



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: July 18, 2006
RE: Kerry Savory, Inc. / 163-23321-00129
FROM: Nisha Sizemore
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 03/23/06



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

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Mr. Mike Reitz
 Kerry Savory, Inc.
 1515 Park Street
 Evansville, Indiana 47710

July 18, 2006

Re: 163-23321-00129
 Fourth Administrative Amendment to
 FESOP No. F163-15708-00129

Dear Mr. Reitz

Kerry Savory, Inc. was issued a FESOP permit renewal on September 9, 2004 for a stationary bread crumb/cracker and batter mix formulation source. After review it was noted that the Third Administrative Amendment number was in error. Pursuant to the provisions of 326 IAC 2-8-10 (a) (1), the permit is hereby administratively amended as follows:

- The cover page only was amended to change the Third Administrative Amendment permit number from 163-22092-00129 to 163-23050-00019. All the remaining permit numbers were correct. The **bold faced language** is new language that has been added and ~~language with a line drawn through~~ is language that has been removed

Third Administrative Amendment: 163- 22092 - 23050 -00129	
Issued by: Signed by Nysa L. James Nysa L. James, Section Chief Office of Air Quality	Issuance Date: June 27, 2006 Expiration Date: September 9, 2009

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

This decision is subject to the Indiana Administrative Orders and Procedures Act - IC 4-21.5-3-5. If you have any questions on this matter, please contact Gary Freeman, at (800) 451-6027, and ask for Gary Freeman or extension (3-5334), or dial (317) 233-5334.

Sincerely,

Original Signed By:
 Nysa L. James, Section Chief
 Permits Branch
 Office of Air Quality

Attachments: Updated Page
 NLJ/gkf

cc: File – Vanderburgh County
 Vanderburgh County Health Department
 Air Compliance Section – Derrick Ohning
 IDEM Southwest Regional Office
 City of Evansville EPA
 Permit Review Section 1 - Gary Freeman
 Billing, Licensing and Training Section - Chet Bohannon



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

and City of Evansville EPA

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

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

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

Indiana statutes from IC 13 and rules from 326 IAC, quoted 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 FESOP under 326 IAC 2-8.

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

Operation Permit No.: F 163-15708-00129	
Issued by: Original signed by Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: September 9, 2004 Expiration Date: September 9, 2009
First Significant Permit Revision 163-19665-00129, issued on June 22, 2005 First Administrative Amendment 163-21398-00129, issued on September 28, 2005 Second Administrative Amendment 163-22092-00129, issued March 10, 2006 Third Administrative Amendment: 163-23050-00129, issued June 27, 2006	
Fourth Administrative Amendment: 163-23321-00129	
Issued by: Nysa L. James, Section Chief Office of Air Quality	Issuance Date: Original Signed By: Expiration Date: September 9, 2009