



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

July 9, 2009

Mark Sethre, Elevator Manager
Gavilon Grain, LLC
200 Voorhees Street,
Terre Haute, Indiana, 47802

Re: Permit By Rule Status
PBR 167-28089-00150

Dear Mark Sethre:

On June 15, 2004, Gavilon Grain, LLC was issued a Minor Source Operating Permit (MSOP) No. M167-10829-00025 for a stationary grain elevator located at 200 Voorhees Street and at 2600 South 13th Street, Terre Haute, Indiana, 47802. On May 15, 2009, Gavilon Grain LLC submitted a letter and supporting data requesting that IDEM, OAQ review the source determination from MSOP M167-10829-00025, issued on June 15, 2004, and requesting that the two grain elevators be considered two separate sources. On June 5, 2009, IDEM, OAQ determined that the two grain elevators should not be considered one "source" as defined in 326 IAC 1-2-73 (See Attachment A). On July 7, 2009, Gavilon Grain, LLC submitted a letter with supporting data to the Office of Air Quality (OAQ) indicating that the source located at 2600 South 13th Street, Terre Haute, Indiana, 47802, satisfies the criteria to operate under the provisions of 326 IAC 2-11 (Permit by Rule for Specific Source Categories). Based on the data and information submitted and the provisions of 326 IAC 2-11 (Permit by Rule for Specific Source Categories), Gavilon Grain, LLC located at 2600 South 13th Street, Terre Haute, Indiana 47802, is now operating under Permit by Rule (PBR) Status.

Pursuant to 326 IAC 2-11-1 (General Provisions) and 326 IAC 2-11-3 (Permit by Rule for Grain Elevators):

- (a) This source shall comply with the following:
- (1) This grain elevator receives grain by truck and/or rail and ships grain by truck and/or rail. To limit allowable emissions or potential to emit as provided in 326 IAC 2-11-1(c), the annual total throughput limits shall be equal to or less than eleven million two hundred thousand (11,200,000) bushels. [326 IAC 2-11-3(b)(1)]
 - (2) This source shall operate and properly maintain air pollution control devices at the source. [326 IAC 2-11-1(g)(1)]
 - (3) this source shall follow generally accepted industry work practices to minimize emissions of regulated air pollutants. [326 IAC 2-11-1(g)(2)]
 - (4) the source shall not discharge air pollutants so as to create a public nuisance. [326 IAC 2-11-1(g)(3)]
- (b) A source complying with 326 IAC 2-11 is not subject to 326 IAC 2-6.1 unless otherwise required by law. A source complying with 326 IAC 2-11 is not subject to 326 IAC 2-5.1 or 326 IAC 2-7 provided the rule limits the sources allowable emissions or potential to emit below the applicability thresholds for 326 IAC 2-5.1 or 326 IAC 2-7. [326 IAC 2-11-1(c)]

- (c) A source complying with 326 IAC 2-11 may at any time apply for a permit under 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-7, 326 IAC 2-8 or an operating agreement under 326 IAC 2-9 as applicable. [326 IAC 2-11-1(d)]
- (d) Before a source subject to 326 IAC 2-11 modifies its facility or operations in such a way that it will no longer comply with 326 IAC 2-11, it shall obtain the appropriate approval from the commissioner under 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-7 or 326 IAC 2-8. [326 IAC 2-11-1(e)]
- (e) No later than thirty (30) days after receipt of a written request by the Department of Environmental Management, Office of Air Quality (OAQ), or the U.S. EPA, the owner or operator of the source shall demonstrate that the source is in compliance with the limits of 326 IAC 2-11, by providing throughput records for the previous twelve (12) months. [326 IAC 2-11-1(f)]
- (f) This Permit by Rule Status does not relieve the source of the responsibility to comply with the provisions of any applicable federal, state or local requirements, such as New Source Performance Standards (NSPS), 40 CFR Part 60, or National Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 61 or 40 CFR Part 63. [326 IAC 2-11-1(h)]
- (g) Pursuant to 326 IAC 2-11-1(i), a source subject to 326 IAC 2-11 may be subject to applicable requirements for a major source, including 326 IAC 2-7, if:
 - (1) at any time the source is not in compliance with the conditions provided in an applicable section of 326 IAC 2-11; or
 - (2) the source does not timely or adequately demonstrate compliance with the conditions in an applicable section of 326 IAC 2-11.
- (h) Any violation of 326 IAC 2-11 may result in administrative or judicial enforcement proceedings and penalties under IC 13-30-3. [326 IAC 2-11-1(j)]

A copy of the PBR 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

If you have any questions on this matter, please contact Sarah Conner, Ph. D., of my staff, at 317-234-6555 or 1-800-451-6027, and ask for extension 4-6555.

Sincerely,



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

Attachment A: Source Definition
ACD/SLC

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

Attachment A: Source Definition

Gavilon Grain, LLC 2600 South 13th Street Terre Haute, Indiana 47802

Source Definition

Gavilon Grain, LLC operates two grain elevators in Terre Haute, one at 200 Voorhees Street. This company consists of the following plants:

- (a) Gavilon Grain, LLC is located at 200 E. Voorhees Street, Terre Haute, IN, Plant ID: 167-00025; and
- (b) Gavilon Grain, LLC leased from Grower's Cooperative, Inc. is located at 2600 S. 13th Street, Terre Haute, IN, Plant ID: 167-00150.

Gavilon Grain, LLC operates two grain elevators in Terre Haute, one at 200 E. Voorhees Street (West Facility) and another at 2600 South 13th Street (East Facility). On June 5, 2009, IDEM, OAQ determined that the two plants should not be considered one "source" as defined in 326 IAC 1-2-73, because they do not meet all three of the following criteria:

- (1) the plants must be under common ownership or common control;

Gavilon Grain, LLC began operating both plants in 2008. It owns the West Facility and leases the East Facility from Grower's Cooperative, Inc. Gavilon Grain, LLC controls both plants. Therefore, the two plants are under common ownership or control.

- (2) the plants must have the same two-digit Standard Industrial Classification (SIC) Code or one must serve as a support facility for the other; and,

The plants have the same two-digit SIC Code. Both plants have the two-digit SIC code, 51, for Wholesale Trade Non-durable Goods. A plant is considered a support facility if at least fifty percent of its output is dedicated to the other plant. The two plants ship and receive grain independently of each other. Grain is rarely shipped between the two plants. Since the plants have the same two-digit SIC they meet the second element of the definition.

- (3) the plants must be located on contiguous or adjacent properties.

The West Facility is located approximately 1.1 miles from the East Facility. There is no direct physical connection between the two plants. Several management and support staff work with both facilities, including the facility manager, accounting staff and grain merchandisers. This is a typical practice for Gavilon Grain at several of its 70 grain elevators in the United States. Neither plant shares any production employees. The plants are not located on contiguous or adjacent properties, so the third element of the definition is not met. IDEM, OAQ has determined that these plants will not be considered one (1) source, as defined by 326 IAC 2-7-1(22).



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

TO: Mark Sethre
Gavilon Grain, LLC
200 Voorhees St
Terre Haute, IN 47802

DATE: July 9, 2009

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

SUBJECT: Final Decision
Permit By Rule
167-28089-00150

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:
Greg Konsor
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	DPABST 7/9/2009 Gavilon Grain, LLC 167-28089-00150(Final)		CERTIFICATE OF MAILING ONLY	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		

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		Mark Sethre, Elevator Manager Gavilon Grain, LLC 200 Voorhees St Terre Haute IN 47802 (Source CAATS) (CONFIRM DELIVERY)										
2		Greg Konsor VP Trade Gavilon Grain, LLC 11 ConAgra Dr, 11-60 Omaha NE 68102 (RO CAATS)										
3		Mr. Charles L. Berger Berger & Berger, Attorneys at Law 313 Main Street Evansville IN 47700 (Affected Party)										
4		Vigo County Board of Commissioners County Annex, 121 Oak Street Terre Haute IN 47807 (Local Official)										
5		Terre Haute City Council and Mayors Office 17 Harding Ave Terre Haute IN 47807 (Local Official)										
6		Vigo County Health Department 147 Oak Street Terre Haute IN 47807 (Health Department)										
7		J.P. Roehm PO Box 303 Clinton IN 47842 (Affected Party)										
8		George Needham Vigo County Air Pollution Control 103 South Third St. Terre Haute IN 47807 (Local Official)										
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