



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: January 21, 2010

RE: Peabody Midwest Mining, LLC - Viking Mine - Knox Pit / 083-28824-00022

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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January 21, 2010

James F. Tolen
Peabody Midwest Mining, LLC – Viking Mine – Knox Pit
7100 Eagle Crest Boulevard, Suite 100
Evansville, IN 47715

Re: 083-28824-00022
First Administrative Amendment to
S083-24711-00022

Dear Mr. Tolen:

Black Beauty Coal Company, LLC – Miller Creek Mine – Knox Pit was issued a Source Specific Operating Agreement (SSOA) No. S083-24711-00022, on June 1, 2007, for a stationary coal mining and coal processing plant located at 4421 North Bicknell Road, Bicknell, IN 47512. On December 29, 2009, the Office of Air Quality (OAQ) received an application from the source requesting that the permit be updated to indicate a change in ownership and company name to Peabody Midwest Mining, LLC – Viking Mine – Knox Pit. Pursuant to the provisions of 326 IAC 2-9, the permit is hereby revised as follows with the deleted language as ~~strikeouts~~ and new language **bolded**.

Company Name: ~~Black Beauty Coal Company, LLC – Miller Creek Mine – Knox Pit~~
Peabody Midwest Mining, LLC – Viking Mine – Knox Pit

IDEM, OAQ has decided to make additional revisions to the permit as described below:

1. The SSOA has been updated from the letter style format to the permit style format, as is now standard IDEM procedure.
2. The SSOA has been revised to include the requirements of the most recent version of 40 CFR 60, Subpart Y, Standards of Performance for Coal Preparation and Processing Plants (74 FR 51977, October 8, 2009) as follows:

SECTION E OPERATION CONDITIONS

Operation Description: Coal Mine, Coal Preparation Plant, or Combination of the Two [326 IAC 2-9-10]

(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.)

E.1 General Provisions Relating to NSPS [326 IAC 12-1] [40 CFR 60, Subpart A]

- (a) Pursuant to 40 CFR 60.1, the Permittee shall comply with the provisions of 40 CFR Part 60, Subpart A - General Provisions, which are incorporated by reference as 326 IAC 12-1, except as otherwise specified in 40 CFR 60, Subpart Y.

- (b) Pursuant to 40 CFR 60.10, the Permittee shall submit all required notifications and reports to:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

E.2 New Source Performance Standards (NSPS) for Coal Preparation and Processing Plants [40 CFR Part 60, Subpart Y] [326 IAC 12]

The Permittee shall comply with the following provisions of 40 CFR Part 60, Subpart Y (included as Attachment A of this permit), which are incorporated by reference as 326 IAC 12, except as otherwise specified in 40 CFR Part 60, Subpart Y:

- (a) 40 CFR 60.250(a) and (b)
- (b) 40 CFR 60.251
- (c) 40 CFR 60.254(a)
- (d) 40 CFR 60.255(a)
- (e) 40 CFR 60.257
- (f) 40 CFR 60.258(b), (c), and (d)

Attachment A: 40 CFR 60, Subpart Y, Standards of Performance for Coal Preparation and Processing Plants

(note: The most recent version of 40 CFR Part 60, Subpart Y (70 FR 51977; October 8, 2009), is now included in its entirety in the SSOA as Attachment A, but is not shown in its entirety as bold text in this letter)

All other conditions of the permit shall remain unchanged and in effect. Attached please find the entire revised permit. A copy of the permit 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

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

Sincerely,



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

Attachments: Updated Permit

ACD/pkw

cc: File – Knox County
Knox County Health Department
U.S. EPA, Region V
Compliance and Enforcement Branch
Billing, Licensing and Training Section



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**SOURCE SPECIFIC OPERATING AGREEMENT
OFFICE OF AIR QUALITY**

**Peabody Midwest Mining, LLC – Viking Mine – Knox Pit
4421 North Bicknell Road
Bicknell, IN 47512**

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this SSOA.

This SSOA is issued to the above mentioned company under the provisions of 326 IAC 2-1.1, 326 IAC 2-9 and 40 CFR 52.780, with conditions listed on the attached pages.

Indiana statutes from IC 13 and rules from 326 IAC, quoted in conditions in this SSOA, are those applicable at the time the SSOA was issued. The issuance or possession of this SSOA shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a Source Specific Operating Agreement (SSOA) under 326 IAC 2-9.

Source Specific Operating Agreement No. 083-24711-00022	
Original Signed by: Nisha Sizemore, Branch Chief Permits Branch Office of Air Quality	Issuance Date: June 1, 2007

First Administrative Amendment No. 083-28824-00022	
Issued by:  Alfred C. Dumauval, Ph. D., Section Chief Permits Branch Office of Air Quality	Issuance Date: January 21, 2010

SECTION A

SOURCE SUMMARY

This SSOA is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ). The information describing the source contained in conditions A.1 and A.2 is descriptive information and does not constitute enforceable conditions. However, the Permittee should be aware that a physical change or a change in the method of operation that may render this descriptive information obsolete or inaccurate may trigger requirements for the Permittee to obtain additional permits pursuant to 326 IAC 2.

A.1 General Information

The Permittee owns and operates a stationary surface coal mining and coal preparation plant.

Source Address:	4421 North Bicknell Road, Bicknell, IN 47512
Mailing Address:	7100 Eagle Crest Blvd., Suite 100, Evansville, IN 47715
General Source Phone Number:	(812) 434-8573
SIC Code:	1221
County Location:	Knox County
Source Location Status:	Attainment or Unclassifiable for all criteria pollutants
Source Status:	Source Specific Operating Agreement (SSOA) Not 1 of 28 Source Categories

A.2 Source Summary

This stationary source consists of the following:

- (1) Coal Mine, Coal Preparation Plant, or Combination of the Two [326 IAC 2-9-10]

A.3 SSOA Applicability [326 IAC 2-9-1]

- (a) This source, otherwise required to have a permit under 326 IAC 2-5.1, 326 IAC 2-5.5, 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8, has applied to the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ) for a Source Specific Operating Agreement (SSOA) under 326 IAC 2-9.
- (b) Pursuant to 326 IAC 2-9-1(g), the source may apply for up to four (4) different SSOAs contained in 326 IAC 2-9.

SECTION B

GENERAL CONDITIONS

B.1 Prior Permits Superseded [326 IAC 2-1.1-9.5]

- (a) All terms and conditions of permits established prior to SSOA No. 083-24711-00022, and issued pursuant to permitting programs approved into the state implementation plan have been either:
- (1) incorporated as originally stated,
 - (2) revised, or
 - (3) deleted.
- (b) All previous registrations and permits are superseded by this permit.

B.2 Annual Notification [326 IAC 2-9-1(d)]

Pursuant to 326 IAC 2-9-1(d):

- (a) An annual notification shall be submitted by an authorized individual to the Office of Air Quality stating whether or not the source is in operation and in compliance with the terms and conditions contained in this SSOA.
- (b) The annual notice shall be submitted in the format attached no later than January 30 of each year to:
- Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, IN 46204-2251
- (c) The notification shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.

B.3 Source Modification Requirement [326 IAC 2-9-1(e)]

Pursuant to 326 IAC 2-9-1(e), any change or modification which will alter operations in such a way that it will no longer comply with the applicable restrictions and conditions of this operating agreement, must obtain the appropriate approval from the Office of Air Quality (OAQ) under 326 IAC 2-5.1, 326 IAC 2-5.5, 326 IAC 2-6.1, 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-7, and 326 IAC 2-8, before such change may occur.

B.4 SSOA Revocation [326 IAC 2-9-1(j)]

Pursuant to 326 IAC 2-9-1(j), noncompliance with any applicable provision 326 IAC 2-9 or any requirement contained in this SSOA may result in the revocation of this SSOA and make this source subject to the applicable requirements of a major source.

SECTION C

SOURCE OPERATION CONDITIONS

Entire Source

Compliance Requirements [326 IAC 2-1.1-11] [326 IAC 2-9]

C.1 Compliance with Applicable Requirements [326 IAC 2-9-1(i)]

Pursuant to 326 IAC 2-9-1(i), the owner or operator is hereby notified that this operating agreement does not relieve the Permittee of the responsibility to comply with the provisions of any applicable federal, state, or local rules, or any New Source Performance Standards (NSPS), 40 CFR Part 60, or National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 61 or 40 CFR Part 63.

Record Keeping and Reporting Requirements [326 IAC 2-9]

C.2 General Record Keeping Requirements [326 IAC 2-9-1(f)]

Pursuant to 326 IAC 2-9-1(f), records of all required monitoring data, reports and support information required by this SSOA shall be physically present or electronically accessible at the source location for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.

C.3 Reporting Requirements [326 IAC 2-9-1(h)]

Pursuant to 326 IAC 2-9-1(h), any exceedance of any requirement contained in this operating agreement shall be reported, in writing, within one (1) week of its occurrence. Said report shall include information on the actions taken to correct the exceedance, including measures to reduce emissions, in order to comply with the established limits. If an exceedance is the result of a malfunction, then the provisions of 326 IAC 1-6 apply.

SECTION D

OPERATION CONDITIONS

Operation Description: Coal Mine, Coal Preparation Plant, or Combination of the Two [326 IAC 2-9-10]

(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.)

Emission Limitations and Standards [326 IAC 2-9]

D.1 Coal Mine and Coal Preparation Plant Limitations [326 IAC 2-9-10(b)(1)]

Pursuant to 326 IAC 2-9-10(b)(1), the coal mine, coal preparation plant, or combination of the two shall comply with the following:

- (a) the source shall not utilize thermal dryers or pneumatic coal cleaning equipment.
- (b) the source annual amount of coal shipped offsite shall be less than five million (5,000,000) tons per year.

D.2 Opacity [326 IAC 2-9-10(b)(1)(B)]

Pursuant to 326 IAC 2-9-10(b)(1)(B), the screening, crushing, and conveying processes at the coal preparation plant shall be enclosed, unless a wet suppression system is used, such that visible emissions shall not exceed an average of twenty (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period using procedures in 40 CFR 60, Appendix A, Method 9.

D.3 Fugitive Emissions [326 IAC 2-9-10(b)(2)] [326 IAC 2-9-10(b)(4)]

- (a) Pursuant to 326 IAC 2-9-10(b)(2), the fugitive particulate matter (PM) emissions from open storage piles, unpaved roadways, and batch transfer processes shall be controlled by applying water or other approved dust suppressant on an as needed basis, such that the following visible emission conditions are met:
 - (1) The visible emissions from the open storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9, except that the opacity shall be observed at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but no more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.
 - (2) The visible emissions from unpaved roadways shall not exceed an average instantaneous opacity of twenty percent (20%). Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:
 - (A) The first reading shall be taken at the time of emission generation.
 - (B) The second reading shall be taken five (5) seconds later.
 - (C) The third reading shall be taken five (5) seconds after the second reading, or ten (10) seconds after the first reading.

The three (3) readings shall be taken approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

- (3) The visible emissions from material transfer processes shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of three (3) opacity readings taken five (5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) material loading or unloading operation. The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but no more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

- (b) Pursuant to 326 IAC 2-9-10(b)(4), the fugitive emissions from the coal mine and coal preparation operation shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.

Compliance Determination Requirements [326 IAC 2-9]

D.4 Visible Emissions [326 IAC 2-9-10(b)(3)]

Pursuant to 326 IAC 2-9-10(b)(3), All visible emission readings taken, shall be performed by a qualified observer, as defined in 326 IAC 1-2-62.

Record Keeping and Reporting Requirements [326 IAC 2-9]

D.5 Record Keeping Requirements [326 IAC 2-9-10(b)(1)(A)]

Pursuant to 326 IAC 2-9-10(b)(1)(A), the source shall keep and maintain at the site, records of the total annual throughput for the previous twelve (12) months, based on a monthly rolling total. All records shall be maintained in accordance with Section C - General Record Keeping Requirements.

D.6 Reporting Requirement [326 IAC 2-9-10(b)(5)]

Pursuant to 326 IAC 2-9-10(b)(5), the source shall include with the annual notice required in Section B - Annual Notification a legal description of the source's location.

Annual Fee Requirement

D.7 Annual Fee Requirement [326 IAC 2-9-10(b)(6)]

Pursuant to 326 IAC 2-9-10(b)(6), the source shall submit an annual fee of seven hundred fifty dollars (\$750) to

Cashier
Office of Air Quality
100 North Senate Avenue
MC 50-10C IGCN 1324
Indianapolis, IN 46204-2251

no later than January 30 of each year.

SECTION E

OPERATION CONDITIONS

Operation Description: Coal Mine, Coal Preparation Plant, or Combination of the Two [326 IAC 2-9-10]

(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.)

E.1 General Provisions Relating to NSPS [326 IAC 12-1] [40 CFR 60, Subpart A]

(a) Pursuant to 40 CFR 60.1, the Permittee shall comply with the provisions of 40 CFR Part 60, Subpart A - General Provisions, which are incorporated by reference as 326 IAC 12-1, except as otherwise specified in 40 CFR 60, Subpart Y.

(b) Pursuant to 40 CFR 60.10, the Permittee shall submit all required notifications and reports to:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

E.2 New Source Performance Standards (NSPS) for Coal Preparation and Processing Plants [40 CFR Part 60, Subpart Y] [326 IAC 12]

The Permittee shall comply with the following provisions of 40 CFR Part 60, Subpart Y (included as Attachment A of this permit), which are incorporated by reference as 326 IAC 12, except as otherwise specified in 40 CFR Part 60, Subpart Y:

- (a) 40 CFR 60.250(a) and (b)
- (b) 40 CFR 60.251
- (c) 40 CFR 60.254(a)
- (d) 40 CFR 60.255(a)
- (e) 40 CFR 60.257
- (f) 40 CFR 60.258(b), (c), and (d)

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE AND ENFORCEMENT BRANCH**

**SOURCE SPECIFIC OPERATING AGREEMENT (SSOA)
ANNUAL NOTIFICATION**

This form should be used to comply with the notification requirements under 326 IAC 2-9.

Company Name:	Peabody Midwest Mining, LLC – Viking Mine – Knox Pit
Address:	4421 North Bicknell Road
City:	Bicknell, IN 47512
Phone #:	812-434-8573
SSOA #:	083-24711-00022

I hereby certify that Peabody Midwest Mining, LLC – Viking Mine – Knox Pit is:

still in operation.

I hereby certify that Peabody Midwest Mining, LLC – Viking Mine – Knox Pit is:

no longer in operation.

in compliance with the requirements of SSOA 083-24711-00022

not in compliance with the requirements of SSOA 083-24711-00022

Authorized Individual (typed):
Title:
Signature:
Date:

If there are any conditions or requirements for which the source is not in compliance, provide a narrative description of how the source did or will achieve compliance and the date compliance was, or will be achieved.

Noncompliance:



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

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

TO: James F Tolen
Peabody Midwest Mining LLC - Viking Mine - Knox Pi
7100 Eagle Crest Blvd, Ste 100
Evansville, IN 47715

DATE: January 21, 2010

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

SUBJECT: Final Decision
SSOA
083-28824-00022

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.

Final Applicant Cover letter.dot 11/30/07

Mail Code 61-53

IDEM Staff	CDENNY 1/21/2010 Peabody Midwest Mining LLC - Viking Mine – 083-28824-00022 (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		James F Tolen Peabody Midwest Mining LLC - Viking Mine - Knox Pi 7100 Eagle Crest Blvd, Ste 100 Evansville IN 47715 (Source CAATS)										
2		Mr. Randy Brown Plumbers & Steam Fitters Union, Local 136 2300 St. Joe Industrial Park Dr Evansville IN 47720 (Affected Party)										
3		Knox County Health Department 520 S. 7th Street Vincennes IN 47591-1038 (Health Department)										
4		Knox County Commissioners 3886 S Middle Hart Street Vincennes IN 47591 (Local Official)										
5		Bicknell City Council and Mayors Office 119 E. 2nd St. Bicknell IN 47512 (Local Official)										
6		Mr. John Blair 800 Adams Ave Evansville IN 47713 (Affected Party)										
7												
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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.
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