



Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

TO: Interested Parties / Applicant
DATE: March 9, 2006
RE: Gary Oak Hill Cemetery / 089-22515-00501
FROM: Paul Dubenetzky
Chief, Permits Branch
Office of Air Quality

Notice of Decision – Approval

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

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

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

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

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

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosures
FNPER-AM.dot 1/10/05



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

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Mr. Willie Ward
Gary Oak Hill Cemetery
4450 Harrison Street
Gary, IN 46408

March 9, 2006

Dear Mr. Ward:

Re: Exempt Construction and Operation Status,
089-22515-00501

The application from Gary Oak Hill Cemetery, received on January 3, 2006, has been reviewed. Based on the data submitted and the provisions in 326 IAC 2-1.1-3, it has been determined that the following operation of cremation of human remains, to be located at 4450 Harrison Street, Gary, Indiana 46408, is classified as exempt from air pollution permit requirements:

The source consists of the following emission units and pollution control devices:

One (1) crematory incinerator for human remains, with a maximum capacity of 150 pounds per hour, using no control, exhausting to the atmosphere.

The following conditions shall be applicable:

- (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:
 - (a) Opacity shall not exceed an average of twenty percent (20%) 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 15 minutes (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.
- (2) Pursuant to 326 IAC 4-2-2 (Incinerators), the crematory incinerator shall comply with the following requirements:
 - (a) Consist of primary and secondary chambers or the equivalent;
 - (b) Be equipped with a primary burner;
 - (c) Comply with 326 IAC 5-1 and 326 IAC 2;
 - (d) Be maintained, operated, and burn waste in accordance with the manufacturer's specifications or an operation and maintenance plan approved by the Commissioner;

- (e) Not emit particulate matter in excess of five-tenths (0.5) pound of particulate matter per one thousand (1,000) pounds of dry exhaust gas under standard conditions corrected to fifty percent (50%) excess air for incinerators with solid waste capacity less than two hundred (200) pounds per hour;
- (f) If any of the above requirements (a) through (e) are not met, then the owner or operator shall stop charging the incinerator until adjustments are made that address the underlying cause of the deviation, and;
- (g) Comply with other state and/or local rules or ordinances regarding installation and operation of incinerators.

This exemption is the first air approval issued to this source.

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

Sincerely,

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

JF

cc: File - Lake County
Lake County Health Department
Gary Department of Environmental Affairs
Permit Tracking
Compliance Data Section

**Indiana Department of Environmental Management
Office of Air Quality
And
Gary Department of Environmental Affairs**

Technical Support Document (TSD) for an Exemption

Source Background and Description

Source Name:	Gary Oak Hill Cemetery
Source Location:	4450 Harrison Street, Gary, Indiana 46408
County:	Lake
SIC Code:	7261
Operation Permit No.:	089-22515-00501
Permit Reviewer:	James Farrell

The Office of Air Quality (OAQ) has reviewed an application from Gary Oak Hill Cemetery relating to the operation of crematory incinerator for human remains.

Emission Units and Pollution Control Equipment

The source consists of the following emission units and pollution control devices:

One (1) crematory incinerator for human remains, with a maximum capacity of 150 pounds per hour, using no control, exhausting to the atmosphere.

Enforcement Issue

There are no enforcement actions pending.

Recommendation

The staff recommends to the Commissioner that the 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.

An application for the purposes of this review was received on January 3, 2006, with additional information received on February 20, 2006.

Emission Calculations

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

Potential to Emit

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	2.3
PM-10	2.3
SO ₂	0.8
VOC	1.0
CO	3.3
NO _x	1.0

HAPs	Potential to Emit (tons/yr)
Single HAP	negligible
Combined HAPs	negligible

- (a) The potential to emit (as defined in 326 IAC 2-1.1-1(16)) of pollutants are less than the levels listed in 326 IAC 2-1.1-3(d)(1). Therefore, the source is subject to the provisions of 326 IAC 2-1.1-3. An exemption will be issued.
- (b) The potential to emit (as defined in 326 IAC 2-1.1-1(16)) of any single HAP is less than ten (10) tons per year and the potential to emit (as defined in 326 IAC 2-1.1-1(16)) of a combination of HAPs is less than twenty-five (25) tons per year. Therefore, the source is subject to the provisions of 326 IAC 2-1.1-3. An exemption will be issued.
- (c) Fugitive Emissions
 Since this type of operation is not one of the twenty-eight (28) listed source categories under 326 IAC 2-2 and since there are no applicable New Source Performance Standards that were in effect on August 7, 1980, the fugitive particulate matter (PM) and volatile organic compound (VOC) emissions are not counted toward determination of PSD and Emission Offset applicability.

County Attainment Status

The source is located in Lake County.

Pollutant	Status Status
PM-10	Attainment
PM-2.5	Nonattainment
SO ₂	Nonattainment
NO ₂	Attainment
1-hour Ozone	Severe Nonattainment
8-hour Ozone	Moderate Nonattainment
CO	Attainment
Lead	Attainment

- (a) Volatile organic compounds (VOC) and Nitrogen Oxides (NOx) are regulated under the Clean Air Act (CAA) for the purposes of attaining and maintaining the National Ambient Air Quality Standards (NAAQS) for ozone.

- (1) On January 26, 1996 in 40 CFR 52.777(i), the U.S. EPA granted a waiver of the requirements of Section 182(f) of the CAA for Lake and Porter Counties, including the lower NOx threshold for nonattainment new source review. Therefore, VOC emissions alone are considered when evaluating the rule applicability relating to the 1-hour ozone standards. Lake County has been designated as severe nonattainment in Indiana for the 1-hour ozone standard. Therefore, VOC emissions were reviewed pursuant to the requirements for Emission Offset, 326 IAC 2-3. See the State Rule Applicability for the source section.
 - (2) VOC and NOx emissions are considered when evaluating the rule applicability relating to the 8-hour ozone standard. Lake County has been designated as moderate 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. See the State Rule Applicability for the source section.
- (b) U.S.EPA in Federal Register Notice 70 FR 943 dated January 5, 2005 has designated Lake County as nonattainment for PM2.5. On March 7, 2005 the Indiana Attorney General's Office on behalf of IDEM filed a law suit with the Court of Appeals for the District of Columbia Circuit challenging U.S. EPA's designation of non-attainment areas without sufficient data. However, in order to ensure that sources are not potentially liable for violation of the Clean Air Act, the OAQ is following the U.S. EPA's guidance to regulate PM10 emissions as surrogate for PM2.5 emissions pursuant to the Non-attainment New Source Review requirements. See the State Rule Applicability for the source section.
 - (c) Lake County has been classified as nonattainment in Indiana for sulfur dioxide. Therefore, these emissions were reviewed pursuant to the requirements for Emission Offset, 326 IAC 2-3. See the State Rule Applicability for the source section.
 - (d) Lake County has been classified as attainment or unclassifiable in Indiana for all remaining 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.
 - (e) Fugitive Emissions
Since this type of operation is not one of the 28 listed source categories under 326 IAC 2-2 or 2-3 and since there are no applicable New Source Performance Standards that were in effect on August 7, 1980, the fugitive particulate matter (PM) and volatile organic compound (VOC) emissions are not counted toward determination of PSD and Emission Offset applicability.

Source Status

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

Pollutant	Emissions (tons/yr)
PM	2.3
PM-10	2.3
SO ₂	0.8
VOC	1.0
CO	3.3
NO _x	1.0
Single HAP	Negligible
Combination HAPs	Negligible

- (a) This new source is **not** a major stationary source because no attainment pollutant is emitted at a rate of 250 tons per year or greater, no nonattainment pollutant is emitted at a rate of 25 tons per year for VOC for 1-hour ozone severe nonattainment and 100 tons per year or greater for all other nonattainment pollutants, and it is not in one of the 28 listed source categories. Therefore, pursuant to 326 IAC 2-2 and 2-3, the PSD and Emission Offset requirements do not apply.

Part 70 Permit Determination

326 IAC 2-7 (Part 70 Permit Program)

This new source is not subject to the Part 70 Permit requirements because the potential to emit (PTE) of:

- (a) each criteria pollutant is less than 100 tons per year,
(b) a single hazardous air pollutant (HAP) is less than 10 tons per year, and
(c) any combination of HAPs is less than 25 tons per year.

This is the first air approval issued to this source.

Federal Rule Applicability

- (a) This source is not subject to the requirements of the New Source Performance Standard, 326 IAC 12, 40 CFR 60.50, Subpart E - Standards of Performance for Incinerators, because the crematory incinerator has a charging rate less than fifty (50) tons per day and does not burn solid waste. Therefore, this NSPS is not included in this exemption.
- (b) This source is not subject to any other requirements of the New Source Performance Standards, including but not limited to, 326 IAC 12, 40 CFR 60.30, Subpart CE and 40 CFR 60.50, EC- Standards of Performance for Hospital/Medical/Infectious Waste Incinerators and 40 CFR 60.50a, Subpart EA and 40 CFR 60.50b, Subpart EB - Standards of Performance for Munciple Waste Combustors because the crematory incinerator does not burn hospital waste, medical/infectious waste and municipal or solid waste, respectively. Therefore, no other NSPS's are included in this exemption.
- (c) The crematory incinerator is not subject to the requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAP), Subpart DDDDD – Standards for Industrial, Commercial, and Institutional Boilers and Process Heaters, because it is neither a boiler nor a process heater and the single HAP and combined HAPs are less than 10 tons/year and 25 tons/year, respectively. Therefore, this NESHAP is not included in this exemption.
- (d) This source is not subject to the requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAP), Subpart EEE - Hazardous Waste Combustors (326 IAC 20-28-1), because the crematory incinerator is not considered a hazardous waste incinerator and the single HAP and combined HAPs are less than 10 tons/year and 25 tons/year, respectively. Therefore, this NESHAP is not included in this exemption.

State Rule Applicability – Entire Source

326 IAC 2-2 (Prevention of Significant Deterioration)

This source, located in Lake County, which is classified as attainment for PM-10, NO_x, CO and Lead, has the potential to emit of attainment pollutants less than two hundred fifty (250) tons per year, and is not one of the twenty-eight (28) listed source categories. Therefore, 326 IAC 2-2 does not apply.

326 IAC 2-3 (Emission Offset)

This source, located in Lake County, which is classified as severe nonattainment for 1-hour ozone and moderate nonattainment for 8-hour ozone, is not a major source of VOCs because VOCs is not emitted at a rate of 25 tons per year or greater. This source, which is also classified as nonattainment for SO₂ and PM-2.5 is not a major source of SO₂ and PM-2.5 because SO₂, NO_x and PM-2.5 are not emitted at a rate of 100 tons per year or greater. Therefore, 326 IAC 2-3 does not apply.

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

This source will emit less than 10 tons per year of a single HAP and 25 tons per year of a combination of HAPs. Therefore, 326 IAC 2-4.1 does not apply.

326 IAC 2-6 (Emission Reporting)

This source is not required to have an operating permit under 326 IAC 2-7, is located in Lake County and the potential to emit of VOC and NO_x is less than twenty-five (25) tons per year and does not emit lead into the ambient air at levels \geq 5 tpy. Therefore, 326 IAC 2-6 does not apply.

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 Alternative Opacity Limitations), opacity shall meet the following, unless otherwise stated in the permit:

- (a) Opacity shall not exceed an average of twenty percent (20%) 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.

326 IAC 8-7-2 (Specific VOC Reduction Requirements for Lake, Porter, Clark, and Floyd Counties)

The potential to emit of VOCs at this source, located in Lake County, is less than the applicability threshold of 25 tons per year. Therefore, 326 IAC 8-7-2 does not apply.

State Rule Applicability – Individual Facilities

326 IAC 4-2-2 (Incinerators)

Pursuant to 326 IAC 4-2-2, the crematory incinerator shall comply with the following requirements:

- (a) Consist of primary and secondary chambers or the equivalent;
- (b) Be equipped with a primary burner;
- (c) Comply with 326 IAC 5-1 and 326 IAC 2;
- (d) Be maintained, operated, and burn waste in accordance with the manufacturer's specifications or an operation and maintenance plan approved by the Commissioner;
- (e) Not emit particulate matter in excess of five-tenths (0.5) pound of particulate matter per one thousand (1000) pounds of dry exhaust gas under standard conditions corrected to fifty percent (50%) excess air for incinerators with solid waste capacity less than two hundred (200) pounds per hour;

- (f) If any of the requirements of subdivisions (1) through (5) are not met, then the owner or operator shall stop charging the incinerator until adjustments are made that address the underlying cause of the deviation, and;
- (g) Comply with other state and/or local rules or ordinances regarding installation and operation of incinerators.

326 IAC 6-3 (Particulate Emission Limitations for Manufacturing Processes)

The incinerator is not subject to the requirements of 326 IAC 6-3 because pursuant to 326 IAC 6-3-1(b)(2), incinerators are exempt from the requirements of 326 IAC 6-3. Therefore, 326 IAC 6-3-2 does not apply.

326 IAC 7-1 (Sulfur Dioxide Emission Limitations)

The crematory incinerator is not subject to the requirements of 326 IAC 7-1, because the potential and the actual emissions of sulfur dioxide is less than applicable levels of twenty-five (25) tons per year and ten (10) pounds per hour.

326 IAC 8-1-6 (VOC rules: General Reduction Requirements for New Facilities)

The crematory incinerator is not subject to the requirements of 326 IAC 8-1-6 because the potential VOC emissions are less than the applicable level of twenty-five (25) tons per year.

Conclusion

The operation of this crematory incinerator of human remains shall be subject to the conditions of the attached Exemption No. 089-22515-00501.

**Appendix A: Emission Calculations
Incinerator**

Company Name: Gary Oak Hill Cemetery
Address City IN Zip: 4450 Harrison Street, Gary, IN 46408
Permit Number: 089-00501
Plt ID: 22515
Reviewer: James Farrell
Date: 17-Feb-05

THROUGHPUT lbs/hr 150

THROUGHPUT
ton/yr
657

	POLLUTANT				
	PM	SO2	CO	VOC	NOX
Emission Factor in lb/ton	7.0	2.5	10.0	3.0	3.0
Potential Emissions in ton/yr	2.3	0.8	3.3	1.0	1.0

Methodology

Emission factors are from AP 42 (5th Edition 1/95) Table 2.1-12, Uncontrolled emission factors for industrial/commercial refuse combustors, multiple chambers

Throughput (lb/hr) * 8760 hr/yr * ton/2000 lb = throughput (ton/yr)

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no update necessary 11/98