



# 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: Sept. 28, 2009

RE: Ultra Soy of America LLC / 087-28454-00069

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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Mr. Gary Pipenger  
Ultra Soy of America, LLC  
P.O. Box 8400  
Fort Wayne, Indiana 46898

Sept. 28, 2009

Re: 087-28454-00069  
Amendment to New Source Construction Permit  
T087-24953-00069

Dear Mr. Pipenger:

Ultra Soy of America, LLC was issued a Part 70 Operating Permit on April 14, 2008 for the construction of a stationary soybean based biodiesel production plant and soybean processing plant to be located at 7500 C.R. 700 South, South Milford, Indiana. A letter requesting an extension of the 18-month commencement of construction deadline was received on September 9, 2009. The construction deadline found in 326 IAC 2-2-8 (Source Obligation) will be extended based on the following findings:

- (a) There is no Prevention of Significant Deterioration (PSD) increment consumption and no interim source growth in the area that may have occurred and would cause significant degradation of air quality;
- (b) No new federal or state regulations were determined to be applicable to the source; and
- (c) The RACT/BACT/LAER Clearinghouse was reviewed, finding that the technologies to be utilized by Ultra Soy of America, LLC are still considered BACT in the recent determination.

Based on the above findings and pursuant to 326 IAC 2-2-8(a)(1) (Source Obligation), commencement of construction for the facilities in the New Source Construction, Prevention of Significant Deterioration (PSD), and Part 70 Operating Permit T087-24953-00069 shall be extended for eighteen (18) months to April 14, 2011.

Please attach a copy of this amendment to the original permit.

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 John Haney, at (800) 451-6027, and ask for John Haney or extension 4-5328, or dial (317) 234-5328.

Sincerely,

Donald F. Robin, P.E., Section Chief  
Permits Branch  
Office of Air Quality

#### Attachments

DFR/jeh

cc: File - Lagrange County  
U.S. EPA, Region V  
Lagrange County Health Department  
Northern Regional Office  
Compliance and Enforcement Branch  
Erin Surinak - ERM



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

**TO:** Gary Pipenger  
CEO/Owner  
Ultra Soy of America, LLC  
PO Box 8400  
Ft. Wayne IN 46898

**DATE:** September 28, 2009

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

**SUBJECT:** Final Decision  
Administrative Amendment  
087-28454-00069

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:  
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](mailto:jbrush@idem.IN.gov).

Final Applicant Cover letter.dot 11/30/07

# Mail Code 61-53

IDEM Staff	BMILLER 9/28/2009 Ultra Soy of America, LLC 087-28454-00069 (final)		Type of Mail:  <b>CERTIFICATE OF MAILING ONLY</b>	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	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		Gary Pipenger Ultra Soy of America, LLC PO Box 8400 Ft Wayne IN 46898 (Source CAATS) <i>Via Confirmed Delivery</i>									
2		Mr. Steve Christman NISWMD 2320 W 800 S, P.O. Box 370 Ashley IN 46705 (Affected Party)									
3		LaGrange County Health Dept. 304 B Townline Road Lagrange IN 46761 (Health Department)									
4		LaGrange Town Council 1201 N Townline Road LaGrange IN 46761 (Local Official)									
5		LaGrange County Commissioners 114 W. Michigan St. LaGrange IN 46761 (Local Official)									
6		Erin Surinak ERM 11350 N. Meridian, Ste. 320 Carmel IN 46032 Consultant)									
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