allowable emissions from the facility with continuous operation throughout the year, and 3) use conservatively derived dose-response information. The risk analysis cannot accurately predict whether there will be observed health problems around BGT; rather it identifies possible avenues of risk. The results of the HAP modeling for formaldehyde are in Table 2.

**Table 2
 Hazardous Air Pollutant Modeling Results**

Pollutant	Emission Rate (G/sec)	Emission Rate (TPY)	Estimated Concentration (ug/m3)	Risk Factor(URF) [[ug/m ³] ⁻¹]	Reference Conc.(RfC) (ug/m3)	Cancer Risk	Hazard Quotient
Formaldehyde	2.81E-01	9.78E+00	3.96E-01	1.30E-05	9.8	5.15E-06	0.040
						Maximum Individual Risk 5.15E-06	
						Hazard Index	0.040

The Hazard Index for the project does not exceed 1. Pollutants with a Hazard Quotient (HQ) greater than 1 are considered to be at concentrations that could represent a health concern. Hazard Quotients above 1 do not represent areas where adverse health effects will be observed but indicate that the potential exists. There is no reasonable expectation of non-cancer health effects expected due to the exposure from formaldehyde at this location.

The additional upper-bound cancer risk estimate from formaldehyde is potentially five additional cancer cases in one million people. The cancer risk for formaldehyde is above the one in a million (1.0E-06) excess lifetime cancer risk, but below one in ten thousand (1.0E-04) excess cancer risk, which is considered by the U.S. EPA to be the upper range of acceptability with ample margin of safety. This means that if an individual breathed in this concentration of formaldehyde continuously for 70 years, the probability of getting cancer from this exposure would be five in 1,000,000.

The SCREEN3 modeling results and the HAP screening analysis are attached to this Addendum to the Technical Support Document.

A major source of HAPs is one that has the potential to emit any single HAP greater than or equal to ten (10) tons per year or the potential to emit a combination of HAPs greater than or equal to twenty-five (25) tons per year. As shown in the table 3 below, BGT will not be a major source of HAPs.

State and federal law require sources to comply with all health-based and technology-based standards established by the U.S. EPA and the Indiana Air Pollution Control Board, including the NAAQS. If an applicant demonstrates that they will be able to comply with all Federal and State laws regarding air pollution, IDEM is required by law to issue an air permit. IDEM has determined that BGT will be able to comply with all Federal and State air pollution control laws.

Table 3 summarizes the potential to emit, reflecting all limits of the emission units. Any control equipment is considered enforceable only after issuance of this permit and only to the extent that the effect of the control equipment is made practically enforceable in the permit.

Process/Emission Unit	Table 3 Potential To Emit (tons/yr)						
	PM	PM ₁₀	SO ₂	VOC	CO	NO _x	HAPs
Generators #1 - #3	0.56	0.004	0.033	0.003	249.00	28.53	Single HAP (formaldehyde) 8.64
Total Emissions	0.56	0.004	0.033	0.003	249.00	28.53	Total HAPs 8.64
Major Source Thresholds	250	100	100	100	100	100	Single <10 Total <25

IDEM uses the maximum capacity of the source under its physical and operational design in conjunction with emission factors as approved by the U.S. EPA to calculate emissions for specific processes. For more information regarding EPA approved emission factors visit www.epa.gov/ttn/chief. These emission factors are most often based on direct measurements of emissions at similar sources. When direct measurement is not possible, mass balances or engineering calculations form the basis for the emission factor. IDEM, OAQ also uses alternative emission factors where appropriate.

Comment 2:

What is the source of the methane gas used as fuel for the generator sets? What fuel sources are the emission rates based on? Residents are concerned about odor from the engine exhaust and from the sulfur content in the fuel.

Response to Comment 2:

BGT will be extracting methane from the coal mine on the property and burning it as fuel for the three engines. The emissions are based on using methane as the only fuel. The principal emission will be carbon monoxide. Methane and carbon monoxide are odorless. The methane has a sulfur content of less than 0.05 percent by weight.

IDEM does not regulate odor. Vigo County Air Pollution Control does regulate odor under the authority of a Vigo County local ordinance. If you have an odor complaint, please contact VCAPC at (812) 462-4333 or online at www.vigocounty.org/vcapc. Please state the time you noticed the odor, how long it lasted, a description of the odor and where you were when you noticed it. If you feel comfortable stating your name and telephone number, please also give that information. VCAPC will investigate your complaint on the same day it is received, or, at the latest, within 24 hours.

Comment 3:

What are the testing requirements for the engines? The tests should be repeated sooner than the five years set out in the permit.

Response to Comment 3:

The actual emissions from all three units must be tested to determine whether they are in compliance with the limitations in the permit. This stack testing is required within 60 days after achieving maximum capacity but no later than 180 days after installation of the first engine generator set. This is a test that involves using scientific instruments to measure the amount of carbon monoxide (CO) actually being released from that stack on that day. This test is required to

ensure compliance with the CO emission limits. The stack test results will be available for public review after they are submitted to IDEM, OAQ and VCAPC.

To verify that the test will be performed correctly, pursuant to 326 IAC 3-6-2, the source must complete a test protocol form and submit the form to the department not later than thirty-five (35) days prior to the intended test date unless more notice is required under the applicable program. To verify that the test is performed correctly and that results are accurate, BGT must submit the testing information and results to IDEM, OAQ and VCAPC for review. IDEM, OAQ and VCAPC staff will usually observe field test procedures and source operation during the emission test. To ensure accurate representation of emissions under normal operating scenarios, pursuant to 326 IAC 3-6-3, all emission tests must be conducted as follows:

- (a) While the facility being tested is operating at ninety-five percent (95%) to one hundred percent (100%) of its permitted operating capacity.
- (b) Under conditions representative of normal operations.
- (c) Under other capacities or conditions specified and approved by the department, where capacity means the design capacity of the facility or other operating capacities agreed to by the source and IDEM.

If a test result shows a violation, the source is required to correct the problem and retest to ensure that the problem has been corrected. Otherwise, the test must be repeated at least once every five (5) years.

Before and after stack testing, the permit requires BGT to keep the equipment operating properly at all times to achieve compliance with the permit limitations. BGT staff will observe the operation of the engines each day to ensure that they are operating within the manufacturer's specifications. This is intended to ensure that the plant is in continuous compliance with the permit limitations.

BGT will have to take responsive action whenever any engine is operating outside the manufacturer's specifications. BGT will have to inspect the engines every 3 months to ensure that there are no operational problems. BGT will keep a log of each daily observation and each quarterly inspection. BGT must report a deviation from any permit requirement, the probable cause of the deviation, any response steps and any preventive measure taken to IDEM, OAQ and VCAPC. BGT must also file quarterly reports with IDEM, OAQ and VCAPC. If BGT's reports or records indicate any issues or possible non-compliance, IDEM and/or VCAPC will take appropriate compliance and/or enforcement action.

After the stack test is performed, BGT's compliance monitoring, record keeping and reporting will continue to ensure that the emissions from the engines are below the permitted limits during the five year period between stack tests. Falsification of records is a criminal offense. If there is evidence or observations that any one of the engine generator sets may be out of compliance before the next stack is due, IDEM, OAQ can order BGT to perform stack testing.

Copies of the quarterly reports, the stack test results, and the inspection reports can be obtained by contacting IDEM, OAQ Compliance Branch at 1-800-452-6027 ext. 3-0178 or VCAPC at (812) 462-4333.

Comment 4:

What if BGT fails the test? Will it be allowed to continue operating? If they are even slightly out of compliance they should be shutdown until it is repaired.

Response to Comment 4:

In BGT's permit, Condition C.14, titled Actions Related to Noncompliance Demonstrated by a Stack Test, addresses what the company must do when the results of a stack test exceed the

level specified in any condition of this permit. This includes taking appropriate response actions, submitting a description of these response actions to IDEM, OAQ and VCAPC, minimizing excess emissions while the response actions are being implemented, and retesting the unit within one hundred twenty (120) days. Generally, companies are allowed to continue to operate provided they follow these conditions. Additionally, IDEM, OAQ and VCAPC use their authority to pursue administrative enforcement for serious environmental problems to bring companies back into compliance with the law. IDEM, OAQ and VCAPC consider several factors in pursuing enforcement cases including the magnitude of the violation, the potential harm to human health and the environment, the economic benefit gained by the violator by not complying, and the violator's efforts to achieve compliance.

Comment 5:

Who will monitor the pollution?

Response to Comment 5:

As set out in the response to comment 3, BGT will do daily compliance monitoring of the engines, daily record keeping, quarterly inspections, and quarterly reporting. VCAPC will also inspect the plant. Inspections include both an observation of the operation of the engine generator sets and a complete review of all required records.

Comment 6:

Please clarify that the New Source Construction Permit and Part 70 Operating Permit will not authorize BGT to proceed with construction of any kind.

Response to Comment 6:

Federal and state air pollution control laws require BGT to have an air pollution control permit before it can install the engines. That is why the permit title contains the term "New Source Construction Permit". The air pollution control permit does not affect local zoning, planning or building requirements.

Comment 7:

Are these new or used generator sets? What is the life expectancy of the engines before a major overhaul is required? Won't the engines wear down and allow engine oil to be burned and emitted? Will there be monitors in place to detect this?

Response to Comment 7:

The engines and generators are new, state of the art, units manufactured by Caterpillar, Inc. On its website, Caterpillar, Inc. states that the engine generator sets can operate up to 45,000 hours between major overhauls (see <http://www.cat.com/cda/layout?m=37508&x=7>). There is no requirement for air pollution monitoring.

Comment 8:

Why does the emergency occurrence report list lead as a possible pollutant that could be emitted?

Response to Comment 8:

The same emergency occurrence report is used for all sources and lists some common pollutants to assist the user in how to specify the type of emitted pollutants. There are no lead emissions expected from this facility.

Comment 9:

We would like to see the material safety data sheets for the listed pollutants to determine the health hazards.

Response to Comment 9:

There are no material safety data sheets for pollutants. There are health hazards associated with high levels of exposure to the pollutants carbon monoxide and formaldehyde. Under certain conditions, nitrogen oxide can combine with other chemicals to form harmful pollutants. At extremely high levels carbon monoxide can cause suffocation. Fetuses, infants, elderly people, or people with anemia or histories of heart or respiratory disease are especially susceptible to carbon monoxide poisoning. Symptoms of high-level poisoning, which can be fatal, include severe headaches, dizziness, mental confusion, nausea, and faintness. Low levels of carbon monoxide poisoning can cause symptoms similar to the flu or food poisoning, shortness of breath, mild nausea, and mild headaches.

Under certain conditions, nitrogen dioxide can react with volatile organic compounds in the presence of sunlight to produce ground level ozone. Ozone can damage lung tissue and reduce lung function. Nitrogen dioxide can also react with ammonia, moisture, and other compounds to form nitric acid and related particles. These particles can effect breathing, damage lung tissue and cause or worsen respiratory diseases such as emphysema and bronchitis. The particles can aggravate existing heart disease.

Formaldehyde is a probable human carcinogen. Short term exposure may cause respiratory effects such as shortness of breath.

Comment #10:

Paragraph D.1.4 states that the Permittee will have 180 days after installation to perform CO testing on 1 unit and then not again for 5 years. To us, this is unacceptable. All units should be required to be tested before becoming operational. Equipment can deteriorate significantly in 5 years. When our family and neighbors are at risk, allowing the facility to run 5 years before retesting is unsafe.

Response to Comment #10:

After successful completion of a valid compliance demonstration (emissions test) each emission unit will be tested every 5 years. Combined with quarterly reporting, these emissions tests are sufficient to ensure compliance with permit limits. IDEM may require more frequent tests in accordance with section C.8 of the operating permit should conditions warrant.

Condition D.1.4 is changed as follows:

D.1.4 Testing Requirements [326 IAC 3-6]

Within **60 days of achieving maximum capacity, but not later than** 180 days after installation of the first engine/generator set, the Permittee shall perform CO testing utilizing methods as approved by the Commissioner on at least one of the three units to verify compliance with Condition D.1.1. This test shall be repeated at least one of the three units at least once every five (5) years from the date of this valid compliance demonstration. Testing shall be conducted in accordance with Section C – Performance Testing.

Comment #11:

U.S. EPA Region V submitted a comment on November 1, 2005 and recommended Condition D.1.4 be changed to have all three units tested at least once every five (5) years.

Response to Comment #11:

Condition D.1.4 is further changed as follows:

D.1.4 Testing Requirements [326 IAC 3-6]

Within 60 days of achieving maximum capacity, but not later than 180 days after installation of the first engine/generator set, the Permittee shall perform CO testing utilizing methods as approved by the Commissioner on ~~all at least one of the~~ **three units** to verify compliance with Condition D.1.1. This test shall be repeated **on all three units** at least once every five (5) years from the date of this valid compliance demonstration. Testing shall be conducted in accordance with Section C – Performance Testing.

Upon further review, IDEM, OAQ has decided to make the following changes to the permit. The permit language is changed to read as follows (deleted language appears as ~~strikeouts~~, new language is **bolded**):

Change 1:

IDEM and VCAPC have determined that BGT qualifies for new unit exemptions for the engine generator sets pursuant to 40 CFR 72.8 and 326 IAC 21-1-1. Each of the units meets the requirements for exemption because each engine will serve a generator with a nameplate capacity of 25 MWe or less and burn gaseous fuel with an annual average sulfur content of 0.05 percent or less by weight. More specifically, these units will burn only natural gas, as defined by 40 CFR 72.2. The definition of natural gas includes methane gas. Pursuant to 40 CFR 72.7(d), there is no requirement for BGT to do additional testing, record keeping or reporting. Therefore, a new condition D.1.3 has been added and the D.1 conditions following the new D.1.3 have been renumbered accordingly. The new D.1.3 condition is as follows:

D.1.3 New Units Exemption [326 IAC 21-1-1] [40 CFR 72.7]

Each engine generator set shall burn only methane gas as fuel. The engines shall not serve a generator or generators with a nameplate capacity greater than 25 MWe. Compliance with these requirement makes each engine exempt from the requirements of 40 CFR 72.7 as incorporated by 326 IAC 21-1-1, Acid Deposition Control.

Additional Changes:

Upon further consideration, VCAPC has decided to make changes to the permit as indicated below. The summary of the comments and corresponding responses is shown below. Changes made to the permit as a result of the comments are shown in bold and deleted permit language is shown with a line through it. Any permit changes affecting the permit's Table of Contents are also revised without replication herein.

1. VCAPC has determined that the Permittee is not required to keep records of all preventive maintenance. However, where the Permittee seeks to demonstrate that an emergency has occurred, the Permittee must provide, upon request, records of preventive maintenance in order to establish that the lack of proper maintenance did not cause or contribute to the deviation. Therefore, IDEM has deleted paragraph (b) of Section B – Preventive Maintenance, and has amended the Section B – Emergency Provisions condition as follows:

B.13 Preventive Maintenance Plan [326 IAC 2-7-5(1),(3) and (13)] [326 IAC 2-7-6(1) and (6)] [326 IAC 1-6-3]

- (a) If required by specific condition(s) in Section D of this permit, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMPs) within ninety (90) days after issuance of this permit, including the following information on each facility:
 - (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;

- (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and
- (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If, due to circumstances beyond the Permittee's control, the PMPs cannot be prepared and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

The PMP extension notification does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- ~~(b) The Permittee shall implement the PMPs, including any required record keeping as necessary to ensure that failure to implement a PMP does not cause or contribute to an exceedance of any limitation on emissions or potential to emit.~~
- (c) A copy of the PMPs shall be submitted to IDEM, OAQ and VCAPC, upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ and VCAPC. IDEM, OAQ and VCAPC, may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or is the primary contributor to an exceedance of any limitation on emissions or potential to emit. The PMPs do not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (c) To the extent the Permittee is required by 40 CFR Part 60/63 to have an Operation Maintenance, and Monitoring (OMM) Plan for a unit, such Plan is deemed to satisfy the PMP requirements of 326 IAC 1-6-3 for that unit.

B.14 Emergency Provisions [326 IAC 2-7-16]

- (a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation.
- (b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:
 - (1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;
 - (2) The permitted facility was at the time being properly operated;

- (3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;
- (4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ and VCAPC, within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

IDEM

Telephone Number: 1-800-451-6027 (ask for Office of Air Quality, Compliance Section), or

Telephone Number: 317-233-5674 (ask for Compliance Section)

Facsimile Number: 317-233-5967

VCAPC

Telephone Number: 812-462-3433

Facsimile Number: 812-462-3447

- (5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-**2251**

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

within two (2) working days of the time when emission limitations were exceeded due to the emergency.

The notice fulfills the requirement of 326 IAC 2-7-5(3)(C)(ii) and must contain the following:

- (A) A description of the emergency;
- (B) Any steps taken to mitigate the emissions; and
- (C) Corrective actions taken.

The notification which shall be submitted by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (6) The Permittee immediately took all reasonable steps to correct the emergency.
- (c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.

- (d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.
- (e) **The Permittee seeking to establish the occurrence of an emergency shall make records available upon request to ensure that failure to implement a PMP did not cause or contribute to an exceedance of any limitations on emissions. However,** IDEM, OAQ and VCAPC, may require that the Preventive Maintenance Plans required under 326 IAC 2-7-4(c)(9) be revised in response to an emergency.
- (f) Failure to notify IDEM, OAQ and VCAPC, by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-7 and any other applicable rules.
- (g) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.
- (h) The Permittee shall include all emergencies in the Quarterly Deviation and Compliance Monitoring Report.

IDEM has clarified the Section B Operational Flexibility condition as follows:

B.23 Operational Flexibility [326 IAC 2-7-20] [326 IAC 2-7-10.5]

- (a) The Permittee may make any change or changes at the source that are described in 326 IAC 2-7-20(b), (c), or (e), without a prior permit revision, if each of the following conditions is met:
 - (1) The changes are not modifications under any provision of Title I of the Clean Air Act;
 - (2) Any preconstruction approval required by 326 IAC 2-7-10.5 has been obtained;
 - (3) The changes do not result in emissions which exceed the ~~emissions allowable~~ **under limitations provided in** this permit (whether expressed herein as a rate of emissions or in terms of total emissions);
 - (4) The Permittee notifies the:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

And

Vigo County Air Pollution Control
103 South 3rd Street
Terre Haute, Indiana 47807

and

United States Environmental Protection Agency, Region V
Air and Radiation Division, Regulation Development Branch - Indiana (AR-18J)

77 West Jackson Boulevard
Chicago, Illinois 60604-3590

in advance of the change by written notification at least ten (10) days in advance of the proposed change. The Permittee shall attach every such notice to the Permittee's copy of this permit; and

- (5) The Permittee maintains records on-site, **on a rolling five (5) year basis**, which document, ~~on a rolling five (5) year basis~~, all such changes and emissions ~~trading trades~~ that are subject to 326 IAC 2-7-20(b), (c), or (e). **and makes The Permittee shall make** such records available, upon reasonable request, for public review.

Such records shall consist of all information required to be submitted to IDEM, OAQ and VCAPC, in the notices specified in 326 IAC 2-7-20(b)(1), (c)(1), and (e)(2).

- (b) The Permittee may make Section 502(b)(10) of the Clean Air Act changes (this term is defined at 326 IAC 2-7-1(36)) without a permit revision, subject to the constraint of 326 IAC 2-7-20(a). For each such Section 502(b)(10) of the Clean Air Act change, the required written notification shall include the following:

- (1) A brief description of the change within the source;
- (2) The date on which the change will occur;
- (3) Any change in emissions; and
- (4) Any permit term or condition that is no longer applicable as a result of the change.

The notification which shall be submitted is not considered an application form, report or compliance certification. Therefore, the notification by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (c) Emission Trades [326 IAC 2-7-20(c)]
The Permittee may trade **emissions** increases and decreases ~~in emissions in~~ at the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-7-20(c).
- (d) Alternative Operating Scenarios [326 IAC 2-7-20(d)]
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-7-5(9). No prior notification of IDEM, OAQ, VCAPC, or U.S. EPA is required.
- (e) Backup fuel switches specifically addressed in, and limited under, Section D of this permit shall not be considered alternative operating scenarios. Therefore, the notification requirements of part (a) of this condition do not apply.

IDEM has reconsidered the requirement to develop and follow a Compliance Response Plan. The Permittee will still be required to take reasonable response steps when a compliance monitoring parameter is determined to be out of range or abnormal. Replacing the requirement to develop and follow a Compliance Response Plan with a requirement to take reasonable response steps will ensure that the control equipment is returned to proper operation as soon as practicable, while still allowing the

Permittee the flexibility to respond to situations that were not anticipated. The Section D conditions that refer to this condition have been revised to reflect the new condition title, and the following changes have been made to the Section C condition:

C.13 ~~Compliance Response Plan—Preparation, Implementation, Records, and Reports~~
Response to Excursions or Exceedances [326 IAC 2-7-5] [326 IAC 2-7-6]

- (a) ~~The Permittee is required to prepare a Compliance Response Plan (CRP) for each compliance monitoring condition of this permit. A CRP shall be submitted to IDEM and VCAPC upon request. The CRP shall be prepared within ninety (90) days after issuance of this permit by the Permittee, supplemented from time to time by the Permittee, maintained on site, and comprised of:~~
- (1) ~~Reasonable response steps that may be implemented in the event that a response step is needed pursuant to the requirements of Section D of this permit; and an expected timeframe for taking reasonable response steps.~~
 - (2) ~~If, at any time, the Permittee takes reasonable response steps that are not set forth in the Permittee's current Compliance Response Plan and the Permittee documents such response in accordance with subsection (e) below, the Permittee shall amend its Compliance Response Plan to include such response steps taken.~~
- (b) ~~For each compliance monitoring condition of this permit, reasonable response steps shall be taken when indicated by the provisions of that compliance monitoring condition as follows:~~
- (1) ~~Reasonable response steps shall be taken as set forth in the Permittee's current Compliance Response Plan; or~~
 - (2) ~~If none of the reasonable response steps listed in the Compliance Response Plan is applicable or responsive to the excursion, the Permittee shall devise and implement additional response steps as expeditiously as practical. Taking such additional response steps shall not be considered a deviation from this permit so long as the Permittee documents such response steps in accordance with this condition.~~
 - (3) ~~If the Permittee determines that additional response steps would necessitate that the emissions unit or control device be shut down, and it will be ten (10) days or more until the unit or device will be shut down, then the Permittee shall promptly notify the IDEM, OAQ and VCAPC of the expected date of the shut down. The notification shall also include the status of the applicable compliance monitoring parameter with respect to normal, and the results of the response actions taken up to the time of notification.~~
 - (4) ~~Failure to take reasonable response steps shall be considered a deviation from the permit.~~
- (c) ~~The Permittee is not required to take any further response steps for any of the following reasons:~~
- (1) ~~A false reading occurs due to the malfunction of the monitoring equipment and prompt action was taken to correct the monitoring equipment.~~
 - (2) ~~The Permittee has determined that the compliance monitoring parameters established in the permit conditions are technically inappropriate, has previously~~

~~submitted a request for a minor permit modification to the permit, and such request has not been denied.~~

~~(3) An automatic measurement was taken when the process was not operating.~~

~~(4) The process has already returned or is returning to operating within "normal" parameters and no response steps are required.~~

~~(d) When implementing reasonable steps in response to a compliance monitoring condition, if the Permittee determines that an exceedance of an emission limitation has occurred, the Permittee shall report such deviations pursuant to Section B-Deviations from Permit Requirements and Conditions.~~

~~(e) The Permittee shall record all instances when, in accordance with Section D, response steps are taken. In the event of an emergency, the provisions of 326 IAC 2-7-16 (Emergency Provisions) requiring prompt corrective action to mitigate emissions shall prevail.~~

~~(f) Except as otherwise provided by a rule or provided specifically in Section D, all monitoring as required in Section D shall be performed when the emission unit is operating, except for time necessary to perform quality assurance and maintenance activities.~~

(a) Upon detecting an excursion or exceedance, the Permittee shall restore operation of the emissions unit (including any control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

(b) The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Corrective actions may include, but are not limited to, the following:

(1) initial inspection and evaluation;

(2) recording that operations returned to normal without operator action (such as through response by a computerized distribution control system); or

(3) any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.

(c) A determination of whether the Permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include, but is not limited to, the following:

(1) monitoring results;

(2) review of operation and maintenance procedures and records;

(3) inspection of the control device, associated capture system, and the process.

- (d) **Failure to take reasonable response steps shall be considered a deviation from the permit.**
- (e) **The Permittee shall maintain the following records:**
 - (1) **monitoring data;**
 - (2) **monitor performance data, if applicable; and**
 - (3) **corrective actions taken.**

D.1.4.5 Monitoring

- ~~(a) Daily observations of the equipment shall be performed on each engine/generator set that is in operation that day to ensure that they are operating per the manufacturer's specifications. **Reasonable response steps shall be taken in accordance with Section C – Response to Excursions or Exceedances** The Compliance Response Plan shall be followed whenever a condition exists which should result in a response step. Failure to take response steps in accordance with **Section C – Response to Excursions or Exceedances** Section C – Compliance Response Plan – Preparation Implementation, Records, and Reports shall be considered a deviation from this permit.~~
- ~~(b) Quarterly inspections shall be performed of each engine/generator set to ensure that there are no operational problems, including a verification that the switch gear has not been changed or altered from the proposed configuration The Compliance Response Plan shall be followed whenever a condition exists which should result in a response step. Failure to take response steps in accordance with Section C – Compliance Response Plan – Preparation Implementation, Records, and Reports shall be considered a violation of this permit.~~
- ~~(c) Additional inspections and preventive measures shall be performed as prescribed in the Preventive Maintenance Plan.~~

**Indiana Department of Environmental Management
Office of Air Quality
and Vigo County Air Pollution Control**

Technical Support Document (TSD) for a New Source Construction
and Part 70 Operating Permit

Source Background and Description

Source Name:	BGT Green Valley Project, LLC
Source Location:	4004 W. Concannon Ave., West Terre Haute, IN 47885
County:	Vigo
SIC Code:	4931
Operation Permit No.:	167-21781-00124
Permit Reviewer:	Scott Sines

The Office of Air Quality (OAQ) and Vigo County Air Pollution Control (VCAPC) have reviewed a Part 70 Operating Permit application from BGT Green Valley Project, LLC relating to the construction and operation of a power generation facility.

This Part 70 operating permit contains provisions intended to satisfy the requirements of the construction permit rules.

Permitted Emission Units and Pollution Control Equipment

The source will consist of the following permitted emission units:

Three (3) Caterpillar 3520C low BTU gas engine/generator sets, identified as GEN-1, GEN-2, and GEN-3, each with a maximum capacity of 2233 bhp (also equivalent to 14.1 million BTU per hour of heat input and 1600 kW output), utilizing no control, and exhausting to stack Vents #1 through #3 respectively.

Enforcement Issue

There are no enforcement actions pending.

Recommendation

The staff recommends to the Commissioner that the construction and operation 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 complete application for the purposes of this review was received on September 12, 2005.

Emission Calculations

See Appendix A of this document for detailed emission calculations page 1.

Potential to Emit of the Source

Pursuant to 326 IAC 2-1.1-1(16), Potential to Emit is defined as “the maximum capacity of a stationary source or emissions unit to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or type or amount of material combusted, stored, or processed shall be treated as part of its design if the limitation is enforceable by the U.S. EPA, the department, or the appropriate local air pollution control agency.”

Pollutant	Potential to Emit (tons/yr)
PM	0.64
PM-10	0.005
SO ₂	0.038
VOC	0.003
CO	271.44
NO _x	32.31

HAPs	Potential to Emit (tons/yr)
Formaldehyde	9.78
Total	9.78

- (a) The potential to emit (as defined in 326 IAC 2-7-1(29)) of pollutants are equal to or greater than 100 tons per year. Therefore, the source is subject to the provisions of 326 IAC 2-7.
- (b) Fugitive Emissions
 Since this type of operation is not one of the twenty-eight (28) listed source categories under 326 IAC 2-2 the fugitive emissions are not counted toward determination of PSD and Emission Offset applicability.

Potential to Emit After Issuance

New Source PSD Definition (emissions after controls, based on 8760 hours of operation per year at rated capacity and/or as otherwise limited):

Process/emission unit	Potential to Emit (tons/year)						
	PM	PM-10	SO ₂	VOC	CO	NO _x	HAPs
GENS #1 - #3	0.56	0.004	0.033	0.003	249.00	28.53	8.64
Total PTE	0.56	0.004	0.033	0.003	249.00	28.53	8.64

- (a) This new source is **not** a major stationary source under PSD, 326 IAC 2-2, because it is not one of the 28 listed source categories, and it does not emit 250 tons per year or more of any attainment pollutant after limitations. CO emissions are limited to 21.46 pounds per hour for each unit in order to limit CO emissions to less than 250 tons per year. Therefore, pursuant to 326 IAC 2-2, the PSD requirements do not apply.
- (b) This new source is **not** a major stationary source under Emission Offset, 326 IAC 2-3, because it is not one of the 28 listed source categories, and it does not emit 100 tons per year or more of any nonattainment pollutant after limitations. Therefore, pursuant to 326 IAC 2-3, the Emission Offset requirements do not apply.

- (c) This determination was made utilizing hours of operation numbers since the operational limits will be required at all times. In this case the limitation is operation of the equipment for 23,202 total hours of operation for the 3 units combined per 12 consecutive month period.

County Attainment Status

The source is located in Vigo County.

Pollutant	Status
PM-10	Attainment
PM-2.5	Attainment
SO ₂	Maintenance Attainment
NO ₂	Attainment
8-hour Ozone	Basic Nonattainment
1-hour Ozone	Attainment
CO	Attainment

- (a) Volatile organic compounds (VOC) and Nitrogen Oxides (NOx) are regulated under the Clean Air Act (CAA) for the purpose of attaining and maintaining the National Ambient Air Quality Standards (NAAQS) for ozone. Therefore, VOC and NOx emissions are considered when evaluating the rule applicability relating to the ozone standards. Vigo County has been designated as basic nonattainment for the 8-hour ozone standard. Therefore, VOC and NOx emissions were reviewed pursuant to the requirements for Emission Offset, 326 IAC 2-3.
- (b) Vigo County has been classified as attainment for PM2.5. U.S. EPA has not yet established the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2 for PM 2.5 emissions. Therefore, until the U.S. EPA adopts specific provisions for PSD review for PM 2.5 emissions, it has directed states to regulate PM10 emissions as a surrogate for PM 2.5 emissions. See the State Rule Applicability for the source section.
- (c) Vigo County has been classified as attainment or unclassifiable for all other criteria pollutants. Therefore, these emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2. See the State Rule Applicability for the source section.

Part 70 Permit Conditions

This source is subject to the requirements of 326 IAC 2-7, pursuant to which the source has to meet the following:

- (a) Emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of issuance of Part 70 permits.
- (b) Monitoring and related record keeping requirements which assume that all reasonable information is provided to evaluate continuous compliance with the applicable requirements.

Federal Rule Applicability

- (a) This significant modification does not involve a pollutant-specific emissions unit as defined in 40 CFR 64.1 for CO:

- (1) with the potential to emit before controls equal to or greater than the major source threshold for CO,
- (2) that is subject to an emission limitation or standard for CO, and
- (3) uses a control device as defined in 40 CFR 64.1 to comply with that emission limitation or standard.

Therefore, the requirements of 40 CFR Part 64, Compliance Assurance Monitoring, are not applicable to this modification.

- (b) There are no New Source Performance Standards (NSPS) (326 IAC 12 and 40 CFR Part 60) applicable to this source.
- (c) This source is not subject to the requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 63 Subpart ZZZZ as the source is not a major source of HAP emissions.
- (d) The requirements of Section 112(j) of the Clean Air Act (40 CFR Part 63.50 through 63.56) are not applicable to this source because the source is not a major source of hazardous air pollutant (HAP) emissions (i.e., the source does not have the potential to emit 10 tons per year or greater of a single HAP or 25 tons per year or greater of a combination of HAPs) and the source does not include one or more units that belong to one or more source categories affected by the Section 112(j) MACT Hammer date of May 15, 2002.

State Rule Applicability – Entire Source

326 IAC 2-2 (Prevention of Significant Deterioration) and 326 IAC 2-3 (Emission Offset)

This new source is not a major stationary source because it is not one of the 28 listed source categories, and it does not emit 250 tons per year or more of any regulated pollutant and 100 tons per year of any nonattainment pollutant after limitations. Therefore, pursuant to 326 IAC 2-2 and 2-3, the PSD and Emission Offset requirements do not apply.

326 IAC 2-4.1 (Major Sources of Hazardous Air Pollutants)

This new source is not a major source of hazardous air pollutants. Therefore 326 IAC 2-4.1 does not apply.

326 IAC 2-6 (Emission Reporting)

- (a) Pursuant to 326 IAC 2-6-3(b)(3), starting in 2006 and every three (3) years thereafter, the Permittee shall submit by July 1 an emission statement covering the previous calendar year. The emission statement shall contain, at a minimum, the information specified in 326 IAC 2-6-4(c).
- (b) The emission statement required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, and VCAPC on or before the date it is due.
- (c) or before the date it is due.

326 IAC 5-1 (Opacity Limitations)

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-3 (Temporary Alternate Opacity Limitations), opacity shall meet the following, unless otherwise stated in this permit:

- (a) Opacity shall not exceed an average of forty percent (40%) any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.
- (b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

This company is not located in the small area of Vigo County subject to the more stringent requirements under 326 IAC 5-1-2.

Operational Limitations

Based on the emission data provided by the equipment manufacturer the "Not To Exceed" emission rate of CO is higher than the nominal CO emission rate when the equipment is operated at a load of 100%. The CO PTE calculations are based on this higher figure which results in emissions before controls above 250 tons per year which is the PSD threshold. The company has requested that they be limited to operate the three (3) pieces of equipment for total combined operating hours not to exceed 23,202 per 12 consecutive month period in order to reduce the expected combined PTE of the three engine/generator sets to below the 250 tons per year threshold. Since this limitation is based on manufacturer data an initial stack test has been required in order to try to verify the emission rates. The future testing requirement is included in order to be sure the equipment does not deteriorate.

Testing Requirements

Within 180 days after installation of the first engine/generator set, the Permittee shall perform CO testing utilizing methods as approved by the Commissioner on at least one of the three units. This test shall be repeated at least once every five (5) years from the date of this valid compliance demonstration. In addition to these requirements IDEM and VCAPC may require compliance testing when necessary to determine if the emissions unit is in compliance.

Compliance Requirements

Permits issued under 326 IAC 2-7 are required to ensure that sources can demonstrate compliance with applicable state and federal rules on a more or less continuous basis. All state and federal rules contain compliance provisions however these provisions do not always fulfill the requirement for a more or less continuous demonstration. When this occurs, IDEM, OAQ and VCAPC, in conjunction with the source, must develop specific conditions to satisfy 326 IAC 2-7-5. As a result, compliance requirements are divided into two sections: Compliance Determination Requirements and Compliance Monitoring Requirements.

Compliance Determination Requirements in Section D of the permit are those conditions that are found more or less directly within state and federal rules and the violation of which serves as grounds for enforcement action. If these conditions are not sufficient to demonstrate continuous compliance, they will be supplemented with Compliance Monitoring Requirements, also Section D of the permit. Unlike Compliance Determination Requirements, failure to meet Compliance Monitoring conditions would serve as a trigger for corrective actions and not grounds for enforcement action. However, a violation in relation to a compliance monitoring condition will arise through a source's failure to take the appropriate corrective actions within a specific time period.

The compliance monitoring requirements applicable to this source are as follows:

1. The engine/generator sets have applicable compliance monitoring conditions as specified below:
 - (a) Daily observations of the engine/generator set to ensure that they are operating per the manufacturer's specifications.
 - (b) Quarterly inspections of each engine/generator set to ensure that there are no operational problems, including verification that the switch gear has not been changed or altered from the proposed configuration.

These monitoring conditions are necessary because without the operational limitations the project would have been subject to the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration).

Conclusion

The construction and operation of this power generation facility shall be subject to the conditions of the New Source Construction and Part 70 Operating Permit 167-21781-00124.

	A	B	C	D	E	F	G	H	I	J	K	L
1												
2	<u>Acute Hazardous Air Pollutant Results</u>											
3												
4												
5												
6				Modeled		Acute						
7				24-hour		24-hour				Above		
8				Concentration		Minimum Risk Level (MRL)				MRL?		
9		Pollutant		(ug/m³)		(ug/m³)				(Yes/No)		
10												
11		Formaldehyde		4.42		49				No		
12												
13												
14												
15												
16												
17												
18												
19	<u>Chronic Hazardous Air Pollutant Results</u>											
20												
21												
22				Modeled		Unit						
23				Annual		Risk				Reference		
24				Concentration		Factor (URF)				Concentration (RfC)	Cancer	Hazard
25		Pollutant		(ug/m³)		[(ug/m³)⁻¹]				(ug/m³)	Risk	Quotient
26												
27		Formaldehyde		0.396		1.30E-05				9.8	5.15E-06	4.04E-02
28												
29												
30												
31												
32												
33											5.15E-06	
34												
35												
36											Hazard Index:	4.04E-02

OFFICE OF AIR QUALITY

Minor Source Screening Form

General Permit Information

Permit Number: 167-21781-00124
Company Name: BGT Green Valley Energy Project
City: West Terre Haute
County: Vigo
Permit Reviewer: Scott Sines VCAPC

Source Specific Information

TABLE 1 - Criteria Pollutant Emission Rates (lb/hr)

Stack ID	CO	NO _x	PM ₁₀	HAPS	SO ₂	VOC	
EP1	20.66	2.46		0.744			Maximum allow Controlled emi:
EP2	20.66	2.46		0.744			
EP3	20.66	2.46		0.744			
Totals:	61.98	7.38	0	2.232	0	0	Maximum allow Controlled emi:
Totals:	61.98	7.38	0	2.232	0	0	

TABLE 2 - Hazardous Air Pollutant Emission Rates (lb/hr)

Stack ID	HAP Name	HAP Name	Formaldehyde	HAP Name	HAP Name	HAP Name
EP1			0.744			
EP2			0.744			
EP3			0.744			
0						
0						
0						
0						
0						
Totals:	0	0	2.232	0	0	0

TABLE 3 - Stack Information:

Closest building related to corresponding sta

Stack ID	Stack Height (ft)	Flow Rate (acfm)	Stack Temp. (°F)	Stack Diameter (ft)		Height (ft)	Width (ft)
EP1	23	10341	685	1.25	←→	11	12
EP2	23	10341	685	1.25	←→		
EP3	23	10341	685	1.25	←→		
0					←→		
0					←→		
0					←→		
0					←→		
0					←→		

Closest Property Line (Distance in feet): 290

OFFICE OF AIR QUALITY

Minor Source Screening Form

General Permit Information

Permit Number: 167-21781-00124
 Company Name: BGT Green Valley Energy Project Model Used (Please check one):
 City: West Terre Haute SCREEN ISCST
 County: Vigo Date Modeling Completed: 3/2/2006
 3/6/2006
 Permit Reviewer: Scott Sines/VCAPC Modeler: Mark Neyman

Modeling Results

TABLE 4 - Criteria Pollutants - Maximum Concentration (ug/m3):

Averaging Period	CO	NOX	PM10	Pb	SO2
1-hour modeled concentration	715.1				
NAAQ Standard	40000				
PASS or FAIL	PASS				
3-hour modeled concentration					
NAAQ Standard					1300
PASS or FAIL					PASS
8-hour modeled concentration	572.1				
NAAQ Standard	10000				
PASS or FAIL	PASS				
24-hour modeled concentration					
NAAQ Standard			150		365
PASS or FAIL			PASS		PASS
Quarterly modeled concentration				N/A	
NAAQ Standard				1.5	
PASS or FAIL					
Annual modeled concentration		6.81			
NAAQ Standard		100	50		80
PASS or FAIL		PASS	PASS		PASS

Screen modeling

TABLE 5 - HAPs - Maximum Concentration (ug/m3):

Averaging Period	HAP Name	HAP Name	Formaldehyde	HAP Name	HAP Name	HAP Name
24-hour modeled concentration			4.42			
for RISK analysis						
Annual modeled concentration			0.396			
for RISK analysis						

BEEST modeling

See RISK analysis results