

TO: Interested Parties / Applicant

RE: Indianapolis Power & Light – Harding Street Station / 097-219381-00033

FROM: Felicia A. Robinson  
Manager of Environmental Planning

## **Notice of Decision: Approval - Effective Immediately**

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 13-15-5-3, this permit is effective immediately, unless a petition for stay of effectiveness is filed and granted according to IC 13-15-6-3, and may be revoked or modified in accordance with the provisions of IC 13-15-7-1.

If you wish to challenge this decision, IC 4-21.5-3 and IC 13-15-6-1 require that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, Government Center North, Room 1049, Indianapolis, IN 46204, **within fifteen (15) calendar days of the receipt 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

January 26, 2006

Mr. Edward Convery  
Plant Manager  
Indianapolis Power & Light - Harding Street Station  
3700 South Harding Street  
Indianapolis, Indiana 46217



CERTIFIED MAIL 7000 0600 0023 5187 6900

Re: Interim Significant Source Modification Petition  
**097-21938I-00033**

Dear Mr. Convery:

On November 1, 2005, the City of Indianapolis Office of Environmental Services (OES) received an interim significant source modification petition from Indianapolis Power & Light - Harding Street Station located at 3700 South Harding Street, Indianapolis, Indiana 46217 for construction of new material handling systems associated with the planned flue gas desulfurization (FGD) scrubber for Unit 70.

Public notice of the interim significant source modification petition was published on December 7, 2005 in the Indianapolis Star Newspaper. The public comment period ended on December 21, 2005. Since there are no comments received during the public comment period, pursuant to 326 IAC 2-13-1(i), the interim significant source modification petition is in effect as of the issue date and expires on the effective date of the final significant source modification permit. The interim significant source modification petition may be revoked after this effective date upon a written finding by the Indiana Department of Environmental Management (IDEM) and OES that any of the reasons for denial in 326 IAC 2-13-1(h) exist or if the final significant source modification permit is denied. IDEM, OAQ and OES have reviewed this interim significant source modification petition and have not found any such reason. The facilities specified in the interim significant source modification petition may not operate until the final significant source modification permit is issued by IDEM, OAQ and OES.

The interim significant source modification petition is federally enforceable. Detailed construction and operation conditions will be specified in the final significant source modification permit **097-21938-00033**.

If you have any questions regarding this interim significant source modification petition, please contact please contact Mr. Mark Caraher of my staff at (317) 327-2272.

Sincerely,

ORIGINAL SIGNED by:

Felicia A. Robinson  
Manager of Environmental Planning  
Office of Environmental Services

MBC

Enclosure: Interim Permit Evaluation (3 pages)

cc: File -- Marion County Health Department  
Matt Mosier – OES Air Compliance Section  
files



Air Quality Hotline: 317-327-4AIR | [knozone.com](http://knozone.com)

Department of Public Works  
Office of Environmental Services

2700 Belmont Avenue  
Indianapolis, IN 46221

317-327-2234  
Fax 327-2274  
TDD 327-5186  
[indygov.org/dpw](http://indygov.org/dpw)

**Indiana Department of Environmental Management  
Office of Air Management  
And  
City of Indianapolis  
Office of Environmental Services**

**Interim Significant Source Modification Evaluation Sheet**

Company Name: Indianapolis Power & Light – Harding Street Station	
Location: 3700 South Harding Street, Indianapolis, IN 46217	Permit No: 097-21938I-00033
Permit Reviewer: M. Caraher	Date Receipt of Application: 11/01/05
Date of review: 1/12/05	
Description of the interim construction: Material handling systems, including coal handling, associated with Unit 7's Flue Gas Desulfurization Scrubber project	
Public Notice Date + 17 days = December 7, 2005 + 17 days = December 24, 2005	
Date the Application was received + 19 days = November 20, 2005	

Interim Petition Applicability: 326 IAC 2-13-1

- (a) Existing Source with valid permit;
- (b) Exemptions:
- (1) construction of a PSD source or PSD modification;
  - (2) construction or modification in nonattainment area that would emit those pollutants for which the nonattainment designation is based.
  - (3) any modification subject to 326 IAC 2-4.1.
- (c) Public notice comment period is 14 calendar days.

**Instructions: Check (  ) appropriate answers and make a recommendation.**

1. Did the applicant submit a written petition for an interim permit?  
 Yes Go to question 2.  
 No Ignore verbal request.
2. Did the applicant pay the \$500 interim permit fee?  
 Yes Go to question 3.  
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(1).
3. Did the applicant state acceptance of federal enforceability of an interim permit?  
 Yes Go to question 4.  
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(D).
4. Did the applicant or its authorized agent sign the application?  
 Yes Go to question 5.  
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(E).
5. Did the applicant submit a notarized affidavit stating that the applicant will proceed at its own risk (if the interim permit is issued), including, but not limited to:

- (a) Financial risk,
- (b) Risk that additional emission controls may be required,
- (c) Risk that the final permit may be denied.

Yes Go to question 6.  
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(F).

6. Did the applicant begin construction prior to submitting the interim permit application?

Yes Deny the application, pursuant to 326 IAC 2-13-1(h)(6).  
 No Go to question 7.

7. What is the type of the interim construction?

New Source Deny the application, pursuant to 326 IAC 2-13-1(a)  
 Modification to an existing source Go to question 8.

8. Did the applicant present data in the interim permit that is sufficient to determine PSD, NSPS, NESHAP, and state rule compliance?

Yes Go to question 9.  
 No Deny the application pursuant to:  
326 IAC 2-13-1(c)(2)(B), for PSD ;  
326 IAC 2-13-1(c)(2)(C), for NSPS or NESHAP;  
326 IAC 2-13-1(c)(2)(C), for state rules.

9. Is the proposed modification to be located in a nonattainment area?

Yes Go to question 10.  
 No Go to question 11. County: \_\_\_\_\_ County

10. Will the proposed modification emit the pollutant for which the area is nonattainment in quantities greater than the significant levels?

Yes Deny the application, pursuant to 326 IAC 2-13-1(a)(2).  
 No Go to question 11.

11. Did the petition include a complete description of the process?

Yes Go to question 12.  
 No Deny the petition, pursuant to 326 IAC 2-13-1(c)(2).

12. Did the interim permit petition contain conditions accepting either emission controls (baghouse, afterburners, scrubbers, etc.) or enforceable limits or other suitable restriction to avoid PSD applicability; as well as control parameters (incinerator operating temperature, baghouse pressure drop, etc.)? The specific limits must be explicitly spelled out (i.e.: The gas consumption of the boiler shall not exceed 29 million cubic feet per month.) A statement such as that the company agrees to conditions such that PSD rules are not applicable is not acceptable.

Yes Go to question 13.  
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(B).

13. Do the emission controls and/or throughput limits prevent PSD applicability?

Yes Go to question 14.  
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(B).

14. Will the modification, after application of all emission controls and/or throughput limitations comply with all applicable New Source Performance Standards (NSPS) (40 CFR 60)?

Yes Go to question 15.  
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(C).

15. Will the modification, after application of all emission controls and/or throughput limitations comply with all applicable National Emission Standards for Hazardous Air Pollutants (NESHAP)?  
 Yes Go to question 16.  
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(C).
16. Will the modification, after application of all emission controls and/or throughput limitations, comply with all applicable state rules?  
 Yes Go to question 17.  
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(C).
17. Does the applicant dispute applicability of any applicable state or federal rule?  
 Yes Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(C).  
 No Go to question 18.
18. Is there good reason to believe that the applicant does not intend to construct in accordance with the interim permit petition?  
 Yes Deny the application, pursuant to 326 IAC 2-13-1(h)(1).  
 No Go to question 19.
19. Is there good reason to believe that information in the petition has been falsified?  
 Yes Deny the application, pursuant to 326 IAC 2-13-1(h)(7).  
 No Approve the interim permit petition.
20. Has the petition been adequately public noticed? A proof of publication copy is necessary.  
 Yes Go to question 21.  
 No Deny the application, pursuant to 326 IAC 2-13-1(e).

Newspaper: Indianapolis Star Newspaper

Date of publication: December 7, 2005

21. Were comments received within seventeen (17) days after the public notice of the interim permit? (14 calendar days for comment period + 3 working days for mailing)  
 Yes Evaluate the comments received, and make a recommendation.  
 No Issue the final interim permit approval.

Comments: PTE of PM/PM10/PM 2.5 > 75 tpy for each. Nonattainment for PM2.5; Current NSR for PM2.5 NSR is not SIP approved; Marion County attainment for PM10

Recommendation: Therefore, approve Interim Approval request

Date the applicant was informed of the decision:

Method of informing the applicant: Following OAQ & OES review/approval to issue - in writing with the decision; by e-mail notice