



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels Jr.*  
Governor

*Thomas W. Easterly*  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

TO: Interested Parties / Applicant

DATE: August 4, 2008

RE: NIPSCO / 089-26722-00117

FROM: Matthew Stuckey, Branch 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, Suite N 501E, 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.dot12/3/07



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Kelly R. Carmichael  
Northern Indiana Public Service Company (NIPSCO)  
D.H. Mitchell Generating Station  
1 North Clark Road,  
Gary, Indiana 46402

August 4, 2008

Re: **089-26722-00117**  
First Administrative Amendment to  
Title IV (Acid Rain) Permit Renewal No.: **AR089-19676-00117**

Dear Mr. Carmichael:

Northern Indiana Public Service Company (NIPSCO) - R.M. Mitchell Generating Station was issued a Title IV (Acid Rain) Permit Renewal on July 24, 2006, for a stationary electric utility generating station located at 1 North Clark Road, Gary in Indiana. A letter requesting changes to this permit was received on July 7, 2008. The source requested that the permit be updated to incorporate the revised Phase II NO<sub>x</sub> Compliance Plan. Pursuant to 326 IAC 2-7-11(b), this change to the permit qualifies as an administrative permit amendment, since it is a revision that amends the requirements of Title IV of the Clean Air Act.

Pursuant to the provisions of 326 IAC 2-7-11, the permit is hereby modified as follows with deleted language as ~~strikeouts~~ and new language **bolded**:

5. Nitrogen Oxides Requirements [326 IAC 21]

- (a) The Permittee shall comply with the applicable acid rain emissions limitation of nitrogen oxides (NO<sub>x</sub>) for Units 4, 5, 6 and 11.
- (b) ~~NO<sub>x</sub> Early Election Compliance Plan for Unit 4:~~
- (1) ~~Pursuant to 40 CFR 76.8(d)(2), the Indiana Department of Environmental Management, Office of Air Quality approves a NO<sub>x</sub> early election compliance plan for Unit 4. The compliance plan is effective for calendar years 2000 through 2007. Under the compliance plan, the annual average NO<sub>x</sub> emission rate of Unit 4 for each calendar year, determined in accordance with 40 CFR 75, shall not exceed the applicable emission limitation, under 40 CFR 76.5(a)(1), of 0.45 lb/MMBtu for tangentially fired units boilers. If Unit 4 is in compliance with the applicable emission limitations for each year of the plan, then Unit 4 shall not be subject to the applicable emission limitation, under 40 CFR 76.7(a)(2), of 0.40 lb/MMBtu for tangentially fired boilers until January 1, 2008.~~
- (2) ~~Permittee must annually demonstrate that Unit 4 meet the NO<sub>x</sub> emission limit of 0.45 lb/MMBtu by showing that emissions at the common stack (through which all emissions from Units 4 and 5 are vented) meet such limit, based upon the data from certified continuous emission monitoring systems (CEMS) at common stack 1. CEMS certification must be performed in accordance with the requirements and specifications delineated at 40 CFR 75.~~

~~(c) — NOx Early Election Compliance Plan for Unit 5:~~

- ~~(1) — Pursuant to 40 CFR 76.8(d)(2), the Indiana Department of Environmental Management, Office of Air Quality approves a NOx early election compliance plan for Unit 5. The compliance plan is effective for calendar years 2000 through 2007. Under the compliance plan, the annual average NOx emission rate of Unit 5 for each calendar year, determined in accordance with 40 CFR 75, shall not exceed the applicable emission limitation, under 40 CFR 76.5(a)(1), of 0.45 lb/MMBtu for tangentially fired boilers. If Unit 5 is in compliance with its applicable emission limitations for each year of the plan, then Unit 5 shall not be subject to the applicable emission limitation, under 40 CFR 76.7(a)(2), of 0.40 lb/MMBtu for tangentially fired boilers until January 1, 2008.~~
- ~~(2) — Permittee must annually demonstrate that Unit 5 meet the NOx emission limit of 0.45 lb/MMBtu by showing that emissions at the common stack (through which emissions from Units 4 and 5 are vented) meet such limit, based upon the data from certified continuous emission monitoring systems (CEMS) at common stack 1. CEMS certification must be performed in accordance with the requirements and specifications delineated at 40 CFR 75.~~

~~(d) — NOx Early Election Compliance Plan for Unit 6:~~

- ~~(1) — Pursuant to 40 CFR 76.8(d)(2), the Indiana Department of Environmental Management, Office of Air Quality approves a NOx early election compliance plan for Unit 6. The compliance plan is effective for calendar years 2000 through 2007. Under the compliance plan, the annual average NOx emission rate of Unit 6 for each year, determined in accordance with 40 CFR 75, shall not exceed the applicable emission limitation, under 40 CFR 76.5(a)(1), of 0.45 lb/MMBtu for tangentially fired boilers. If Unit 6 is in compliance with its applicable emission limitation for each year of the plan, then Unit 6 shall not be subject to the applicable emission limitation, under 40 CFR 76.7(a)(2), of 0.40 lb/MMBtu for tangentially fired boilers until January 1, 2008.~~
- ~~(2) — Permittee must annually demonstrate that Unit 6 meets the NOx emission limit of 0.45 lb/MMBtu by showing that emissions at the common stack (through which emissions from Units 6 and 11 are vented) meet such limit, based upon the data from certified continuous emission monitoring systems (CEMS) at common stack 2. CEMS certification must be performed in accordance with the requirements and specifications delineated at 40 CFR 75.~~

~~(e) — NOx Early Election Compliance Plan for Unit 11:~~

- ~~(1) — Pursuant to 40 CFR 76.8(d)(2), the Indiana Department of Environmental Management, Office of Air Quality approves a NOx early election compliance plan for Unit 11. The compliance plan is effective for calendar years 2000 through 2007. Under the compliance plan, the annual average NOx emission rate of Unit 11 for each year, determined in accordance with 40 CFR 75, shall not exceed the applicable emission limitation, under 40 CFR 76.5(a)(2) of 0.50 lb/MMBtu for dry bottom wall-fired boilers. If Unit 11 is in compliance with its applicable emission limitation for each year of the plan, then Unit 11 shall not be subject to the applicable emission limitation, under 40 CFR 76.7(a)(2), or 0.46 lb/MMBtu for dry bottom wall-fired boilers until January 1, 2008.~~
- ~~(2) — Permittee must annually demonstrate that Unit 11 meets the NOx emission limit of 0.50 lb/MMBtu by showing that emissions at the common stack (through which all emissions from units 6 and 11 are vented) meet such limit, based upon the data from certified continuous emission monitoring systems (CEMS) at common stack 2. CEMS certification must be performed in accordance with the requirements and specifications delineated at 40 CFR 75.~~

- (b) NO<sub>x</sub> Emission Compliance Plan for Unit 4:**  
Pursuant to 40 CFR 76.7 the Indiana Department of Environmental Management, Office of Air Quality approves a standard NO<sub>x</sub> emission compliance plan for Unit 4. Under the plan, the NO<sub>x</sub> emissions from Unit 4 shall not exceed the annual average emission limitation of 0.40 lb/MMBtu for tangentially fired boilers.
- (c) NO<sub>x</sub> Emission Compliance Plan for Unit 5:**  
Pursuant to 40 CFR 76.7, the Indiana Department of Environmental Management, Office of Air Quality approves a standard NO<sub>x</sub> emission compliance plan for Unit 5. Under the plan, the NO<sub>x</sub> emissions from Unit 5 shall not exceed the annual average emission limitation of 0.40 lb/MMBtu for tangentially fired boilers.
- (d) NO<sub>x</sub> Emission Compliance Plan for Unit 6:**  
Pursuant to 40 CFR 76.7, the Indiana Department of Environmental Management, Office of Air Quality approves a standard NO<sub>x</sub> emission compliance plan for Unit 6. Under the plan, the NO<sub>x</sub> emissions from Unit 6 shall not exceed the annual average emission limitation of 0.40 lb/MMBtu for tangentially fired boilers.
- (e) NO<sub>x</sub> Emission Compliance Plan for Unit 11**  
Pursuant to 40 CFR 76.7, the Indiana Department of Environmental Management, Office of Air Quality approves a standard NO<sub>x</sub> emission compliance plan for Unit 11. Under the plan, the NO<sub>x</sub> emissions from Unit 11 shall not exceed the annual average emission limitation of 0.46 lb/MMBtu for dry bottom wall-fired boilers.
- ~~(f) The Permittee may revise the NO<sub>x</sub> averaging plan following the procedure in 40 CFR 76.~~
- (f) Permittee must annually demonstrate that Units 4 and 5 meets the NO<sub>x</sub> emission limit of 0.40 lb/MMBtu by showing that emissions at the common stack (through which emissions from Units 4 and 5 are vented) meet such limit, based upon the data from certified continuous emission monitoring systems (CEMS) at common stack CS45. CEMS certification must be performed in accordance with the requirements and specifications delineated at 40 CFR 75.**
- (g) Permittee must annually demonstrate that Units 6 and 11 meets the NO<sub>x</sub> emission limit of 0.40 lb/MMBtu by showing that emissions at the common stack (through which emissions from Units 6 and 11 are vented) meet such limit, based upon the data from certified continuous emission monitoring systems (CEMS) at common stack CS611. CEMS certification must be performed in accordance with the requirements and specifications delineated at 40 CFR 75.**
- ~~(g)~~ **(h)** In addition to the described NO<sub>x</sub> compliance plan, Units 4, 5, 6 and 11 shall comply with all other applicable requirements of 40 CFR 76, including the duty to reapply for a NO<sub>x</sub> compliance plan and requirements covering excess emissions.
- ~~(h)~~ **(i)** Pursuant to 40 CFR 72.80, 72.81, 72.82, and 72.83, NO<sub>x</sub> limits may be revised, however, no permit revision shall excuse any violation of an Acid Rain Program requirement that occurred prior to the effective date of the revision.

All other conditions of the permit shall remain unchanged and in effect.

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 Kimberley Malley, OAQ, 100 North Senate Avenue, MC 61-53, Room 1003, Indianapolis, Indiana, 46204-2251, or call at (800) 451-6027, and ask for Kimberley Malley or extension (3-9664), or dial (317) 233-9664.

Original signed by,

Tripurari P. Sinha, Ph. D., Section Chief  
Permits Branch  
Office of Air Quality

Attachments:     ***Updated Permit***

kmm

cc:     File – Lake County  
       Lake County Health Department  
       U.S. EPA, Region V  
       Northwest Regional Office  
       Air Compliance Inspector  
       Compliance Data Section  
       Permits Administration and Support Staff



Mitchell E. Daniels, Jr.  
 Governor

Thomas W. Easterly  
 Commissioner

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 Indianapolis, Indiana 46204  
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## TITLE IV (ACID RAIN) PERMIT RENEWAL OFFICE OF AIR QUALITY

**Northern Indiana Public Service Company (NIPSCO)  
 D.H. Mitchell Generating Station  
 1 North Clark Road, Gary, Indiana 46402**

**ORIS: 996**

The owners and operators (hereinafter collectively known as the Permittee) of the above source are issued this permit under the provisions of 326 Indiana Administrative Code (IAC) 21 with conditions listed on the attached pages.

Operation Permit No.: AR 089-19676-00117	
Issued by: Original signed by	Issuance Date: July 24, 2006
Nisha Sizemore Branch Chief Office of Air Quality	Expiration Date: July 24, 2011

Administrative Amendment No.: AR 087-26722-00117	
Original signed by:	Issuance Date: August 4, 2008
Tripurari P. Sinha, Ph. D., Section Chief Permits Branch Office of Air Quality	Expiration Date: July 24, 2011

## Title IV Operating Conditions

### Title IV Source Description:

- (a) One (1) tangentially-fired coal-fired boiler, identified as Unit 4, with construction completed in 1956, with a design heat input capacity of 1,250 million Btu per hour (MMBtu/hr), and exhausting to stack CS45.
- (b) One (1) tangentially-fired coal-fired boiler, identified as Unit 5, with construction completed in 1959, with a design heat input capacity of 1,250 million Btu per hour (MMBtu/hr), and exhausting to stack CS45.
- (c) One (1) tangentially-fired coal-fired boiler, identified as Unit 6, with construction completed in 1959, with a design heat input capacity of 1,250 million Btu per hour (MMBtu/hr), and exhausting to stack CS611. Unit 6 is equipped with low-nitrogen oxide (NOx) burners for NOx emissions control.
- (d) One (1) dry bottom wall-fired coal-fired boiler, identified as Unit 11, with construction completed in 1970, with a design heat input capacity of 1,107 million Btu per hour (MMBtu/hr), and exhausting to stack CS611. Unit 11 is equipped with low-nitrogen oxide (NOx) burners for NOx emissions control.

(The information contained in this box is descriptive information and does not constitute enforceable conditions.)

### 1. Statutory and Regulatory Authorities

In accordance with IC 13-17-3-4 and IC 13-17-3-11 as well as Titles IV and V of the Clean Air Act, the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ) issues this permit pursuant to 326 IAC 2 and 326 IAC 21 (incorporates by reference 40 Code of Federal Regulations (CFR) 72 through 78).

### 2. Standard Permit Requirements [326 IAC 21]

- (a) The designated representative has submitted a complete acid rain permit application in accordance with 40 CFR 72.30.
- (b) The Permittee shall operate Units 4, 5, 6, and 11 in compliance with this permit.

### 3. Monitoring Requirements [326 IAC 21]

- (a) The Permittee and, to the extent applicable, the designated representative of Units 4, 5, 6, and 11 shall comply with the monitoring requirements as provided in 40 CFR 75 and 76.
- (b) The emissions measurements recorded and reported in accordance with 40 CFR 75 and 76 shall be used to determine compliance by Units 4, 5, 6, and 11 with the acid rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (c) The requirements of 40 CFR 75 and 76 shall not affect the responsibility of the Permittee to monitor emissions of other pollutants or other emissions characteristics at Units 4, 5, 6, and 11 under other applicable requirements of the Clean Air Act and other provisions of the operating permit for the source.

### 4. Sulfur Dioxide Requirements [326 IAC 21]

- (a) The Permittee shall:
  - (1) Hold allowances, as of the allowance transfer deadline (as defined in 40 CFR 72.2), in the compliance subaccount of Units 4, 5, 6, and 11, after deductions under 40 CFR 73.34(c), not less than the total annual emissions of sulfur dioxide for the previous calendar year from Units 4, 5, 6, and 11; and,

- (2) Comply with the applicable acid rain emissions limitations for sulfur dioxide.
- (b) Each ton of sulfur dioxide emitted in excess of the acid rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Clean Air Act.
- (c) Units 4, 5, 6, and 11 shall be subject to the requirements under paragraph 4(a) of the sulfur dioxide requirements as follows:
  - (1) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or,
  - (2) Starting on the latter of January 1, 2000, or the deadline for monitor certification under 40 CFR 75, an affected unit under 40 CFR 72.6(a)(3).
- (d) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program
- (e) An allowance shall not be deducted in order to comply with the requirements under paragraph 4(a) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (f) An allowance allocated by the U.S. EPA under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the acid rain permit application, the acid rain permit, the acid rain portion of an operating permit, or the written exemption under 40 CFR 72.7 and 72.8 and 326 IAC 21, and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (g) An allowance allocated by U.S. EPA under the Acid Rain Program does not constitute a property right.
- (h) No permit revision may be required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program, provided that the increases do not require a permit revision under any other applicable requirement. [326 IAC 2-7-5(4)(A)]
- (i) No limit shall be placed on the number of allowances held by the Permittee. The Permittee may not, however, use allowances as a defense to noncompliance with any applicable requirement other than the requirements of the Acid Rain Program. [326 IAC 2-7-5(4)(B)]
- (j) Sulfur dioxide allowances shall be allocated to each unit at the source as follows:

SO <sub>2</sub> Annual Allowance Allocations (tons)					
	2005	2006	2007	2008	2009
Unit 4	3,116*	3,116*	3,116*	3,116*	3,116*
Unit 5	3,017*	3,017*	3,017*	3,017*	3,017*
Unit 6	2,969*	2,969*	2,969*	2,969*	2,969*
Unit 11	2,658*	2,658*	2,658*	2,658*	2,658*

\* The number of allowances allocated to Phase II affected units by U.S. EPA may change in a revision to 40 CFR 73 Tables 2, 3 and 4 and 326 IAC 21. In addition, the number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. Neither of the aforementioned conditions necessitates a revision to the unit SO<sub>2</sub> allowance allocations identified in this permit. (See 40 CFR 72.84)

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**5. Nitrogen Oxides Requirements [326 IAC 21]**

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- (a) The Permittee shall comply with the applicable acid rain emissions limitation of nitrogen oxides (NO<sub>x</sub>) for Units 4, 5, 6 and 11.
- (b) NO<sub>x</sub> Emission Compliance Plan for Unit 4:  
Pursuant to 40 CFR 76.7 the Indiana Department of Environmental Management, Office of Air Quality approves a standard NO<sub>x</sub> emission compliance plan for Unit 4. Under the plan, the NO<sub>x</sub> emissions from Unit 4 shall not exceed the annual average emission limitation of 0.40 lb/MMBtu for tangentially fired boilers.
- (c) NO<sub>x</sub> Emission Compliance Plan for Unit 5:  
Pursuant to 40 CFR 76.7, the Indiana Department of Environmental Management, Office of Air Quality approves a standard NO<sub>x</sub> emission compliance plan for Unit 5. Under the plan, the NO<sub>x</sub> emissions from Unit 5 shall not exceed the annual average emission limitation of 0.40 lb/MMBtu for tangentially fired boilers.
- (d) NO<sub>x</sub> Emission Compliance Plan for Unit 6:  
Pursuant to 40 CFR 76.7, the Indiana Department of Environmental Management, Office of Air Quality approves a standard NO<sub>x</sub> emission compliance plan for Unit 6. Under the plan, the NO<sub>x</sub> emissions from Unit 6 shall not exceed the annual average emission limitation of 0.40 lb/MMBtu for tangentially fired boilers.
- (e) NO<sub>x</sub> Emission Compliance Plan for Unit 11  
Pursuant to 40 CFR 76.7, the Indiana Department of Environmental Management, Office of Air Quality approves a standard NO<sub>x</sub> emission compliance plan for Unit 11. Under the plan, the NO<sub>x</sub> emissions from Unit 11 shall not exceed the annual average emission limitation of 0.46 lb/MMBtu for dry bottom wall-fired boilers.
- (f) Permittee must annually demonstrate that Units 4 and 5 meets the NO<sub>x</sub> emission limit of 0.40 lb/MMBtu by showing that emissions at the common stack (through which emissions from Units 4 and 5 are vented) meet such limit, based upon the data from certified continuous emission monitoring systems (CEMS) at common stack CS45. CEMS certification must be performed in accordance with the requirements and specifications delineated at 40 CFR 75.
- (g) Permittee must annually demonstrate that Units 6 and 11 meets the NO<sub>x</sub> emission limit of 0.40 lb/MMBtu by showing that emissions at the common stack (through which emissions from Units 6 and 11 are vented) meet such limit, based upon the data from certified continuous emission monitoring systems (CEMS) at common stack CS611. CEMS certification must be performed in accordance with the requirements and specifications delineated at 40 CFR 75.
- (h) In addition to the described NO<sub>x</sub> compliance plan, Units 4, 5, 6 and 11 shall comply with all other applicable requirements of 40 CFR 76, including the duty to reapply for a NO<sub>x</sub> compliance plan and requirements covering excess emissions.
- (i) Pursuant to 40 CFR 72.80, 72.81, 72.82, and 72.83, NO<sub>x</sub> limits may be revised, however, no permit revision shall excuse any violation of an Acid Rain Program requirement that occurred prior to the effective date of the revision.

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**6. Excess Emissions Requirements [40 CFR 77] [326 IAC 21]**

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- (a) If Unit 4, 5, 6, or 11 has excess emissions of sulfur dioxide in any calendar year, the designated representative shall submit a proposed offset plan to U.S. EPA and IDEM, OAQ as required under 40 CFR 77 and 326 IAC 21.

- (b) The designated representative shall submit required information to:

Indiana Department of Environmental Management  
Compliance Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, IN 46204-2251

and

Ms. Cecilia Mijares  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region V  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

and

U.S. Environmental Protection Agency  
Clean Air Markets Division  
1200 Pennsylvania Avenue, NW  
Mail Code (6204N)  
Washington, DC 20460

- (c) If Unit 4, 5, 6, or 11 has excess emissions, as defined in 40 CFR 72.2, in any calendar year the Permittee shall:

- (1) Pay to U.S. EPA without demand the penalty required, and pay to U.S. EPA upon demand the interest on that penalty, as required by 40 CFR 77 and 326 IAC 21; and,
- (2) Comply with the terms of an approved sulfur dioxide offset plan, as required by 40 CFR 77 and 326 IAC 21.

7. Record Keeping and Reporting Requirements [326 IAC 21]

- (a) Unless otherwise provided, the Permittee shall keep on site each of the following documents for a period of 5 years, as required by 40 CFR 72.9(f), from the date the document is created. This period may be extended for cause, at any time prior to the end of the 5 years, in writing by U.S. EPA or IDEM, OAQ:
- (1) The certificate of representation for the designated representative for Units 4, 5, 6, and 11 and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5 year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
  - (2) All emissions monitoring information collected in accordance with 40 CFR 75 shall be retained on site for 3 years;
  - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
  - (4) Copies of all documents used to complete an acid rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.

- (b) The designated representative of Units 4, 5, 6, and 11 shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR 72.90, Subpart I, 40 CFR 75, and 326 IAC 21. The required information is to be submitted to the appropriate authority(ies) as specified in 40 CFR 72.90, Subpart I, and 40 CFR 75.

#### 8. Submissions [326 IAC 21]

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- (a) The designated representative of Units 4, 5, 6, and 11 shall submit a certificate of representation, and any superseding certificate of representation, to U.S. EPA and IDEM, OAQ in accordance with 40 CFR 72 and 326 IAC 21.
- (b) The designated representative shall submit required information to:
- Indiana Department of Environmental Management  
Permits Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, IN 46204-2251
- and
- U.S. Environmental Protection Agency  
Clean Air Markets Division  
1200 Pennsylvania Avenue, NW  
Mail Code (6204N)  
Washington, DC 20460
- (c) Each such submission under the Acid Rain Program shall be submitted, signed and certified by the designated representative for all sources on behalf of which the submission is made.
- (d) In each submission under the Acid Rain Program, the designated representative shall certify, by his or her signature, the following statements which shall be included verbatim in the submission:
- (1) "I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made."; and,
- (2) "I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."
- (e) The designated representative of Units 4, 5, 6, and 11 shall notify the Permittee:
- (1) By the date of submission, of any Acid Rain Program submissions by the designated representative;
- (2) Within 10 business days of receipt of any written determination by U.S. EPA or IDEM, OAQ; and,
- (3) Provided that the submission or determination covers Unit 4, 5, 6, or 11.
- (f) The designated representative of Units 4, 5, 6, and 11 shall provide the Permittee a copy of any submission or determination under paragraph 8(e), unless the Permittee expressly waives the right to receive a copy.

9. Severability [326 IAC 21]

Invalidation of the acid rain portion of an operating permit does not affect the continuing validity of the rest of the operating permit, nor shall invalidation of any other portion of the operating permit affect the continuing validity of the acid rain portion of the permit. [40 CFR 72.72(b), 326 IAC 21, and 326 IAC 2-7-5(5)]

10. Liability [326 IAC 21]

- (a) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, an acid rain permit, an acid rain portion of an operation permit, or a written exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement by U.S. EPA pursuant to Section 113(c) of the Clean Air Act and shall be subject to enforcement by IDEM pursuant to 326 IAC 21 and IC 13-30-3.
- (b) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to Section 113(c) of the Clean Air Act, 18 U.S.C. 1001 and IDEM pursuant to 326 IAC 21 and IC 13-30-6-2.
- (c) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (d) Units 4, 5, 6, and 11 shall meet the requirements of the Acid Rain Program.
- (e) Any provision of the Acid Rain Program that applies to Unit 4, 5, 6, or 11, including a provision applicable to the designated representative of Unit 4, 5, 6, or 11 shall also apply to the Permittee.
- (f) Any provision of the Acid Rain Program that applies to Unit 4, 5, 6, or 11, including a provision applicable to the designated representative of Units 4, 5, 6, or 11, shall also apply to the Permittee. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NOx averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR 75, including 40 CFR 75.16, 75.17, and 75.18, the Permittee and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
- (g) Each violation of a provision of 40 CFR parts 72, 73, 75, 76, 77, and 78 by Unit 4, 5, 6, or 11, or by the Permittee or designated representative shall be a separate violation of the Clean Air Act.

11. Effect on Other Authorities [326 IAC 21]

No provision of the Acid Rain Program, an acid rain permit application, an acid rain permit, an acid rain portion of an operation permit, or a written exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (a) Except as expressly provided in Title IV of the Clean Air Act (42 USC 7651 to 7651(o)), exempting or excluding the Permittee and, to the extent applicable, the designated representative of Unit 4, 5, 6, or 11 from compliance with any other provision of the Clean Air Act, including the provisions of Title I of the Clean Air Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (b) Limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Clean Air Act;
- (c) Requiring a change of any kind in any state law regulating electric utility rates and

charges, affecting any state law regarding such state regulation, or limiting such state regulation, including any prudence review requirements under such state law;

- (d) Modifying the Federal Power Act (16 USC 791(a) et seq.) or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- (e) Interfering with or impairing any program for competitive bidding for power supply in a state in which such a program is established.