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

Brian Carlton
Gavilon Grain, LLC
11 Conagra Drive, Suite 11-160
Omaha, NE 68102

June 19, 2009

Re: Permit By Rule Status
No. 107-28105-00059

Dear Brian Carlton:

On March 17, 2003, ADM Grain Company began operating under a Permit By Rule No. 107-16734-00059 for a stationary grain elevator located at Elm Street, Whitesville, Indiana. On June 12, 2009, ADM Grain Company submitted a letter with supporting data to the Office of Air Quality (OAQ) indicating that the source will now be owned by Gavilon Grain, LLC, and that the source will continue 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 is now operating under Permit By Rule (PBR) Status. This Permit By Rule supersedes Permit By Rule No. 107-16734-00059, obtained on March 17, 2003.

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 Pam K. Way of my staff, at 317-234-4794 or 1-800-451-6027, and ask for extension 4-4794.

Sincerely,

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

ACD/pkw

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

Mail Code 61-53

IDEM Staff	MIDENNEY 6/19/2009 Gavilon Grain, LLC 107-28105-00059 (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		Brian Carlton Gavilon Grain, LLC 11 Conagra Dr, Ste 11-160 Omaha NE 68102 (Source CAATS)									
2		Montgomery County Health Department 110 W. South Blvd Suite 100 Crawfordsville IN 47933-3351 *(Health Department)*									
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											

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.
2			

FACSIMILIE OF PS Form 3877