



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

TO: Interested Parties / Applicant

DATE: June 3, 2009

RE: Central Indiana Tire and Retreading / 097-27838-00512

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



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Judy Allen
Central Indiana Tire & Retreading, Inc.
1051 S. Laclede St.
Indianapolis, IN 46241

June 3, 2009

Re: Exempt Operation Status
097-27838-00512

Dear Ms. Allen:

The application from Central Indiana Tire & Retreading, Inc., received on May 1, 2009, requesting to transition from Minor Source Operating Permit No. M097-18149-00512, issued on November 24, 2003, to an Exemption has been reviewed. The Environmental Protection Agency emission factors for the manufacture of rubber products were revised in 2009, allowing Central Indiana Tire & Retreading, Inc. to transition from a MSOP to an Exemption. Based on the data submitted and the provisions in 326 IAC 2-1.1-3, it has been determined that the following stationary tire retreading facility located at 1051 S. Laclede St., Indianapolis, Indiana is classified as exempt from air pollution permit requirements:

- (a) Two (2) tire buffing operations, identified as P01A and P01B, constructed in 1996, with a maximum capacity of five (5) tires per hour each, using a cyclone as control, and exhausting to stack E-1.
- (b) Two (2) curing chambers, identified as C1 and C2, constructed in 1996 and 2003, respectively, with a combined maximum capacity of two hundred fifty (250) tires per day, using no control, and exhausting indoors.

The following conditions shall be applicable:

1. 326 IAC 5-1-2 (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:
 - (a) 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.
 - (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.
2. 326 IAC 6-4 (Fugitive Dust Emissions)
The Permittee shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4 (Fugitive Dust Emissions).

A copy of the Exemption is available on the Internet at: <http://www.in.gov/ai/appfiles/idem-caats/>. For additional information about air permits and how the public and interested parties can participate, refer to the IDEM's Guide for Citizen Participation and Permit Guide on the Internet at: www.idem.in.gov

An application or notification shall be submitted in accordance with 326 IAC 2 to the Office of Air Quality (OAQ) if the source proposes to construct new emission units, modify existing emission units, or otherwise modify the source. If you have any questions on this matter, please contact Summer Keown, OAQ, 100 North Senate Avenue, MC 61-53 IGCN 1003, Indianapolis, Indiana, 46204-2251, at 317-234-5175 or at 1-800-451-6027 (ext 4-5175).

Sincerely,



Alfred C. Dumauval, Ph. D., Section Chief
Permits Branch
Office of Air Quality

ACD/SJK

cc: File - Marion County
Marion County Health Department
Compliance and Enforcement Branch
Billing, Licensing and Training Section

Indiana Department of Environmental Management Office of Air Quality

Technical Support Document (TSD) for a MSOP Transitioning to an Exemption

Source Description and Location

Source Name: Central Indiana Tire & Retreading, Inc.
Source Location: 1051 S. Laclede St., Indianapolis, IN 46241
County: Marion
SIC Code: 7534
Exemption No.: 097-27838-00512
Permit Reviewer: Summer Keown

On May 1, 2009, the Office of Air Quality (OAQ) received an application from Central Indiana Tire & Retreading, Inc. related to the transition of a MSOP to an Exemption.

Existing Approvals

The source has been operating under MSOP No. M097-18149-000512, issued on November 24, 2003.

Due to this application, the source is transitioning from a MSOP to an Exemption.

County Attainment Status

The source is located in Marion County.

Pollutant	Designation
SO ₂	Better than national standards.
CO	Attainment effective February 18, 2000, for the part of the city of Indianapolis bounded by 11 th Street on the north; Capitol Avenue on the west; Georgia Street on the south; and Delaware Street on the east. Unclassifiable or attainment effective November 15, 1990, for the remainder of Indianapolis and Marion County.
O ₃	Attainment effective November 8, 2007, for the 8-hour ozone standard. ¹
PM ₁₀	Unclassifiable effective November 15, 1990.
NO ₂	Cannot be classified or better than national standards.
Pb	Attainment effective July 10, 2000, for the part of Franklin Township bounded by Thompson Road on the south; Emerson Avenue on the west; Five Points Road on the east; and Troy Avenue on the north. Attainment effective July 10, 2000, for the part of Wayne Township bounded by Rockville Road on the north; Girls School Road on the east; Washington Street on the south; and Bridgeport Road on the west. The remainder of the county is not designated.
¹ Attainment effective October 18, 2000, for the 1-hour ozone standard for the Indianapolis area, including Marion County, and is a maintenance area for the 1-hour ozone National Ambient Air Quality Standards (NAAQS) for purposes of 40 CFR 51, Subpart X*. The 1-hour designation was revoked effective June 15, 2005. Basic nonattainment designation effective federally April 5, 2005, for PM2.5.	

- (a) **Ozone Standards**
 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. Therefore, VOC and NOx emissions are considered when evaluating the rule applicability relating to ozone. Marion County has been designated as

attainment or unclassifiable for ozone. Therefore, VOC and NOx emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2.

- (b) **PM2.5**
Marion County has been classified as nonattainment for PM2.5 in 70 FR 943 dated January 5, 2005. On May 8 2008, U.S. EPA promulgated specific New Source Review rules for PM2.5 emissions, and the effective date of these rules was July 15, 2008. Therefore, direct PM2.5 and SO2 emissions were reviewed pursuant to the requirements of Nonattainment New Source Review, 326 IAC 2-1.1-5. See the State Rule Applicability – Entire Source section.
- (c) **Other Criteria Pollutants**
Marion County has been classified as attainment or unclassifiable in Indiana for all other criteria pollutants. Therefore, these emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2.

Fugitive Emissions

The fugitive emissions of criteria pollutants and hazardous air pollutants are counted toward the determination of 326 IAC 2-1.1-3 (Exemptions) applicability.

Background and Description of Emission Units and Pollution Control Equipment

The Office of Air Quality (OAQ) has reviewed an application, submitted by Central Indiana Tire & Retreading, Inc. on May 1, 2009, relating to the transition of a MSOP to an Exemption for a stationary tire retreading operation.

The source consists of the following existing emission unit(s):

- (a) Two (2) tire buffing operations, identified as P01A and P01B, constructed in 1996, with a maximum capacity of five (5) tire per hour each, using a cyclone as control, and exhausting to stack E-1.
- (b) Two (2) curing chambers, identified as C1 and C2, constructed in 1996 and 2003, respectively, with a combined maximum capacity of two hundred fifty (250) tires per day, using no control, and exhausting indoors.

Enforcement Issues

Central Indiana Tire & Retreading, Inc. was issued a MSOP No. M097-18149-00512 on November 24, 2003, for a stationary tire retreader. Pursuant to 326 IAC 2-6.1-7(a), the source was required to apply for a MSOP Renewal by July 24, 2008. On May 1, 2009, IDEM, OAQ received an application from Central Indiana Tire & Retreading, Inc. IDEM is reviewing this matter and will take the appropriate action. This proposed approval is intended to satisfy the requirements of the operating permit rules.

Emission Calculations

See Appendix A, pages 1 through 3, of this TSD for detailed emission calculations.

Permit Level Determination – Exemption

The following table reflects the unlimited potential to emit (PTE) of the entire source before controls. Control equipment is not considered federally enforceable until it has been required in a federally enforceable permit.

Process/ Emission Unit	Potential To Emit of the Entire Source (tons/year)								
	PM	PM10 *	PM2.5	SO ₂	NO _x	VOC	CO	Total HAPs	Worst Single HAP
Curing Chambers C1 and C2	negl.	negl.	negl.	0.00	0.00	4.69	0.00	2.78	2.45 (carbon disulfide)
Buffering Units P01A and P01B	negl.	negl.	negl.	0.00	0.00	0.05	0.00	negl.	negl.
Total PTE of Entire Source	negl.	negl.	negl.	0.00	0.00	4.74	0.00	2.78	2.45 (carbon disulfide)
Exemptions Levels	5	5	5	10	10	10	25	25	10
Registration Levels	25	25	25	25	25	25	100	25	10
negl. = negligible * Under the Part 70 Permit program (40 CFR 70), particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM10), not particulate matter (PM), is considered as a "regulated air pollutant".									

- (a) The potential to emit (PTE) (as defined in 326 IAC 2-1.1-1(16)) of all regulated criteria pollutants are less than the levels listed in 326 IAC 2-1.1-3(e)(1). Therefore, the source is subject to the provisions of 326 IAC 2-1.1-3 (Exemptions).
- (b) The potential to emit (PTE) (as defined in 326 IAC 2-1.1-1(16)) of any single HAP is less than ten (10) tons per year and the PTE of a combination of HAPs is less than twenty-five (25) tons per year. Therefore, this source is an area source under Section 112 of the Clean Air Act (CAA) and not subject to the provisions of 326 IAC 2-7.

Federal Rule Applicability Determination

New Source Performance Standards (NSPS)

- (a) There are no New Source Performance Standards (NSPS) (326 IAC 12 and 40 CFR Part 60) included in the permit.

National Emission Standards for Hazardous Air Pollutants (NESHAP)

- (b) There are no National Emission Standards for Hazardous Air Pollutants (NESHAPs) (326 IAC 14, 326 IAC 20 and 40 CFR Part 63) included in the permit.

Compliance Assurance Monitoring (CAM)

- (c) Pursuant to 40 CFR 64.2, Compliance Assurance Monitoring (CAM) is not included in the permit, because the unlimited potential to emit of the source is less than the Title V major source thresholds and the source is not required to obtain a Part 70 or Part 71 permit.

State Rule Applicability Determination

The following state rules are applicable to the source:

- (a) 326 IAC 2-1.1-3 (Exemptions)
 Exemption applicability is discussed under the Permit Level Determination – Exemption section above.

- (b) 326 IAC 2-4.1 (Major Sources of Hazardous Air Pollutants (HAP))
The potential to emit of any single HAP is less than ten (10) tons per year and the potential to emit of a combination of HAPs is less than twenty-five (25) tons per year. Therefore, this source is an area source under Section 112 of the Clean Air Act (CAA) and not subject to the provisions of 326 IAC 2-4.1.
- (c) 326 IAC 2-6 (Emission Reporting)
Pursuant to 326 IAC 2-6-1, this source is not subject to this rule, because it is not required to have an operating permit under 326 IAC 2-7 (Part 70), it is not located in Lake, Porter, or LaPorte County, and it does not emit lead into the ambient air at levels equal to or greater than 5 tons per year. Therefore, 326 IAC 2-6 does not apply.
- (d) 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 this permit:
- (1) Opacity shall not exceed an average of forty percent (40%) 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 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.
- (e) 326 IAC 6-4 (Fugitive Dust Emissions Limitations)
Pursuant to 326 IAC 6-4 (Fugitive Dust Emissions Limitations), the source shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4.
- (f) 326 IAC 6-5 (Fugitive Particulate Matter Emission Limitations)
The source is not subject to the requirements of 326 IAC 6-5, because the source does not have potential fugitive particulate emissions greater than 25 tons per year. Therefore, 326 IAC 6-5 does not apply.
- (g) 326 IAC 6.5 (Particulate Matter Limitations Except for Lake County)
326 IAC 6.5 is applicable to sources or facilities located in Marion County. This source is located in Marion County. However, because the potential to emit particulate matter for the source is less than one hundred (100) tons per year and the actual emission are less than ten (10) tons per year, this rule is not applicable to the source.
- (h) 326 IAC 8-1-6 (VOC Rules: General Reduction Requirements for New Facilities)
Each of the emission units at this source is not subject to the requirements of 326 IAC 8-1-6, since the unlimited VOC potential emissions from each emission unit is less than twenty-five (25) tons per year.

Tire buffing

- (i) 326 IAC 6-3-2 (Particulate Emission Limitations for Manufacturing Processes)
Pursuant to 326 IAC 6-3-2(e)(2), when the process weight rate for a manufacturing process is less than one hundred (100) pounds per hour, the allowable rate of emission is 0.551 pound per hour of particulate matter. Because PM emissions from the tire buffing operations are less than 0.551, they are exempt from this rule.

Curing Chambers

- (j) 326 IAC 8-1-6 (New Facilities; General Reduction Requirements)
The curing chambers, identified as C1 and C2, are not subject to the requirements of 326 IAC 8-1-6 because the potential VOC emissions are less than twenty-five (25) tons per year.

Conclusion and Recommendation

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 May 1, 2009.

The operation of this source shall be subject to the conditions of the attached proposed Exemption No. 097-27838-00512. The staff recommends to the Commissioner that this Exemption be approved.

IDEM Contact

- (a) Questions regarding this proposed permit can be directed to Summer Keown at the Indiana Department Environmental Management, Office of Air Quality, Permits Branch, 100 North Senate Avenue, MC 61-53 IGCM 1003, Indianapolis, Indiana 46204-2251 or by telephone at (317) 234-5175 or toll free at 1-800-451-6027 extension 4-5175.
- (b) A copy of the findings is available on the Internet at: <http://www.in.gov/ai/appfiles/idem-caats/>
- (c) For additional information about air permits and how the public and interested parties can participate, refer to the IDEM's Guide for Citizen Participation and Permit Guide on the Internet at: www.idem.in.gov

**Appendix A: Emissions Calculations
Particulate and VOC Emissions
Summary**

Company Name: Central Indiana Tire & Retreading, Inc.
Address City IN Zip: 1051 S. Laclede St., Indianapolis, IN 46241
Exemption Number: 097-27867-00512
Reviewer: Summer Keown
Date: May 21, 2009

Uncontrolled/Unlimited Potential Emissions

Emissions Units	PM	PM10	PM2.5	SO2	NOx	VOC	CO	Single HAP	Total HAPs
Tire Buffers	negl.	negl.	negl.	0.00	0.00	0.05	0.00	negl.	negl.
Curing	negl.	negl.	negl.	0.00	0.00	4.69	0.00	2.45 (carbon disulfide)	2.78
Total	negl.	negl.	0.00	0.00	0.00	4.74	0.00	2.45 (carbon disulfide)	2.78

**Appendix A: Emission Calculations
Particulate, VOC, and HAP Emissions
From Tire Buffing Operations**

**Company Name: Central Indiana Tire & Retreading, Inc.
Address City IN Zip: 1051 S. Laclede St., Indianapolis, IN 46241
Exemption Number: 097-27867-00512
Reviewer: Summer Keown
Date: May 21, 2009**

Emission Unit Description	Maximum Hourly Throughput (tires/hr)	Material Removed from Each Tire (lbs/tire)	Maximum Material Removed (lbs/hr)	Maximum Rubber Extruded (lbs/yr)	PM/PM-10/PM2.5 Emission Factor (lb/lb rubber extruded)	Uncontrolled PM/PM-10/PM2.5 Potential to Emit (tons/yr)	Control Device	Control Efficiency	PM/PM-10/PM2.5 Controlled Potential to Emit (tons/yr)	VOC Emission Factor (lb/lb rubber extruded)	VOC Potential to Emit (tons/yr)	Total HAPs Emission Factor (lb/lb rubber removed)	Total HAPs Potential to Emit (tons/yr)
P01A	5	5.00	25.00	219,000	9.09E-07	9.95E-05	Sock Filters	95.00%	4.98E-06	2.43E-04	0.03	1.33E-05	1.46E-03
P01B	5	5.00	25.00	219,000	9.09E-07	9.95E-05	Sock Filters	95.00%	4.98E-06	2.43E-04	0.03	1.33E-05	1.46E-03
Potential Emissions (tons/yr):						1.99E-04			9.95E-06		0.05		2.91E-03

METHODOLOGY

The emission factors are from U.S. EPA, AP-42, 5th Edition, Chapter 4.12, Draft 2008 MS Excel Spreadsheet c04s12_tables.xls for grinding Retread rubber were used.
Potential to Emit (tons/yr) = Maximum Rubber Extruded (lbs/yr) x Emission Factor (lb/lb rubber extruded) x (1 ton/2,000 lbs)

**Appendix A: Emission Calculations
VOC and HAP Emissions
From Hot Air Curing Chambers**

**Company Name: Central Indiana Tire & Retreading, Inc.
Address City IN Zip: 1051 S. Laclède St., Indianapolis, IN 46241
Exemption Number: 097-27867-00512
Reviewer: Summer Keown
Date: May 21, 2009**

Emission Unit Description	Maximum Hourly Throughput (tires/hr)*	Process Weight (lbs/tire)	Maximum Hourly Process Weight (lbs/hr)	Maximum Process Weight (lbs/yr)	PM/PM-10 Emission Factor (lb/lb rubber)	PM/PM-10 Potential to Emit (tons/yr)	VOC Emission Factor (lb/lb rubber)	VOC Potential to Emit (tons/yr)	Total HAPs Emission Factor (lb/lb rubber)	Total HAPs Potential to Emit (tons/yr)	Single HAP (Carbon Disulfide) Emission Factor (lb/lb rubber)	Single HAP (Carbon Disulfide) Potential to Emit (tons/yr)
C1 and C2	10.4	35.0	365	3,193,750	0.00E+00	0.00	2.94E-03	4.69	1.74E-03	2.78	1.53E-03	2.45
Potential Emissions (tons/yr):						0.00		4.69		2.78		2.45

Methodology:

The emission factors are from U.S. EPA, AP-42, 5th Edition, Chapter 4.12, Draft 2008 MS Excel Spreadsheet c04s12_tables.xls for hot air curing of Rubber Compound #22 were used as a worst case scenario.

Potential to Emit (tons/yr) = Maximum Process Weight (lbs/yr) x Emission Factor (lb/lb rubber) x (1 ton/2,000 lbs)

*Each of the hot air curing chambers has a capacity of 22 tires per four hour period. The source has eight (8) curing chambers on site, but two are used only as backup units. Therefore, calculations were performed for only six (6) curing chambers.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

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(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

SENT VIA U.S. MAIL: CONFIRMED DELIVERY AND SIGNATURE REQUESTED

TO: Judy Allen
Central Indiana Tire and Retreading
1051 S Laclede St
Indianapolis, IN 46241

DATE: June 3, 2009

FROM: Matt Stuckey, Branch Chief
Permits Branch
Office of Air Quality

SUBJECT: Final Decision
Exemption
097-27838-00512

Enclosed is the final decision and supporting materials for the air permit application referenced above. Please note that this packet contains the original, signed, permit documents.

The final decision is being sent to you because our records indicate that you are the contact person for this application. However, if you are not the appropriate person within your company to receive this document, please forward it to the correct person.

A copy of the final decision and supporting materials has also been sent via standard mail to:
Dave Allen, VP
OAQ Permits Branch Interested Parties List

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178, or toll-free at 1-800-451-6027 (ext. 3-0178), and ask to speak to the permit reviewer who prepared the permit. If you think you have received this document in error, please contact Joanne Smiddie-Brush of my staff at 1-800-451-6027 (ext 3-0185), or via e-mail at jbrush@idem.IN.gov.

Final Applicant Cover letter.dot 11/30/07

Mail Code 61-53

IDEM Staff	LPOGOST 6/3/2009 Central Indiana Tire and Retreading 097-27838-00512 (final)		AFFIX STAMP HERE IF USED AS CERTIFICATE OF MAILING	
Name and address of Sender		Indiana Department of Environmental Management Office of Air Quality – Permits Branch 100 N. Senate Indianapolis, IN 46204	Type of Mail: CERTIFICATE OF MAILING ONLY	

Line	Article Number	Name, Address, Street and Post Office Address	Postage	Handling Charges	Act. Value (If Registered)	Insured Value	Due Send if COD	R.R. Fee	S.D. Fee	S.H. Fee	Rest. Del. Fee
											Remarks
1		Judy Allen Central Indiana Tire and Retreading 1051 S Laclede St Indianapolis IN 46241 (Source CAATS) Via confirmed delivery									
2		Dave Allen VP Central Indiana Tire and Retreading 1051 Laclede St Indianapolis IN 46241 (RO CAATS)									
3		Marion County Health Department 3838 N, Rural St Indianapolis IN 46205-2930 (Health Department)									
4		Mrs. Sandra Lee Watson 7834 E 100 S Marion IN 46953 (Affected Party)									
5		Larry and Becky Bischoff 10979 North Smokey Row Road Mooresville IN 46158 (Affected Party)									
6		Indianapolis City Council and Mayors Office 200 East Washington Street, Room E Indianapolis IN 46204 (Local Official)									
7		Marion County Commissioners 200 E. Washington St. City County Bldg., Suite 801 Indianapolis IN 46204 (Local Official)									
8		Ms. Janet McCabe Improving Kids Environment 3951 N Meridian Street Suite 160 Indianapolis IN 46208-4062 (Affected Party)									
9		Matt Mosier Office of Sustainability 2700 South Belmont Ave. Administration Bldg. Indianapolis IN 46221 (Local Official)									
10											
11											
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Total number of pieces Listed by Sender	Total number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving employee)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstructing insurance is \$50,000 per piece subject to a limit of \$50, 000 per occurrence. The maximum indemnity payable on Express mil merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual R900, S913, and S921 for limitations of coverage on inured and COD mail. See International Mail Manual for limitations o coverage on international mail. Special handling charges apply only to Standard Mail (A) and Standard Mail (B) parcels.
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What if you are not satisfied with this decision and you want to file an appeal?

Who may file an appeal?

The decision described in the accompanying Notice of Decision may be administratively appealed. Filing an appeal is formally known as filing a “Petition for Administrative Review” to request an “administrative hearing.”

If you object to this decision issued by the Indiana Department of Environmental Management (IDEM) and are: 1) the person to whom the decision was directed, 2) a party specified by law as being eligible to appeal, or 3) aggrieved or adversely affected by the decision, you are entitled to file an appeal. (An aggrieved or adversely affected person is one who would be considered by the court to be negatively impacted by the decision. If you file an appeal because you feel that you are aggrieved, it will be up to you to demonstrate in your appeal how you are directly impacted in a negative way by the decision).

The Indiana Office of Environmental Adjudication (OEA) was established by state law – see Indiana Code (IC) 4-21.5-7 – and is a separate state agency independent of IDEM. The jurisdiction of the OEA is limited to the review of environmental pollution concerns or any alleged technical or legal deficiencies associated with the IDEM decision making process. Once your request has been received by OEA, your appeal may be considered by an Environmental Law Judge.

What is required of persons filing an appeal?

Filing an appeal is a legal proceeding, so it is suggested that you consult with an attorney. Your request for an appeal must include your name and address and identify your interest in the decision (Or, if you are representing someone else, his or her name and address and their interest in the decision). In addition, please include a photocopy of the accompanying Notice of Decision or list the permit number and name of the applicant, or responsible party, in your letter.

Before a hearing is granted, you must identify the reason for the appeal request and the issues proposed for consideration at the hearing. You also must identify the permit terms and conditions that, in your judgment, would appropriately satisfy the requirements of law with respect to the IDEM decision being appealed. That is, you must suggest an alternative to the language in the permit (or other order, or decision) being appealed, and your suggested changes must be consistent with all applicable laws (See Indiana Code 13-15-6-2) and rules (See Title 315 of the Indiana Administrative Code, or 315 IAC).

The effective date of this agency action is stated on the accompanying Notice of Decision (or other IDEM decision notice). If you file a “Petition for Administrative Review” (appeal), you may wish to specifically request that the action be “stayed” (temporarily halted) because most appeals do not allow for an automatic “stay.” If, after an evidentiary hearing, a “stay” is granted, the IDEM-approved action may be halted altogether, or only allowed to continue in part, until a final decision has been made regarding the appeal. However, if the action is not “stayed” the IDEM-approved activity will be allowed to continue during the appeal process.

(See reverse side)

Where can you file an appeal?

If you wish to file an appeal, you must do so in writing. There are no standard forms to fill out and submit, so you must state your case in a letter (called a petition for administrative review) to the Indiana Office of Environmental Adjudication (OEA). Do not send the original copy of your appeal request to IDEM. Instead, send or deliver your letter to:

The Indiana Office of Environmental Adjudication
100 North Senate Ave.
Indiana Government Center North
Room 1049
Indianapolis, IN 46204

If you file an appeal, also please send a copy of your appeal letter to the IDEM contact person identified in the Notice of Decision, and to the applicant (person receiving an IDEM permit, or other approval).

Your appeal (petition for administrative review) must be received by the Office of Environmental Adjudication in a timely manner. Different types of permit approvals have different deadlines for filing an appeal. The accompanying Notice of Decision (NOD) explains how to determine the due date for filing an appeal for this particular permit decision. To ensure that you meet this filing requirement, your appeal request must be:

- 1) Delivered in person to the OEA by the close-of-business on the due date. (If the due date falls on a day when the Office of Environmental Adjudication (OEA) is closed for the weekend or for a state holiday, then your petition will be accepted on the next business day on which OEA is open.); or
- 2) Given to a private carrier who will deliver it to the OEA on your behalf, (and from whom you must obtain a receipt dated on or before the due date); or
- 3) For those appeal requests sent by U.S. Mail, your letter must be postmarked by no later than midnight of the due date; or
- 4) Faxed to the OEA at 317/233-9372 before the close-of-business of the due date, provided that the original signed "Petition for Administrative Review" is also sent, or delivered, to the OEA in a timely manner.

What are the costs associated with filing an appeal?

The OEA does not charge a fee for filing documents for an administrative review or for the use of its hearing facilities. However, OEA does charge a fifteen cent (\$.15) per page fee for copies of any documents you may request. Another cost that could be associated with your appeal would be for attorney's fees. Although you have the option to act as your own attorney, the administrative review and associated hearing are complex legal proceedings; therefore, you should consider whether your interests would be better represented by an experienced attorney.

What can you expect from the Office of Environmental Adjudication (OEA) after you file for an appeal?

The OEA will provide you with notice of any prehearing conferences, preliminary hearings, hearings, "stays," or orders disposing of the review of this decision. In addition, you may contact the OEA by phone at 317/232-8591 with any scheduling questions. However, technical questions should be directed to IDEM at the number indicated on the Notice of Decision.

Do not expect to discuss details of your case with the OEA other than in a formal setting such as a prehearing conference, a formal hearing, or a settlement conference. The OEA is not allowed to discuss a case without all sides being present. All parties to the proceeding are expected to appear at the initial prehearing conference.