

TO: Interested Parties / Applicant
RE: Level 3 Communications / 097-21856-00430
FROM: Felicia A. Robinson *FAA*
Manager of Environmental Planning
City of Indianapolis
Office of Environmental Services



Notice of Decision – Approval

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to 326 IAC 2, this approval was effective immediately upon submittal of the application.

If you wish to challenge this decision, IC 4-21.5-3-7 requires that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, Government Center North, Room 1049, Indianapolis, IN 46204, **within eighteen (18) calendar days from the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) The date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for considerations at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Indianapolis Office of Environmental Services, Air Permits at (317) 327-2234.

Enclosures

November 30, 2005



Certified Mail: 7000 0600 0023 5187 2117

Charles McKiever
Level 3 Communications
1025 Eldorado Blvd.
Broomfield, CO 80021

Re: 097-21856-00430
First Notice only Change to
Registration No.:
097-15528-00430

Dear Mr. McKiever:

Genuity Solutions was issued Registration 097-15528-00430 on December 13, 2002 for the operation of one (1) diesel powered emergency generator. A letter requesting a company name change from Genuity Solutions to Level 3 Communications was received on May 24, 2004. Due to the revision to the state rule this source is no longer subject to 325 IAC 2-6-1 (a) (Emission Reporting) because it is located in Marion County, it does not have an operating permit under 326 IAC 2-7 (Part 70 Permit Program), and it does not emit lead into ambient air at level equal to or greater than five (5) tons per year. At this time OES (Office of Environmental Services) will remove the emission statement condition from the Registration. Changes have also been made to the mailing address and authorized individual. Therefore, pursuant to 326 IAC 2-5.5-6(d)(2), the Registration is hereby amended as follows: (the bold language is new language that has been added, and the language with a line through it has been taken out).

1. As per a letter received on May 24, 2004 requesting name change of the source from Genuity Solutions to Level 3 Communications the Registration has been changed as follows:

~~Genuity Solutions~~ **Level 3 Communications**
733 W. Henry St.
Indianapolis, IN 46225

2. A change in the owner/operator information is noted and incorporated into the permit as follows:

~~Mr. William Irwin~~ **Charles McKiever**
~~Genuity Inc.~~ **Level 3 Communications**
~~235 Presidential Way MC-26/15a~~ **1025 Eldorado Blvd.**
~~Weburn, MA 01888~~ **Broomfield, CO 80021**

3. Change to IDEM, OAQ address is acknowledged and incorporated into the permit as follows:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue ~~P.O. Box 6045~~
Indianapolis, IN ~~46204-2251~~ **46206-6045**

Department of Public Works
Office of Environmental Services
2700 South Belmont Avenue (317) 327-2234
Indianapolis, Indiana 46221 (fax) 327-2274
(TDD) 325-5186
www.indygov.org

- (d) An authorized individual shall provide an annual notice to the Office of Air Quality and the City of Indianapolis Office of Environmental Services (OES) that the source is in operation and in compliance with this Registration pursuant to 326 IAC 2-5.1-2(f)(3)). The annual notice shall be submitted to:

Compliance Data Section
Office of Air Management
100 North Senate Avenue
Indianapolis, IN 46204-2251

and

Office of Environmental Services
Air Quality Management Section, Compliance Data Group
2700 South Belmont Avenue
Indianapolis, Indiana 46221-2097

no later than March 1 of each year, with the annual notice being submitted in the format attached.

This Registration is the first air approval issued to this source. The source may operate according to 326 IAC 2-5.5.

An application or notification shall be submitted in accordance with 326 IAC 2 to the Office of Air Quality (OAQ), and Indianapolis OES if the source proposes to construct new emission units, modify existing emission units, or otherwise modify the source.

Sincerely,



Felicia A. Robinson
Manager of Environmental Planning

file

cc: cc: file (2 copies)
Mindy Hahn, IDEM

November 30, 2005

Charles McKiever
Level 3 Communications
1025 Eldorado Blvd.
Broomfield, CO 80021



Re: 097-21856-00430 First Notice Only Change to
Registered Construction and Operation Status
097-15528-00430

Dear Mr. McKiever,

An application requesting a name change and a change of mailing address was received on May 24, 2004. The following is a Notice Only Change to the original Registration 097-15528-00430.

The application from Level 3 Communications, received on April 24, 2002, has been reviewed. Based on the data submitted and the provisions in 326 IAC 2-5.1, it has been determined that the following unit, located at 733 West Henry Street, Indianapolis, Indiana 46225 is classified as registered:

- (a) One (1) No. 2 diesel oil powered emergency generator, identified as 00001, with a maximum heat input rate of 17.34 mmBtu/hr, and exhausting through stack, identified as Stack 1. This unit was constructed in March 2000, and began operation on April 26, 2000.
- (b) One (1) above-ground, horizontal tank with a maximum capacity of 5000 gallons to store No. 2 diesel oil.

The following conditions shall be applicable:

- (a) Pursuant to an EPA memorandum, dated September 6, 1995, the potential to emit for emergency generators shall be calculated based upon 500 hours per year of operation.
- (b) 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:
 - (1) Opacity shall not exceed an average of thirty percent (30%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.
 - (2) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings in a 6-hour period 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) Pursuant to 326 IAC 8-9 (volatile organic liquid storage vessels), the permittee shall maintain a record and submit to IDEM, Compliance Data Section and OES a report containing the following information for the vessel:
 - (1) The vessel identification number.
 - (2) The vessel dimensions.
 - (3) The vessel capacity.The record shall be maintained for the life of the vessel.

- (d) An authorized individual shall provide an annual notice to the Office of Air Quality and the City of Indianapolis Office of Environmental Services (OES) that the source is in operation and in compliance with this Registration pursuant to 326 IAC 2-5.1-2(f)(3)). The annual notice shall be submitted to:

Compliance Data Section
Office of Air Management
100 North Senate Avenue
Indianapolis, IN 46204-2251

and

Office of Environmental Services
Air Quality Management Section, Compliance Data Group
2700 South Belmont Avenue
Indianapolis, Indiana 46221-2097

no later than March 1 of each year, with the annual notice being submitted in the format attached.

This Registration is the first air approval issued to this source. The source may operate according to 326 IAC 2-5.5.

An application or notification shall be submitted in accordance with 326 IAC 2 to the Office of Air Quality (OAQ), and Indianapolis OES if the source proposes to construct new emission units, modify existing emission units, or otherwise modify the source.

Sincerely,



Felicia A. Robinson
Manager of Environmental Planning

file
cc: file (2 copies)
Mindy Hahn, IDEM

Registration Annual Notification

This form should be used to comply with the notification requirements under 326 IAC 2-5.1-2(f)(3) .

Company Name: Level 3 Communications
Source Address: 733 West Henry Street, Indianapolis, Indiana 46225
Mailing Address: 1025 Eldorado Blvd., Broomfield, CO 80021
Authorized individual: Mr. Charles McKiever
Phone #: (781) 865-3179
Registration #: 097-15528-00430

I hereby certify that Level 3 Communications is still in operation and is in compliance with the requirements of Registration 097-15528-00430.

Name (typed):
Title:
Signature:
Date: