



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: October 19, 2009

RE: Indianapolis Power & Light - Eagle Valley Generating Station / 109-28085-00004

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

Notice of Decision: Approval - Effective Immediately

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

If you wish to challenge this decision, IC 4-21.5-3 and IC 13-15-6-1 require that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, Government Center North, Suite N 501E, Indianapolis, IN 46204, **within eighteen (18) calendar days of 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.dot12/03/07



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

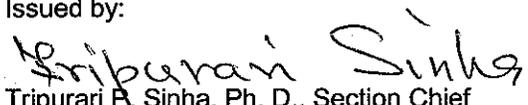
100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

TITLE IV (ACID RAIN) PERMIT RENEWAL OFFICE OF AIR QUALITY

**Indianapolis Power and Light (IPL)
Eagle Valley Generating Station
4040 Blue Bluff Road
Martinsville, Indiana 46151**

ORIS Code: 991

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 [326 IAC 21] with conditions listed on the attached pages.

Acid Rain Permit Second Renewal No.: AR 109-28085-00004	
Issued by:  Tripurari P. Sinha, Ph. D., Section Chief Permits Branch Office of Air Quality	Issuance Date: October 19, 2009 Effective Date: January 1, 2010 Expiration Date: December 31, 2014

TITLE IV CONDITIONS

Title IV Source Description:

- (a) Two (2) no. 2 fuel oil fired boilers, identified as Unit 1 and Unit 2, constructed in 1949 and 1950, respectively, each with a design heat input capacity of 524 million Btu per hour (MMBtu/hr), both exhausting to stack 1-1.
- (b) One (1) tangentially-fired wet-bottom coal boiler, identified as Unit 3, constructed in 1951, with a design heat input capacity of 524 million Btu per hour (MMBtu/hr), with an electrostatic precipitator (ESP) and flue gas conditioning system for control of particulate matter, exhausting to stack 2-1. Unit 3 will combust no. 2 fuel oil during startup, shutdown, and stabilization periods. Used oil generated onsite and used oil contaminated materials generated onsite may be combusted in Unit 3 as supplemental fuel for energy recovery. Stack 2-1 has continuous emission monitoring systems (CEMS) for NO_x and SO₂ and a continuous opacity monitor (COM).
- (c) One (1) tangentially-fired dry-bottom coal fired boiler, identified as Unit 4, constructed in 1953, with a design heat input capacity of 741 million Btu per hour (MMBtu/hr), with an electrostatic precipitator (ESP) and flue gas conditioning system for control of particulate matter, exhausting to stack 2-1. Unit 4 is equipped with separated overfire air (SOFA) and low NO_x burners (LNB) for control of NO_x emissions, which were voluntarily installed and are not required to operate. Unit 4 will combust no. 2 fuel oil during startup, shutdown, and stabilization periods. Stack 2-1 has continuous emission monitoring systems (CEMS) for NO_x and SO₂ and a continuous opacity monitor (COM).
- (d) One (1) tangentially-fired dry-bottom coal boiler, identified as Unit 5, constructed in 1953, with a design heat input capacity of 741 million Btu per hour (MMBtu/hr), with an electrostatic precipitator (ESP) and flue gas conditioning system for control of particulate matter, exhausting to stack 3-1. Unit 5 is equipped with SOFA and LNB for control of NO_x emissions, which were voluntarily installed and are not required to operate. Unit 5 will combust no. 2 fuel oil during startup, shutdown, and stabilization periods. Stack 3-1 has continuous emission monitoring systems (CEMS) for NO_x and SO₂ and a continuous opacity monitor (COM).
- (e) One (1) tangentially-fired dry-bottom coal boiler, identified as Unit 6, constructed in 1956, with a design heat input capacity of 1017 million Btu per hour (MMBtu/hr), with an electrostatic precipitator (ESP) for control of particulate matter, exhausting to stack 3-1. Unit 6 is equipped with Closed-coupled Overfire Air (COFA) for control of NO_x emissions, which was voluntarily installed and is not required to operate. Unit 6 will combust no. 2 fuel oil during startup, shutdown, and stabilization periods. Used oil generated onsite may be combusted in Unit 6 as supplemental fuel for energy recovery. Unit 6 has had low-NO_x burners installed. Stack 3-1 has continuous emission monitoring systems (CEMS) for NO_x and SO₂ and a continuous opacity monitor (COM).

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

Acid Rain Program

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 the Units 1, 2, 3, 4, 5 and 6 in compliance with this permit.

3 Monitoring Requirements [326 IAC 21]

- (a) The Permittee and, to the extent applicable, the designated representative of Units 1, 2, 3, 4, 5 and 6 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 1, 2, 3, 4, 5 and 6 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 1, 2, 3, 4, 5 and 6 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 1, 2, 3, 4, 5 and 6, 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 1, 2, 3, 4, 5 and 6; 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 1, 2, 3, 4, 5 and 6 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)]

5 Nitrogen Oxides Requirements [326 IAC 21]

- (a) The Permittee shall comply with the applicable acid rain nitrogen oxides (NO_x) emission limitations for Units 3, 4, 5 and 6.
- (b) NO_x Emission Averaging Plan for Unit 3:
 - (1) Pursuant to 40 CFR 76.11, the Indiana Department of Environmental Management, Office of Air Quality, approves a NO_x emissions averaging plan for Unit 3, effective from calendar year 2010 and beyond. Under the plan, the NO_x emissions from Unit 3 shall not exceed the annual Alternative Contemporaneous Emission Limitation (ACEL) of 0.76 lb/MMBtu. In addition, Unit 3 shall not have an annual heat input greater than 2,522,000 MMBtu.
 - (2) Under the plan, the actual Btu-weighted annual average NO_x emission rate for Units 3, 4, 5 and 6 shall be less than or equal to the Btu-weighted annual average NO_x emission rate for Units 3, 4, 5 and 6 had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR 76.5, 76.6, or 76.7, except that for any early election units, the applicable emission limitations shall be under 40 CFR 76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR 76.11) is met for a year under the plan, then Unit 3 shall be deemed to be in compliance for that year with its annual ACEL and annual heat input limit.
 - (3) The Permittee must annually demonstrate that Unit 3 meets the NO_x emission limit of 0.76 lb/MMBtu by showing that emissions at the common stack (through which emissions from Unit 3 and Unit 4 are vented) meet such limit, based upon the data from certified continuous emissions monitoring systems (CEMS) at the common stack, Stack 2-1. CEMS certification must be performed in accordance with the requirements and specifications delineated at 40 CFR 75.
- (c) NO_x Emission Averaging Plan for Unit 4:
 - (1) Pursuant to 40 CFR 76.11, the Indiana Department of Environmental Management, Office of Air Quality, approves a NO_x emissions averaging plan for Unit 4, effective from calendar year 2010 and beyond. Under the plan the NO_x emissions from Unit 4 shall not exceed the annual Alternative Contemporaneous Emission Limitation (ACEL) of 0.76 lb/MMBtu. In addition, Unit 4 shall not have an annual heat input greater than 2,853,000 MMBtu.

- (2) Under the plan, the actual Btu-weighted annual average NO_x emission rate for Units 3, 4, 5 and 6 shall be less than or equal to the Btu-weighted annual average NO_x emission rate for Units 3, 4, 5 and 6 had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR 76.5, 76.6, or 76.7, except that for any early election units, the applicable emission limitations shall be under 40 CFR 76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR 76.11(d)(1)(ii)(A) is met for a year under the plan, then Unit 4 shall be deemed to be in compliance for that year with its annual ACEL and annual heat input limit.
 - (3) The Permittee must annually demonstrate that Unit 4 meets the NO_x emission limit of 0.76 lb/MMBtu by showing that emissions at the common stack (through which emissions from Unit 3 and Unit 4 are vented) meet such limit, based upon the data from certified continuous emissions monitoring systems (CEMS) at the common stack, Stack 2-1. CEMS certification must be performed in accordance with the requirements and specifications delineated at 40 CFR 75.
- (d) NO_x Emission Averaging Plan for Unit 5:
- (1) Pursuant to 40 CFR 76.11, the Indiana Department of Environmental Management, Office of Air Quality, approves a NO_x emissions averaging plan for Unit 5, effective from calendar year 2010 and beyond. Under the plan the NO_x emissions from Unit 5 shall not exceed the annual Alternative Contemporaneous Emission Limitation (ACEL) of 0.44 lb/MMBtu. In addition, Unit 5 shall not have an annual heat input less than 2,790,000 MMBtu.
 - (2) Under the plan, the actual Btu-weighted annual average NO_x emission rate for Units 3, 4, 5 and 6 shall be less than or equal to the Btu-weighted annual average NO_x emission rate for Units 3, 4, 5 and 6 had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR 76.5, 76.6, or 76.7, except that for any early election units, the applicable emission limitations shall be under 40 CFR 76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR 76.11(d)(1)(ii)(A) is met for a year under the plan, then Unit 5 shall be deemed to be in compliance for that year with its annual ACEL and annual heat input limit.
 - (3) The Permittee must annually demonstrate that Unit 5 meets the NO_x emission limit of 0.44 lb/MMBtu by showing that emissions at the common stack (through which emissions from Unit 5 and Unit 6 are vented) meet such limit, based upon the data from certified continuous emissions monitoring systems (CEMS) at the common stack, Stack 3-1. CEMS certification must be performed in accordance with the requirements and specifications delineated at 40 CFR 75.
- (e) NO_x Emission Averaging Plan for Unit 6:
- (1) Pursuant to 40 CFR 76.11, the Indiana Department of Environmental Management, Office of Air Quality, approves a NO_x emissions averaging plan for Unit 6, effective from calendar year 2010 and beyond. Under the plan the NO_x emissions from Unit 6 shall not exceed the annual Alternative Contemporaneous Emission Limitation (ACEL) of 0.44 lb/MMBtu. In addition, Unit 6 shall not have an annual heat input less than 5,234,000 MMBtu.

- (2) Under the plan, the actual Btu-weighted annual average NO_x emission rate for Units 3, 4, 5 and 6 shall be less than or equal to the Btu-weighted annual average NO_x emission rate for Units 3, 4, 5 and 6 had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR 76.5, 76.6, or 76.7, except that for any early election units, the applicable emission limitations shall be under 40 CFR 76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR 76.11(d)(1)(ii)(A) is met for a year under the plan, then Unit 6 shall be deemed to be in compliance for that year with its annual ACEL and annual heat input limit.
- (3) The Permittee must annually demonstrate that Unit 6 meets the NO_x emission limit of 0.44 lb/MMBtu by showing that emissions at the common stack (through which emissions from Unit 5 and Unit 6 are vented) meet such limit, based upon the data from certified continuous emissions monitoring systems (CEMS) at the common stack, Stack 3-1. CEMS certification must be performed in accordance with the requirements and specifications delineated at 40 CFR 75.
- (f) In addition to the described NO_x compliance plan, Units 3, 4, 5 and 6 shall comply with all other applicable requirements of 40 CFR 76, including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.
- (g) Pursuant to 40 CFR 76, Acid Rain Nitrogen Oxides Emission Reduction Program, the oil fired Units 1 and 2 are not subject to the nitrogen oxide limitations set out in 40 CFR 76.

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

- (a) If Unit 1, 2, 3, 4, 5 or 6 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 and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53, IGCN Room 1003
Indianapolis, Indiana 46204-2251

and

U.S. Environmental Protection Agency
Clean Air Markets Division
1200 Pennsylvania Avenue, NW
Mail Code (6204N)
Washington, DC 20460
- (c) If Unit 1, 2, 3, 4, 5 or 6 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 five (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 five (5) years, in writing by U.S. EPA or IDEM, OAQ:
- (1) The certificate of representation for the designated representative of Units 1, 2, 3, 4, 5 and 6 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 five (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 1, 2, 3, 4, 5 and 6 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]

- (a) The designated representative of Units 1, 2, 3, 4, 5 and 6 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
Permit Administration and Support Section, Office of Air Quality
100 North Senate Avenue
MC 61-53, IGCN Room 1003
Indianapolis, Indiana 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 1, 2, 3, 4, 5 and 6 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 1, 2, 3, 4, 5 or 6.
- (f) The designated representative of Units 1, 2, 3, 4, 5 and 6 shall provide the Permittee a copy of any submission or determination under paragraph 8(e) of this section, 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 1, 2, 3, 4, 5 and 6 shall meet the requirements of the Acid Rain Program.

- (e) Any provision of the Acid Rain Program that applies to Unit 1, 2, 3, 4, 5 or 6, including a provision applicable to the designated representative of Unit 1, 2, 3, 4, 5 or 6, shall also apply to the Permittee.
- (f) Any provision of the Acid Rain Program that applies to Unit 1, 2, 3, 4, 5 or 6, including a provision applicable to the designated representative of Unit 1, 2, 3, 4, 5 or 6, shall also apply to the Permittee. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NO_x 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 72, 73, 75, 76, 77, and 78, by Unit 1, 2, 3, 4, 5 or 6, 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 1, 2, 3, 4, 5 or 6 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.



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

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

TO: Angelique Oliger
IPL – Eagle Valley Generating Station
One Monument Circle
Indianapolis, IN 46204

DATE: October 19, 2009

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

SUBJECT: Final Decision
Acid Rain-Renewal
109-28085-00004

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:
Kyle Noah (Team Leader – Env. Ops IPL)
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



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

October 19, 2009

TO: Morgan County Public Library

From: Matthew Stuckey, Branch Chief
Permits Branch
Office of Air Quality

Subject: **Important Information for Display Regarding a Final Determination**

Applicant Name: IPL -Eagle Valley Generating Station
Permit Number: 109-28085-00004

You previously received information to make available to the public during the public comment period of a draft permit. Enclosed is a copy of the final decision and supporting materials for the same project. Please place the enclosed information along with the information you previously received. To ensure that your patrons have ample opportunity to review the enclosed permit, **we ask that you retain this document for at least 60 days.**

The applicant is responsible for placing a copy of the application in your library. If the permit application is not on file, or if you have any questions concerning this public review process, please contact Joanne Smiddie-Brush, OAQ Permits Administration Section at 1-800-451-6027, extension 3-0185.

Enclosures
Final Library.dot 11/30/07

Mail Code 61-53

IDEM Staff	MIDENNEY 10/19/2009 Indianapolis Power & Light Co. Eagle Valley Generating Stat 109-28085-00004(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	Handing 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		Angelique Oliger Indianapolis Power & Light Co. Eagle Valley Gener One Monument Circle Indianapolis IN 46204 (Source CAATS) via confirmed delivery										
2		Kyle Noah Team Leader of Environmental Ops Indianapolis Power & Light Co. Eagle Valley Gener 4040 Blue Bluff Rd Martinsville IN 46151 (RO CAATS)										
3		Morgan County Commissioners 180 South Main Street Martinsville IN 46151 (Local Official)										
4		Martinsville City Council and Mayors Office P.O. Box 1415, 59 South Jefferson Street Martinsville IN 46151 (Local Official)										
5		Morgan Co Public Library 110 S Jefferson St Martinsville IN 46151-1999 (Library)										
6		Clayton D. & Patricia A. Arthur 5178 Brenda Boulevard Greenwood IN 46143 (Affected Party)										
7		Morgan County Health Department 180 S Main Street, Suite 252 Martinsville IN 46151-1988 (Health Department)										
8		T. K. Forslund 8147 E. Old St. Rd. 144 Mooresville IN 46158 (Affected Party)										
9		David Jones 7977 N. Taylors Rd. Mooresville IN 46158 (Affected Party)										
10		Claudia Parker 6761 Centenary Rd. Mooresville IN 46158 (Affected Party)										
11		James Swails 6568 E. Rosebud Lane Mooresville IN 46158 (Affected Party)										
12		John Thurston 6548 E. Watson Mooresville IN 46158 (Affected Party)										
13		Bethany Town Council 7355 Bethany Park Martinsville IN 46151 (Local Official)										
14												
15												

Total number of pieces Listed by Sender 12	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.
--	--	--	--