**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: February 4, 2010

RE: B B Mining, Inc. - Five Star No. 1 Mine / 173-28857-00032

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

# Notice of Decision: Revocation

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 4-21.5-3-5(f) this revocation is effective fifteen (15) days after it is served. When served by U.S. mail, the order is effective eighteen (18) calendar days from the mailing of this notice pursuant to IC 4-21.5-3-2(e).

If you wish to challenge this decision, IC 4-21.5-3-7 and IC 13-15-7-3 require that you file a petition for administrative review. This petition describing your intent 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-REV.dot 1/2/08

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Tim Kerr
B B Mining, Inc. – Five Star No. 1 Mine
11700 Water Tank Road
Cynthiana, IN 47612-9528

February 4,2010

Re: 173-28857-00032
Revocation of Source Specific Operating
Agreement No. S173-7916-00032

Dear Mr. Kerr:

B B Mining, Inc. – Five Star No. 1 Mine was issued a Source Specific Operating Agreement No. S173-7916-00032, on January 6, 1998, for a stationary coal mine collocated with a coal preparation plant, located at 875 N & 825 W, Elberfeld, IN 47613. On January 6, 2010, the Office of Air Quality (OAQ) received a letter from the source requesting that the Source Specific Operating Agreement be revoked, since all emission units have been removed from the source and the source has ceased operation.

Pursuant to 326 IAC 2-1.1-9, any permit to construct or operate or any permit revision approval granted by the commissioner may be revoked for any cause that establishes in the judgment of the commissioner the fact that continuance of the permit or permit revision approval is not consistent with the purposes of 326 IAC 2. Since the source is no longer in operation, the Source Specific Operating Agreement is no longer required.

The Source Specific Operating Agreement No. S173-7916-00032, issued on January 6, 1998, is hereby revoked. Pursuant to IC 4-21.5-3-5(a) and (b), this revocation letter is effective in eighteen (18) days from the date of this letter.

Please be advised that once this revocation is effective the source will no longer have approval to operate any emission units at this source. In addition, if there is a need in the future to operate any units at this source, construction and operation approval will be necessary pursuant to Indiana's New Source Review regulations. Once effective, this revocation can not be withdrawn or rescinded.

A copy of the revocation 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 there are any questions about this revocation, please contact Pam K. Way at 317-234-4794 or at 1-800-451-6027 (ext.4-4794).

Sincerely,

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

ACD/pkw

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

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

TO: Tim Kerr
B B Mining, Inc. - Five Star No.1 Mine
11700 Water Tank Rd
Cynthiana, IN 47612-9528

DATE: February 4, 2010

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

SUBJECT: Final Decision
Revocation
173-28857-00032

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 2/4/2010<br>B B Mining, Inc. - Five Star No.1 Mine 173-28857-00032 (final) | | | AFFIX STAMP HERE IF USED AS CERTIFICATE OF MAILING |
|---|---|---|---|---|
| Name and address of Sender | ▶ | Indiana Department of Environmental Management<br>Office of Air Quality – Permits Branch<br>100 N. Senate<br>Indianapolis, IN 46204 | Type of Mail:<br>**CERTIFICATE OF MAILING ONLY** | |

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|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | | Tim Kerr B B Mining, Inc. - Five Star No.1 Mine 11700 Water Tank Rd Cynthiana IN 47612-9528 (Source CAATS) | | | | | | | | | |
| 2 | | Warrick County Board of Commissioners 107 W. Locust Street Suite # 301 Boonville IN 47601-0585 *(Local Official)* | | | | | | | | | |
| 3 | | Warrick County Health Department 107 W Locust, Suite 204 Boonville IN 47601-1701 *(Health Department)* | | | | | | | | | |
| 4 | | Elberfeld Town Council P.O. Box 37, 175 Sycamore Street Elberfeld IN 46713 *(Local Official)* | | | | | | | | | |
| 5 | | Mr. Charles L. Berger Berger & Berger, Attorneys at Law 313 Main Street Evansville IN 47700 *(Affected Party)* | | | | | | | | | |
| 6 | | Mr. Randy Brown Plumbers & Steam Fitters Union, Local 136 2300 St. Joe Industrial Park Dr Evansville IN 47720 *(Affected Party)* | | | | | | | | | |
| 7 | | Mr. Don Mottley Save Our Rivers 6222 Yankeetown Hwy Boonville IN 47601 *(Affected Party)* | | | | | | | | | |
| 8 | | Kim Sherman 3355 Woodview Drive Newburgh IN 47630 *(Affected Party)* | | | | | | | | | |
| 9 | | Carly Watson 8666 Hanover Dr. Newburgh IN 47630 *(Affected Party)* | | | | | | | | | |
| 10 | | Mr. Bill Musgrove PO Box 565 Boonville IN 47601 *(Affected Party)* | | | | | | | | | |
| 11 | | Mr. Bil Musgrove PO Box 520 Chandler IN 47610 *(Affected Party)* | | | | | | | | | |
| 12 | | Mr. John Blair 800 Adams Ave Evansville IN 47713 *(Affected Party)* | | | | | | | | | |
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| 15 | | | | | | | | | | | |

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