



# 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: September 15, 2010

RE: Nestle USA / 095 - 29404 - 00129

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



# 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)

Greg Chastain  
Nestle USA, Inc.  
4301 W. 73rd St.  
Anderson, Indiana 46013

September 15, 2010

Re: 095-29404-00129  
Second Administrative Amendment to  
F095-23798-00129

Dear Greg Chastain:

Nestle USA, Inc. was issued a Federally Enforceable State Operating Permit (FESOP) No. F095-29798-00129 on March 6, 2007 for a stationary food processing and bottling plant located at 4301 W. 73rd St., Anderson, Indiana. On June 28, 2010, the Office of Air Quality (OAQ) received a letter from the source relating to construction and operation of the following: a Chiller #5, a wastewater treatment Dissolved Air Flotation (DAF) unit, identified as EU-30 and a Filler Room HVAC unit, identified as EU-31. The Chiller #5 is considered "Trivial Activities" as specified in 326 IAC 2-7-1(40)(D)(i), the Dissolved Air Flotation (DAF) unit is exempt according to 326 IAC 2-1.1-3(e)(13)(A), and the Filler Room HVAC unit is an "Insignificant Activity" according to 326 IAC 2-7-1(21)(A)(iv). The addition of these units to the permit is considered an administrative amendment since potential emissions of regulated criteria pollutants and hazardous air pollutants are less than the ranges specified 326 IAC 2-8-11.1(d)(4) and 326 IAC 2-8-11.1(f)(1)(G), respectively. The entire source will continue to limit VOC emissions to less than 100 tons per twelve (12) consecutive month period, rendering the requirements of 326 IAC 2-7 not applicable. The addition of these units will not cause the source's potential to emit to be greater than the threshold levels specified in 326 IAC 2-2 or 326 IAC 2-3. Calculations are included in Appendix A of this permit. In addition, the source requested the Source and Mailing addresses be revised to 4301 West 73rd Street, Anderson, Indiana throughout the permit.

IDEM, OAQ has decided to make additional revisions to the permit as described below. The permit has been revised as follows with deleted language as ~~strikeouts~~ and new language **bolded**:

1. Section A.3 has been revised to include the description of the wastewater treatment Dissolved Air Flotation (DAF) unit (EU-30) and Filler Room HVAC (EU-31) units associated with their applicable requirements:

\* \* \* \*

- (q) **Wastewater treatment Dissolved Air Flotation (DAF) Unit, identified as EU-30, constructed in 2010, with VOC, oil and grease content less than or equal to one percent (1%) by volume.**
  - (r) **Filler Room HVAC unit installed in each of seven Filler Rooms, identified as EU-31, constructed in 2010, with VOC emissions rate less than three (3) lb/hr.**
2. Section A.1 of the permit and the reporting forms have been revised to remove all references to the source mailing address. IDEM, OAQ will continue to maintain records of the mailing address.
3. For clarity, IDEM has changed references to the general conditions: "in accordance with Section B", in accordance with Section C", or other similar language to "Section C...contains the Permittee's obligations with regard to the records required by this condition."

4. IDEM has decided that the phrases “no later than” and “not later than” are clearer than “within” in relation to the end of a timeline. Therefore all timelines have been switched to “no later than” or “not later than” except when the underlying rule states “within.”
5. IDEM has decided to clarify throughout the permit that a certification needs to meet the requirements of 326 IAC 2-8-5(a)(1). In addition, IDEM has decided to remove the last sentence dealing with the need for certification from the forms because the conditions requiring the forms already addresses this issue.
6. IDEM has decided to clarify the certification requirements in Section B - Duty to Provide Information and Section B - Certification.
7. IDEM has decided to clarify the requirements of Section B – Preventive Maintenance Plan and to add a new paragraph (b) to handle a future situation where the Permittee adds units that need preventive maintenance plans.
8. IDEM has revised the language of the Section B - Preventive Maintenance Plan, Section C - Compliance Monitoring, Section C - General Record Keeping, and Section C - General Reporting to allow the Permittee to not have to begin implementing the requirements of these conditions until ninety day after initial start up.
9. IDEM has revised Section B - Emergency Provisions to delete paragraph (h). 326 IAC 2-8-4(3)(C)(ii) allows that deviations reported under an independent requirement do not have to be included in the Quarterly Deviation and Compliance Monitoring Report.
10. IDEM has decided that having a separate condition for the reporting of deviations is unnecessary. Therefore, IDEM has removed Section B - Deviation from Permit Requirements and Conditions and added the requirements of that condition to Section C - General Reporting Requirements. Paragraph (d) of Section C - General Reporting Requirements has been removed because IDEM already states the timeline and certification needs of each report in the condition requiring the report.
11. IDEM, OAQ has decided that having a separate condition for the reporting of deviations is unnecessary. Therefore, IDEM has removed Section B.17 - Deviation form Permit Requirements and Conditions and added the requirements of that condition to Section C.17 - General Reporting Requirements. Paragraph (d) of Section C.17 - General Reporting Requirements has been removed because IDEM already states the timeline and certification needs of each report in the condition requiring the report. In addition, affected Section-B identifier numbers have been updated.
12. IDEM has revised Section B - Permit Renewal paragraph (c) to state which rule establishes the authority to set a deadline for the Permittee to submit additional information.
13. IDEM has decided to reference 326 IAC 2 in Section B - Source Modification Requirements, rather than specific construction rule.
14. IDEM has added 326 IAC 5-1-1 to the exception clause of Section C - Opacity, since 326 IAC 5-1-1 does list exceptions.
15. IDEM has revised Section C - Incineration to more closely reflect the two underlying rules.
16. IDEM has removed the first paragraph of Section C - Performance Testing due to the fact that specific testing conditions elsewhere in the permit will specify the timeline and procedures.

17. IDEM has revised Section C - Compliance Monitoring. The reference to recordkeeping has been removed due to the fact that other conditions already address recordkeeping. The voice of the condition has been changed to clearly indicate that it is the Permittee that must follow the requirements of the condition
18. IDEM has removed Section C - Monitoring Methods. The conditions that require the monitoring or testing, if required, state what methods shall be used.
19. IDEM has revised Section C - Response to Excursions or Exceedances. The introduction sentence has been added to clarify that it is only when an excursion or exceedance is detected that the requirements of this condition need to be followed. The word "excess" was added to the last sentence of paragraph (a) because the Permittee only has to minimize excess emissions. The middle of paragraph (b) has been deleted as it was duplicative of paragraph (a). The phrase "or are returning" was added to subparagraph (b)(2) as this is an acceptable response assuming the operation or emission unit does return to normal or its usual manner of operation. The phrase "within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable" was replaced with "normal or usual manner of operation" because the first phrase is just a limited list of the second phrase. The recordkeeping required by paragraph (e) was changed to require only records of the response because the previously listed items are required to be recorded elsewhere in the permit.
20. IDEM has revised Section C - Actions Related to Noncompliance Demonstrated by a Stack Test. The requirements to take response steps and minimize excess emissions have been removed because Section C - Response to Excursions or Exceedances already requires response steps related to exceedances and excess emissions minimization. The start of the timelines was switched from "the receipt of the test results" to "the date of the test." There was confusion if the "receipt" was by IDEM, the Permittee, or someone else. Since the start of the timelines has been moved up, the length of the timelines was increased. The new timelines require action within a comparable timeline; and the new timelines still ensure that the Permittee will return to compliance within a reasonable timeframe.
21. The voice of paragraph (b) of Section C - General Record Keeping Requirements has been changed to clearly indicate that it is the Permittee that must follow the requirements of the paragraph.
22. IDEM has decided to simplify the referencing in Section C - Compliance with 40 CFR 82 and 326 IAC 22-1.
23. The word "status" has been added to Section D - Record Keeping Requirements and Section D - Reporting Requirements. The Permittee has the obligation to document the compliance status. The wording has been revised to properly reflect this.
24. The phrase "of this permit" has been added to the paragraph of the Quarterly Deviation and Compliance Monitoring Report Form to match the underlying rule.

\* \* \*

## **SECTION B ————— GENERAL CONDITIONS**

### **B.1 ——— Definitions [326 IAC 2-8-1]**

---

Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, the applicable definitions found in the statutes or regulations (IC 13-11, 326 IAC 1-2 and 326 IAC 2-7) shall prevail.

B.2 — Revocation of Permits [326 IAC 2-1.1-9(5)]

~~Pursuant to 326 IAC 2-1.1-9(5)(Revocation of Permits), the Commissioner may revoke this permit if construction is not commenced within eighteen (18) months after receipt of this approval or if construction is suspended for a continuous period of one (1) year or more.~~

B.3 — Affidavit of Construction [326 IAC 2-5.1-3(h)] [326 IAC 2-5.1-4][326 IAC 2-8]

~~This document shall also become the approval to operate pursuant to 326 IAC 2-5.1-4 and [326 IAC 2-8] when prior to the start of operation, the following requirements are met:~~

- ~~(a) — The attached Affidavit of Construction shall be submitted to the Office of Air Quality (OAQ), verifying that the emission units were constructed as proposed in the application or the permit. The emission units covered in this permit may begin operating on the date the Affidavit of Construction is postmarked or hand delivered to IDEM if constructed as proposed.~~
- ~~(b) — If actual construction of the emission units differs from the construction proposed in the application, the source may not begin operation until the permit has been revised pursuant to 326 IAC 2 and an Operation Permit Validation Letter is issued.~~
- ~~(c) — The Permittee shall attach the Operation Permit Validation Letter received from the Office of Air Quality (OAQ) to this permit.~~

B.4 — Permit Term [326 IAC 2-8-4(2)][326 IAC 2-1.1-9.5][IC 13-15-3-6(a)]

- ~~(a) — This permit, F095-23798-00129, is issued for a fixed term of five (5) years from the issuance date of this permit, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3. Subsequent revisions, modifications, or amendments of this permit do not affect the expiration date of this permit.~~
- ~~(b) — If IDEM, OAQ upon receiving a timely and complete renewal permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect, until the renewal permit has been issued or denied.~~

B.5 — Term of Conditions [326 IAC 2-1.1-9.5]

~~Notwithstanding the permit term of a permit to construct, a permit to operate, or a permit modification, any condition established in a permit issued pursuant to a permitting program approved in the state implementation plan shall remain in effect until:~~

- ~~(a) — the condition is modified in a subsequent permit action pursuant to Title I of the Clean Air Act; or~~
- ~~(b) — the emission unit to which the condition pertains permanently ceases operation.~~

B.6 — Enforceability [326 IAC 2-8-6]

~~Unless otherwise stated, all terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM, the United States Environmental Protection Agency (U.S. EPA) and by citizens in accordance with the Clean Air Act.~~

B.7 — Severability [326 IAC 2-8-4(4)]

~~The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.~~

B.8 — Property Rights or Exclusive Privilege [326 IAC 2-8-4(5)(D)]

~~This permit does not convey any property rights of any sort or any exclusive privilege.~~

~~B.9 Duty to Provide Information [326 IAC 2-8-4(5)(E)]~~

- ~~(a) The Permittee shall furnish to IDEM, OAQ within a reasonable time, any information that IDEM, OAQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The submittal by the Permittee does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1). Upon request, the Permittee shall also furnish to IDEM, OAQ copies of records required to be kept by this permit.~~
- ~~(b) For information furnished by the Permittee to IDEM, OAQ, the Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1. When furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.~~

~~B.10 Certification [326 IAC 2-8-3(d)][326 IAC 2-8-4(3)(C)(i)][326 IAC 2-8-5(1)]~~

- ~~(a) Where specifically designated by this permit or required by an applicable requirement, any application form, report, or compliance certification submitted shall contain certification by an "authorized individual" of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.~~
- ~~(b) One (1) certification shall be included, using the attached Certification Form, with each submittal requiring certification. One (1) certification may cover multiple forms in one (1) submittal.~~
- ~~(c) An "authorized individual" is defined at 326 IAC 2-1.1-1(1).~~

~~B.11 Annual Compliance Certification [326 IAC 2-8-5(a)(1)]~~

- ~~(a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. The initial certification shall cover the time period from the date of final permit issuance through December 31 of the same year. All subsequent certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted no later than July 1 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, Indiana 46204-2251~~
- ~~(b) The annual compliance certification report required by this permit 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.~~
- ~~(c) The annual compliance certification report shall include the following:~~
- ~~(1) The appropriate identification of each term or condition of this permit that is the basis of the certification;~~
  - ~~(2) The compliance status;~~
  - ~~(3) Whether compliance was continuous or intermittent;~~

- (4) ~~The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-8-4(3); and~~
- (5) ~~Such other facts, as specified in Sections D of this permit, as IDEM, OAQ may require to determine the compliance status of the source.~~

~~The submittal by the Permittee does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

~~B.12 Compliance Order Issuance [326 IAC 2-8-5(b)]~~

~~IDEM, OAQ may issue a compliance order to this Permittee upon discovery that this permit is in nonconformance with an applicable requirement. The order may require immediate compliance or contain a schedule for expeditious compliance with the applicable requirement.~~

~~B.13 Preventive Maintenance Plan [326 IAC 1-6-3][326 IAC 2-8-4(9)][326 IAC 2-8-5(a)(1)]~~

~~(a) If required by specific condition(s) in Section D of this permit, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMPs) within ninety (90) days after issuance of this permit, including the following information on each facility:~~

- (1) ~~Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;~~
- (2) ~~A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and~~
- (3) ~~Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.~~

~~If, due to circumstances beyond the Permittee's control, the PMPs cannot be prepared and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:~~

~~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~~

~~The PMP extension notification does not require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

- (b) ~~A copy of the PMPs shall be submitted to IDEM, OAQ upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ. IDEM, OAQ may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or is the primary contributor to an exceedance of any limitation on emissions or potential to emit. The PMPs do not require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~
- (c) ~~To the extent the Permittee is required by 40 CFR Part 60/63 to have an Operation Maintenance, and Monitoring (OMM) Plan for a unit, such Plan is deemed to satisfy the PMP requirements of 326 IAC 1-6-3 for that unit.~~

~~B.14 Emergency Provisions [326 IAC 2-8-12]~~

---

- ~~(a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation except as provided in 326 IAC 2-8-12.~~
- ~~(b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a health-based or technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:~~
- ~~(1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;~~
  - ~~(2) The permitted facility was at the time being properly operated;~~
  - ~~(3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;~~
  - ~~(4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ, within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;~~

~~Telephone Number: 1-800-451-6027 (ask for Office of Air Quality, Compliance Section), or  
Telephone Number: 317-233-0178 (ask for Compliance Section)  
Facsimile Number: 317-233-6865~~

- ~~(5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile 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~~

~~within two (2) working days of the time when emission limitations were exceeded due to the emergency.~~

~~The notice fulfills the requirement of 326 IAC 2-8-4(3)(C)(ii) and must contain the following:~~

- ~~(A) A description of the emergency;~~
- ~~(B) Any steps taken to mitigate the emissions; and~~
- ~~(C) Corrective actions taken.~~

~~The notification which shall be submitted by the Permittee does not require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

- ~~(6) — The Permittee immediately took all reasonable steps to correct the emergency.~~
- ~~(c) — In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.~~
- ~~(d) — This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.~~
- ~~(e) — The Permittee seeking to establish the occurrence of an emergency shall make records available upon request to ensure that failure to implement a PMP did not cause or contribute to an exceedance of any limitations on emissions. However, IDEM, OAQ may require that the Preventive Maintenance Plans required under 326 IAC 2-8-3(c)(6) be revised in response to an emergency.~~
- ~~(f) — Failure to notify IDEM, OAQ by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-8 and any other applicable rules.~~
- ~~(g) — Operations may continue during an emergency only if the following conditions are met:~~
- ~~(1) — If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.~~
- ~~(2) — If an emergency situation causes a deviation from a health-based limit, the Permittee may not continue to operate the affected emissions facilities unless:~~
- ~~(A) — The Permittee immediately takes all reasonable steps to correct the emergency situation and to minimize emissions; and~~
- ~~(B) — Continued operation of the facilities is necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw material of substantial economic value.~~
- ~~Any operations shall continue no longer than the minimum time required to prevent the situations identified in (g)(2)(B) of this condition.~~
- ~~(h) — The Permittee shall include all emergencies in the Quarterly Deviation and Compliance Monitoring Report.~~

~~B.15 — Prior Permits Superseded [326 IAC 2-1.1-9.5]~~

---

- ~~(a) — All terms and conditions of permits established prior to F095-23798-00129 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.16 — Termination of Right to Operate [326 IAC 2-8-9][326 IAC 2-8-3(h)]~~

~~The Permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least nine (9) months prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-8-3(h) and 326 IAC 2-8-9.~~

~~B.17 — Deviations from Permit Requirements and Conditions [326 IAC 2-8-4(3)(C)(ii)]~~

~~(a) — Deviations from any permit requirements (for emergencies see Section B – Emergency Provisions), the probable cause of such deviations, and any response steps or preventive measures taken shall be reported 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~~

~~using the attached Quarterly Deviation and Compliance Monitoring Report, or its equivalent. A deviation required to be reported pursuant to an applicable requirement that exists independent of this permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report.~~

~~The Quarterly Deviation and Compliance Monitoring Report does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

~~(b) — A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit.~~

~~B.18 — Permit Modification, Reopening, Revocation and Reissuance, or Termination  
[326 IAC 2-8-4(5)(C)][326 IAC 2-8-7(a)][326 IAC 2-8-8]~~

~~(a) — This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Federally Enforceable State Operating Permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-8-4(5)(C)] The notification by the Permittee does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

~~(b) — This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAQ determines any of the following:~~

~~(1) — That this permit contains a material mistake.~~

~~(2) — That inaccurate statements were made in establishing the emissions standards or other terms or conditions.~~

~~(3) — That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-8-8(a)]~~

~~(c) — Proceedings by IDEM, OAQ to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-8-8(b)]~~

~~(d) — The reopening and revision of this permit, under 326 IAC 2-8-8(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAQ at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAQ may provide a shorter time period in the case of an emergency. [326 IAC 2-8-8(c)]~~

~~B.19 Permit Renewal [326 IAC 2-8-3(h)]~~

---

- ~~(a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ and shall include the information specified in 326 IAC 2-8-3. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40). The renewal application does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

~~Request for renewal shall be submitted to:~~

~~Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2254~~

- ~~(b) A timely renewal application is one that is:~~
- ~~(1) Submitted at least nine (9) months prior to the date of the expiration of this permit; and~~
  - ~~(2) 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.~~
- ~~(c) If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-8 until IDEM, OAQ takes final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by the deadline specified in writing by IDEM, OAQ any additional information identified as being needed to process the application.~~

~~B.20 Permit Amendment or Revision [326 IAC 2-8-10][326 IAC 2-8-11.1]~~

---

- ~~(a) Permit amendments and revisions are governed by the requirements of 326 IAC 2-8-10 or 326 IAC 2-8-11.1 whenever the Permittee seeks to amend or modify this permit.~~

- ~~(b) Any application requesting an amendment or modification of this permit shall be submitted to:~~

~~Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2254~~

~~Any such application shall be certified by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

- ~~(c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-8-10(b)(3)]~~

~~B.21 — Operational Flexibility [326 IAC 2-8-15][326 IAC 2-8-11.1]~~

~~(a) — The Permittee may make any change or changes at the source that are described in 326 IAC 2-8-15(b) through (d) without a prior permit revision, if each of the following conditions is met:~~

- ~~(1) — The changes are not modifications under any provision of Title I of the Clean Air Act;~~
- ~~(2) — Any approval required by 326 IAC 2-8-11.1 has been obtained;~~
- ~~(3) — The changes do not result in emissions which exceed the limitations provided in this permit (whether expressed herein as a rate of emissions or in terms of total emissions);~~
- ~~(4) — The Permittee notifies the:~~

~~Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251~~

~~and~~

~~United States Environmental Protection Agency, Region V  
Air and Radiation Division, Regulation Development Branch—Indiana (AR-18J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590~~

~~in advance of the change by written notification at least ten (10) days in advance of the proposed change. The Permittee shall attach every such notice to the Permittee's copy of this permit; and~~

- ~~(5) — The Permittee maintains records on-site, on a rolling five (5) year basis, which document all such changes and emission trades that are subject to 326 IAC 2-8-15(b) through (d). The Permittee shall make such records available, upon reasonable request, for public review.~~

~~Such records shall consist of all information required to be submitted to IDEM, OAQ in the notices specified in 326 IAC 2-8-15(b)(2), (c)(1), and (d).~~

~~(b) — Emission Trades [326 IAC 2-8-15(c)]~~

~~The Permittee may trade emissions increases and decreases at the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-8-15(c).~~

~~(c) — Alternative Operating Scenarios [326 IAC 2-8-15(d)]~~

~~The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-8-4(7). No prior notification of IDEM, OAQ, or U.S. EPA is required.~~

~~(d) — Backup fuel switches specifically addressed in, and limited under, Section D of this permit shall not be considered alternative operating scenarios. Therefore, the notification requirements of part (a) of this condition do not apply.~~

~~B.22 Source Modification Requirement [326 IAC 2-8-11.1]~~

~~A modification, construction, or reconstruction is governed by the requirements of 326 IAC 2 and 326 IAC 2-8-11.1.~~

~~B.23 Inspection and Entry [326 IAC 2-8-5(a)(2)][IC 13-14-2-2][IC 13-17-3-2][IC 13-30-3-1]~~

~~Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee's right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, U.S. EPA, or an authorized representative to perform the following:~~

- ~~(a) Enter upon the Permittee's premises where a FESOP source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;~~
- ~~(b) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;~~
- ~~(c) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;~~
- ~~(d) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and~~
- ~~(e) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.~~

~~B.24 Transfer of Ownership or Operational Control [326 IAC 2-8-10]~~

- ~~(a) The Permittee must comply with the requirements of 326 IAC 2-8-10 whenever the Permittee seeks to change the ownership or operational control of the source and no other change in the permit is necessary.~~
- ~~(b) Any application requesting a change in the ownership or operational control of the source shall contain a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new Permittee. The application shall be submitted to:~~

~~Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2254~~

~~The application which shall be submitted by the Permittee does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

- ~~(c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-8-10(b)(3)]~~

~~B.25 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-8-4(6)] [326 IAC 2-8-16] [326 IAC 2-1.1-7]~~

- ~~(a) The Permittee shall pay annual fees to IDEM, OAQ within thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ the applicable fee is due April 1 of each year.~~
- ~~(b) Failure to pay may result in administrative enforcement action or revocation of this permit.~~
- ~~(c) The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-4230 (ask for OAQ, Billing, Licensing, and Training Section), to determine the appropriate permit fee.~~

~~B.26 Credible Evidence [326 IAC 2-8-4(3)] [326 IAC 2-8-5] [62 FR 8314] [326 IAC 1-1-6]~~

~~For the purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of any condition of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether the Permittee would have been in compliance with the condition of this permit if the appropriate performance or compliance test or procedure had been performed.~~

**SECTION C SOURCE OPERATION CONDITIONS**

Entire Source

~~Emission Limitations and Standards [326 IAC 2-8-4(1)]~~

~~C.1 Particulate Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) Pounds per Hour [326 IAC 6-3-2]~~

~~Pursuant to 326 IAC 6-3-2(e)(2), particulate emissions from any process not exempt under 326 IAC 6-3-1(b) or (c) which has a maximum process weight rate less than 100 pounds per hour and the methods in 326 IAC 6-3-2(b) through (d) do not apply shall not exceed 0.551 pounds per hour.~~

~~C.2 Overall Source Limit [326 IAC 2-8]~~

~~The purpose of this permit is to limit this source's potential to emit to less than major source levels for the purpose of Section 502(a) of the Clean Air Act.~~

~~(a) Pursuant to 326 IAC 2-8:~~

- ~~(1) The potential to emit any regulated pollutant, except particulate matter (PM), from the entire source shall be limited to less than one hundred (100) tons per twelve (12) consecutive month period. This limitation shall also make the requirements of 326 IAC 2-3 (Emission Offset) not applicable;~~
- ~~(2) The potential to emit any individual hazardous air pollutant (HAP) from the entire source shall be limited to less than ten (10) tons per twelve (12) consecutive month period; and~~
- ~~(3) The potential to emit any combination of HAPs from the entire source shall be limited to less than twenty five (25) tons per twelve (12) consecutive month period.~~

- ~~(b) The potential to emit particulate matter (PM) from the entire source shall be limited to less than two hundred fifty (250) tons per twelve (12) consecutive month period. This limitation shall make the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration (PSD) not applicable.~~

- (c) ~~This condition shall include all emission points at this source including those that are insignificant as defined in 326 IAC 2-7-1(21). The source shall be allowed to add insignificant activities not already listed in this permit, provided that the source's potential to emit does not exceed the above specified limits.~~
- (d) ~~Section D of this permit contains independently enforceable provisions to satisfy this requirement.~~

~~C.3 Opacity [326 IAC 5-1]~~

~~Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-3 (Temporary Alternative Opacity Limitations), opacity shall meet the following, unless otherwise stated in this permit:~~

- (a) ~~Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.~~
- (b) ~~Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.~~

~~C.4 Open Burning [326 IAC 4-1] [IC 13-17-9]~~

~~The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1.~~

~~C.5 Incineration [326 IAC 4-2] [326 IAC 9-1-2]~~

~~The Permittee shall not operate an incinerator or incinerate any waste or refuse except as provided in 326 IAC 4-2 and 326 IAC 9-1-2.~~

~~C.6 Fugitive Dust Emissions [326 IAC 6-4]~~

~~The Permittee shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4 (Fugitive Dust Emissions).~~

~~C.7 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]~~

- (a) ~~Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.~~
- (b) ~~The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:~~
  - (1) ~~When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or~~
  - (2) ~~If there is a change in the following:~~
    - (A) ~~Asbestos removal or demolition start date;~~
    - (B) ~~Removal or demolition contractor; or~~

~~(C) — Waste disposal site.~~

- ~~(c) — The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).~~
- ~~(d) — The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).~~

~~All required notifications shall be submitted 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~~

~~The notice shall include a signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project. The notifications do not require a certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

- ~~(e) — Procedures for Asbestos Emission Control  
The Permittee shall comply with the applicable emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-1, emission control requirements are applicable for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.~~
- ~~(f) — Demolition and Renovation  
The Permittee shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos pursuant to 40 CFR 61.145(a).~~
- ~~(g) — Indiana Accredited Asbestos Inspector  
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Accredited Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos.~~

**Testing Requirements [326 IAC 2-8-4(3)]**

**G.8 — Performance Testing [326 IAC 3-6]**

- 
- ~~(a) — Compliance testing on new emissions units shall be conducted within 60 days after achieving maximum production rate, but no later than 180 days after initial start-up, if specified in Section D of this approval. All testing shall be performed according to the provisions of 326 IAC 3-6 (Source Sampling Procedures), except as provided elsewhere in this permit, utilizing any applicable procedures and analysis methods specified in 40 CFR 51, 40 CFR 60, 40 CFR 61, 40 CFR 63, 40 CFR 75, or other procedures approved by IDEM, OAQ.~~

~~A test protocol, except as provided elsewhere in this permit, shall be submitted to:~~

~~Indiana Department of Environmental Management  
Compliance and Enforcement Branch, Office of Air Quality  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251~~

~~no later than thirty-five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

~~(b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

~~(c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ if the Permittee submits to IDEM, OAQ, a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.~~

### **~~Compliance Requirements [326 IAC 2-1.1-11]~~**

#### **~~C.9 Compliance Requirements [326 IAC 2-1.1-11]~~**

~~The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements by issuing an order under 326 IAC 2-1.1-11. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U. S. EPA.~~

### **~~Compliance Monitoring Requirements [326 IAC 2-8-4][326 IAC 2-8-5(a)(1)]~~**

#### **~~C.10 Compliance Monitoring [326 IAC 2-8-4(3)][326 IAC 2-8-5(a)(1)]~~**

~~Unless otherwise specified in this permit, all monitoring and record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance. If required by Section D, the Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment. If due to circumstances beyond its control, that equipment cannot be installed and operated within ninety (90) days, the Permittee may extend the compliance schedule related to the equipment for an additional ninety (90) days provided the Permittee notifies:~~

~~Indiana Department of Environmental Management  
Compliance and Enforcement Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2254~~

~~in writing, prior to the end of the initial ninety (90) day compliance schedule, with full justification of the reasons for the inability to meet this date.~~

~~The notification which shall be submitted by the Permittee does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

~~Unless otherwise specified in the approval for the new emission unit(s), compliance monitoring for new emission units or emission units added through a permit revision shall be implemented when operation begins.~~

#### **~~C.11 Monitoring Methods [326 IAC 3] [40 CFR 60] [40 CFR 63]~~**

~~Any monitoring or testing required by Section D of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, 40 CFR 60 Appendix B, 40 CFR 63, or other approved methods as specified in this permit.~~

~~C.12 Instrument Specifications [326 IAC 2-1.1-11] [326 IAC 2-8-4(3)][326 IAC 2-8-5(1)]~~

- ~~(a) When required by any condition of this permit, an analog instrument used to measure a parameter related to the operation of an air pollution control device shall have a scale such that the expected maximum reading for the normal range shall be no less than twenty percent (20%) of full scale.~~
- ~~(b) The Permittee may request that the IDEM, OAQ approve the use of an instrument that does not meet the above specifications provided the Permittee can demonstrate that an alternative instrument specification will adequately ensure compliance with permit conditions requiring the measurement of the parameters.~~

**Corrective Actions and Response Steps [326 IAC 2-8-4][326 IAC 2-8-5(a)(1)]**

~~C.13 Risk Management Plan [326 IAC 2-8-4] [40 CFR 68]~~

~~If a regulated substance, as defined in 40 CFR 68, is present at a source in more than a threshold quantity, the Permittee must comply with the applicable requirements of 40 CFR 68.~~

~~C.14 Response to Excursions or Exceedances [326 IAC 2-8-4] [326 IAC 2-8-5]~~

- ~~(a) Upon detecting an excursion or exceedance, the Permittee shall restore operation of the emissions unit (including any control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.~~
- ~~(b) The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Corrective actions may include, but are not limited to, the following:~~
- ~~(1) initial inspection and evaluation;~~
  - ~~(2) recording that operations returned to normal without operator action (such as through response by a computerized distribution control system); or~~
  - ~~(3) any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.~~
- ~~(c) A determination of whether the Permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include, but is not limited to, the following:~~
- ~~(1) monitoring results;~~
  - ~~(2) review of operation and maintenance procedures and records; and/or~~
  - ~~(3) inspection of the control device, associated capture system, and the process.~~
- ~~(d) Failure to take reasonable response steps shall be considered a deviation from the permit.~~
- ~~(e) The Permittee shall maintain the following records:~~
- ~~(1) monitoring data;~~
  - ~~(2) monitor performance data, if applicable; and~~

~~(3) — corrective actions taken.~~

~~C.15 — Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-8-4][326 IAC 2-8-5]~~

- ~~(a) — When the results of a stack test performed in conformance with Section C — Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate response actions. The Permittee shall submit a description of these response actions to IDEM, OAQ, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize excess emissions from the affected facility while the response actions are being implemented.~~
- ~~(b) — A retest to demonstrate compliance shall be performed within one hundred twenty (120) days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAQ that retesting in one hundred twenty (120) days is not practicable, IDEM, OAQ may extend the retesting deadline.~~
- ~~(c) — IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.~~

~~The response action documents submitted pursuant to this condition do require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

**Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]**

~~C.16 — General Record Keeping Requirements [326 IAC 2-8-4(3)] [326 IAC 2-8-5]~~

- ~~(a) — Records of all required monitoring data, reports and support information required by this permit shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be physically present or electronically accessible at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.~~
- ~~(b) — Unless otherwise specified in this permit, all record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance.~~

~~C.17 — General Reporting Requirements [326 IAC 2-8-4(3)(C)] [326 IAC 2-1.1-11]~~

- ~~(a) — The Permittee shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported. This report shall be submitted within thirty (30) days of the end of the reporting period. The Quarterly Deviation and Compliance Monitoring Report shall include the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~
- ~~(b) — The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted 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

- (c) ~~Unless otherwise specified in this permit, any notice, report, or other submission required by this permit 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.~~
- (d) ~~Unless otherwise specified in this permit, all reports required in Section D of this permit shall be submitted within thirty (30) days of the end of the reporting period. All reports do require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~
- (e) ~~The first report shall cover the period commencing on the date of issuance of this permit and ending on the last day of the reporting period. Reporting periods are based on calendar years, unless otherwise specified in this permit. For the purpose of this permit "calendar year" means the twelve (12) month period from January 1 to December 31 inclusive.~~
- (f) ~~The Permittee shall make the information required to be documented and maintained in accordance with (c) in Section C - General Record Keeping Requirements available for review upon a request for inspection by IDEM, OAQ. The general public may request this information from the IDEM, OAQ under 326 IAC 17.1.~~

### **Stratospheric Ozone Protection**

#### **C.18 Compliance with 40 CFR 82 and 326 IAC 22-1**

---

Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with the standards for recycling and emissions reduction:

- (a) ~~Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156.~~
- (b) ~~Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.~~
- (c) ~~Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.~~

\* \* \* \*

## **SECTION B GENERAL CONDITIONS**

### **B.1 Definitions [326 IAC 2-8-1]**

---

**Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, the applicable definitions found in the statutes or regulations (IC 13-11, 326 IAC 1-2 and 326 IAC 2-7) shall prevail.**

### **B.2 Revocation of Permits [326 IAC 2-1.1-9(5)]**

---

**Pursuant to 326 IAC 2-1.1-9(5)(Revocation of Permits), the Commissioner may revoke this permit if construction is not commenced within eighteen (18) months after receipt of this approval or if construction is suspended for a continuous period of one (1) year or more.**

**B.3 Affidavit of Construction [326 IAC 2-5.1-3(h)] [326 IAC 2-5.1-4][326 IAC 2-8]**

---

This document shall also become the approval to operate pursuant to 326 IAC 2-5.1-4 and 326 IAC 2-8 when prior to the start of operation, the following requirements are met:

- (a) The attached Affidavit of Construction shall be submitted to the Office of Air Quality (OAQ), verifying that the emission units were constructed as proposed in the application or the permit. The emission units covered in this permit may begin operating on the date the Affidavit of Construction is postmarked or hand delivered to IDEM if constructed as proposed.
- (b) If actual construction of the emission units differs from the construction proposed in the application, the source may not begin operation until the permit has been revised pursuant to 326 IAC 2 and an Operation Permit Validation Letter is issued.
- (c) The Permittee shall attach the Operation Permit Validation Letter received from the Office of Air Quality (OAQ) to this permit.

**B.4 Permit Term [326 IAC 2-8-4(2)][326 IAC 2-1.1-9.5][IC 13-15-3-6(a)]**

---

- (a) This permit, F129-27917-00054, is issued for a fixed term of five (5) years from the issuance date of this permit, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3. Subsequent revisions, modifications, or amendments of this permit do not affect the expiration date of this permit.
- (b) If IDEM, OAQ, upon receiving a timely and complete renewal permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect, until the renewal permit has been issued or denied.

**B.5 Term of Conditions [326 IAC 2-1.1-9.5]**

---

Notwithstanding the permit term of a permit to construct, a permit to operate, or a permit modification, any condition established in a permit issued pursuant to a permitting program approved in the state implementation plan shall remain in effect until:

- (a) the condition is modified in a subsequent permit action pursuant to Title I of the Clean Air Act; or
- (b) the emission unit to which the condition pertains permanently ceases operation.

**B.6 Enforceability [326 IAC 2-8-6] [IC 13-17-12]**

---

Unless otherwise stated, all terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM, the United States Environmental Protection Agency (U.S. EPA) and by citizens in accordance with the Clean Air Act.

**B.7 Severability [326 IAC 2-8-4(4)]**

---

The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.

**B.8 Property Rights or Exclusive Privilege [326 IAC 2-8-4(5)(D)]**

---

This permit does not convey any property rights of any sort or any exclusive privilege.

**B.9 Duty to Provide Information [326 IAC 2-8-4(5)(E)]**

---

- (a) The Permittee shall furnish to IDEM, OAQ, within a reasonable time, any information that IDEM, OAQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. Upon request, the Permittee shall also furnish to IDEM, OAQ copies of records required to be kept by this permit.
- (b) For information furnished by the Permittee to IDEM, OAQ, the Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1. When furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.

**B.10 Certification [326 IAC 2-8-3(d)][326 IAC 2-8-4(3)(C)(i)][326 IAC 2-8-5(1)]**

---

- (a) A certification required by this permit meets the requirements of 326 IAC 2-8-5(a)(1) if:
  - (1) it contains a certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1), and
  - (2) the certification states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (b) The Permittee may use the attached Certification Form, or its equivalent with each submittal requiring certification. One (1) certification may cover multiple forms in one (1) submittal.
- (c) An "authorized individual" is defined at 326 IAC 2-1.1-1(1).

**B.11 Annual Compliance Certification [326 IAC 2-8-5(a)(1)]**

---

- (a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. The initial certification shall cover the time period from the date of final permit issuance through December 31 of the same year. All subsequent certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted no later than July 1 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, Indiana 46204-2251

- (b) The annual compliance certification report required by this permit 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.
- (c) The annual compliance certification report shall include the following:
  - (1) The appropriate identification of each term or condition of this permit that is the basis of the certification;

- (2) The compliance status;
- (3) Whether compliance was continuous or intermittent;
- (4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-8-4(3); and
- (5) Such other facts, as specified in Sections D of this permit, as IDEM, OAQ may require to determine the compliance status of the source.

The submittal by the Permittee does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

**B.12 Compliance Order Issuance [326 IAC 2-8-5(b)]**

---

IDEM, OAQ may issue a compliance order to this Permittee upon discovery that this permit is in nonconformance with an applicable requirement. The order may require immediate compliance or contain a schedule for expeditious compliance with the applicable requirement.

**B.13 Preventive Maintenance Plan [326 IAC 1-6-3][326 IAC 2-8-4(9)][326 IAC 2-8-5(a)(1)]**

---

- (a) If required by specific condition(s) in Section D of this permit, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMPs) no later than ninety (90) days after issuance of this permit or ninety (90) days after initial start-up, whichever is later, including the following information on each facility:
  - (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
  - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and
  - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If, due to circumstances beyond the Permittee's control, the PMPs cannot be prepared and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:

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

The PMP extension notification does not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

The Permittee shall implement the PMPs.

- (b) A copy of the PMPs shall be submitted to IDEM, OAQ upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ. IDEM, OAQ may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or is the primary contributor to an exceedance of any limitation on emissions. The PMPs and their submittal do not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (c) To the extent the Permittee is required by 40 CFR Part 60/63 to have an Operation Maintenance, and Monitoring (OMM) Plan for a unit, such Plan is deemed to satisfy the PMP requirements of 326 IAC 1-6-3 for that unit.

**B.14 Emergency Provisions [326 IAC 2-8-12]**

---

- (a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation except as provided in 326 IAC 2-8-12.
- (b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a health-based or technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:

- (1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;
- (2) The permitted facility was at the time being properly operated;
- (3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;
- (4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ, or Southwest Regional Office within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

Telephone Number: 1-800-451-6027 (ask for Office of Air Quality, Compliance and Enforcement Branch), or  
Telephone Number: 317-233-0178 (ask for Office of Air Quality, Compliance and Enforcement Branch)  
Facsimile Number: 317-233-6865  
Southwest Regional Office phone: (812) 380-2305; fax: (812) 380-2304.

- (5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile 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

**within two (2) working days of the time when emission limitations were exceeded due to the emergency.**

**The notice fulfills the requirement of 326 IAC 2-8-4(3)(C)(ii) and must contain the following:**

- (A) A description of the emergency;**
- (B) Any steps taken to mitigate the emissions; and**
- (C) Corrective actions taken.**

**The notification which shall be submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).**

- (6) The Permittee immediately took all reasonable steps to correct the emergency.**
- (c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.**
- (d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.**
- (e) The Permittee seeking to establish the occurrence of an emergency shall make records available upon request to ensure that failure to implement a PMP did not cause or contribute to an exceedance of any limitations on emissions. However, IDEM, OAQ may require that the Preventive Maintenance Plans required under 326 IAC 2-8-3(c)(6) be revised in response to an emergency.**
- (f) Failure to notify IDEM, OAQ by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-8 and any other applicable rules.**
- (g) Operations may continue during an emergency only if the following conditions are met:**
  - (1) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.**
  - (2) If an emergency situation causes a deviation from a health-based limit, the Permittee may not continue to operate the affected emissions facilities unless:**
    - (A) The Permittee immediately takes all reasonable steps to correct the emergency situation and to minimize emissions; and**
    - (B) Continued operation of the facilities is necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw material of substantial economic value.**

Any operations shall continue no longer than the minimum time required to prevent the situations identified in (g)(2)(B) of this condition.

**B.15 Prior Permits Superseded [326 IAC 2-1.1-9.5]**

---

- (a) All terms and conditions of permits established prior to F129-27917-00054 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.16 Termination of Right to Operate [326 IAC 2-8-9][326 IAC 2-8-3(h)]**

---

The Permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least nine (9) months prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-8-3(h) and 326 IAC 2-8-9.

**B.17 Permit Modification, Reopening, Revocation and Reissuance, or Termination [326 IAC 2-8-4(5)(C)][326 IAC 2-8-7(a)][326 IAC 2-8-8]**

---

- (a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Federally Enforceable State Operating Permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-8-4(5)(C)] The notification by the Permittee does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAQ determines any of the following:
- (1) That this permit contains a material mistake.
  - (2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.
  - (3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-8-8(a)]
- (c) Proceedings by IDEM, OAQ to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-8-8(b)]
- (d) The reopening and revision of this permit, under 326 IAC 2-8-8(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAQ at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAQ may provide a shorter time period in the case of an emergency. [326 IAC 2-8-8(c)]

**B.18 Permit Renewal [326 IAC 2-8-3(h)]**

---

- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ and shall include the information specified in 326 IAC 2-8-3. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40). The renewal application does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

Request for renewal shall be submitted to:

Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

- (b) A timely renewal application is one that is:
- (1) Submitted at least nine (9) months prior to the date of the expiration of this permit; and
  - (2) 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.
- (c) If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-8 until IDEM, OAQ takes final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by the deadline specified, pursuant to 326 IAC 2-8-3(g), in writing by IDEM, OAQ any additional information identified as being needed to process the application.

**B.19 Permit Amendment or Revision [326 IAC 2-8-10][326 IAC 2-8-11.1]**

---

- (a) Permit amendments and revisions are governed by the requirements of 326 IAC 2-8-10 or 326 IAC 2-8-11.1 whenever the Permittee seeks to amend or modify this permit.
- (b) Any application requesting an amendment or modification of this permit shall be submitted to:
- Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251
- Any such application does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-8-10(b)(3)]

**B.20 Operational Flexibility [326 IAC 2-8-15][326 IAC 2-8-11.1]**

---

- (a) The Permittee may make any change or changes at the source that are described in 326 IAC 2-8-15(b) through (d) without a prior permit revision, if each of the following conditions is met:
- (1) The changes are not modifications under any provision of Title I of the Clean Air Act;
  - (2) Any approval required by 326 IAC 2-8-11.1 has been obtained;
  - (3) The changes do not result in emissions which exceed the limitations provided in this permit (whether expressed herein as a rate of emissions or in terms of total emissions);
  - (4) The Permittee notifies the:  
  
Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251  
  
and  
  
United States Environmental Protection Agency, Region V  
Air and Radiation Division, Regulation Development Branch - Indiana (AR-18J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
  
in advance of the change by written notification at least ten (10) days in advance of the proposed change. The Permittee shall attach every such notice to the Permittee's copy of this permit; and
  - (5) The Permittee maintains records on-site, on a rolling five (5) year basis, which document all such changes and emission trades that are subject to 326 IAC 2-8-15(b) through (d). The Permittee shall make such records available, upon reasonable request, for public review.  
  
Such records shall consist of all information required to be submitted to IDEM, OAQ in the notices specified in 326 IAC 2-8-15(b)(2), (c)(1), and (d).
- (b) **Emission Trades [326 IAC 2-8-15(c)]**  
The Permittee may trade emissions increases and decreases at the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-8-15(c).
- (c) **Alternative Operating Scenarios [326 IAC 2-8-15(d)]**  
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-8-4(7). No prior notification of IDEM, OAQ, or U.S. EPA is required.

- (d) Backup fuel switches specifically addressed in, and limited under, Section D of this permit shall not be considered alternative operating scenarios. Therefore, the notification requirements of part (a) of this condition do not apply.

**B.21 Source Modification Requirement [326 IAC 2-8-11.1]**

---

A modification, construction, or reconstruction is governed by the requirements of 326 IAC 2.

**B.22 Inspection and Entry [326 IAC 2-8-5(a)(2)][IC 13-14-2-2][IC 13-17-3-2][IC 13-30-3-1]**

---

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee's right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, U.S. EPA, or an authorized representative to perform the following:

- (a) Enter upon the Permittee's premises where a FESOP source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and
- (e) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.

**B.23 Transfer of Ownership or Operational Control [326 IAC 2-8-10]**

---

- (a) The Permittee must comply with the requirements of 326 IAC 2-8-10 whenever the Permittee seeks to change the ownership or operational control of the source and no other change in the permit is necessary.
- (b) Any application requesting a change in the ownership or operational control of the source shall contain a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new Permittee. The application shall be submitted to:

Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

Any such application does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-8-10(b)(3)]

**B.24 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-8-4(6)] [326 IAC 2-8-16][326 IAC 2-1.1-7]**

- (a) The Permittee shall pay annual fees to IDEM, OAQ no later than thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ the applicable fee is due April 1 of each year.
- (b) Failure to pay may result in administrative enforcement action or revocation of this permit.
- (c) The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-4230 (ask for OAQ, Billing, Licensing, and Training Section), to determine the appropriate permit fee.

**B.25 Credible Evidence [326 IAC 2-8-4(3)][326 IAC 2-8-5][62 FR 8314] [326 IAC 1-1-6]**

For the purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of any condition of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether the Permittee would have been in compliance with the condition of this permit if the appropriate performance or compliance test or procedure had been performed.

**SECTION C SOURCE OPERATION CONDITIONS**

Entire Source

**Emission Limitations and Standards [326 IAC 2-8-4(1)]**

**C.1 Particulate Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) Pounds per Hour [326 IAC 6-3-2]**

Pursuant to 326 IAC 6-3-2(e)(2), particulate emissions from any process not exempt under 326 IAC 6-3-1(b) or (c) which has a maximum process weight rate less than 100 pounds per hour and the methods in 326 IAC 6-3-2(b) through (d) do not apply shall not exceed 0.551 pounds per hour.

**C.2 Overall Source Limit [326 IAC 2-8]**

The purpose of this permit is to limit this source's potential to emit to less than major source levels for the purpose of Section 502(a) of the Clean Air Act.

- (a) Pursuant to 326 IAC 2-8:
  - (1) The potential to emit any regulated pollutant, except particulate matter (PM), from the entire source shall be limited to less than one hundred (100) tons per twelve (12) consecutive month period.
  - (2) The potential to emit any individual hazardous air pollutant (HAP) from the entire source shall be limited to less than ten (10) tons per twelve (12) consecutive month period; and

- (3) The potential to emit any combination of HAPs from the entire source shall be limited to less than twenty-five (25) tons per twelve (12) consecutive month period.
- (b) Pursuant to 326 IAC 2-2 (PSD), potential to emit particulate matter (PM) from the entire source shall be limited to less than two hundred fifty (250) tons per twelve (12) consecutive month period.
- (c) This condition shall include all emission points at this source including those that are insignificant as defined in 326 IAC 2-7-1(21). The source shall be allowed to add insignificant activities not already listed in this permit, provided that the source's potential to emit does not exceed the above specified limits.
- (d) Section D of this permit contains independently enforceable provisions to satisfy this requirement.

**C.3 Opacity [326 IAC 5-1]**

---

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-1 (Applicability) and 326 IAC 5-1-3 (Temporary Alternative Opacity Limitations), opacity shall meet the following, unless otherwise stated in this permit:

- (a) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.
- (b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

**C.4 Open Burning [326 IAC 4-1] [IC 13-17-9]**

---

The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1.

**C.5 Incineration [326 IAC 4-2] [326 IAC 9-1-2]**

---

The Permittee shall not operate an incinerator except as provided in 326 IAC 4-2 or in this permit. The Permittee shall not operate a refuse incinerator or refuse burning equipment except as provided in 326 IAC 9-1-2 or in this permit.

**C.6 Fugitive Dust Emissions [326 IAC 6-4]**

---

The Permittee shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4 (Fugitive Dust Emissions).

**C.7 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]**

---

- (a) Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.

- (b) **The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:**
- (1) **When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or**
  - (2) **If there is a change in the following:**
    - (A) **Asbestos removal or demolition start date;**
    - (B) **Removal or demolition contractor; or**
    - (C) **Waste disposal site.**
- (c) **The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).**
- (d) **The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).**

**All required notifications shall be submitted 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**

**The notice shall include a signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project. The notifications do not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).**

- (e) **Procedures for Asbestos Emission Control**  
**The Permittee shall comply with the applicable emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-1, emission control requirements are applicable for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.**
- (f) **Demolition and Renovation**  
**The Permittee shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos pursuant to 40 CFR 61.145(a).**
- (g) **Indiana Licensed Asbestos Inspector**  
**The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Licensed Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos.**

### Testing Requirements [326 IAC 2-8-4(3)]

#### C.8 Performance Testing [326 IAC 3-6]

---

- (a) For performance testing required by this permit, a test protocol, except as provided elsewhere in this permit, shall be submitted 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

no later than thirty-five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ if the Permittee submits to IDEM, OAQ a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.

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

#### C.9 Compliance Requirements [326 IAC 2-1.1-11]

---

The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements by issuing an order under 326 IAC 2-1.1-11. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U. S. EPA.

### Compliance Monitoring Requirements [326 IAC 2-8-4][326 IAC 2-8-5(a)(1)]

#### C.10 Compliance Monitoring [326 IAC 2-8-4(3)][326 IAC 2-8-5(a)(1)]

---

Unless otherwise specified in this permit, for all monitoring requirements not already legally required, the Permittee shall be allowed up to ninety (90) days from the date of permit issuance or of initial start-up, whichever is later, to begin such monitoring. If due to circumstances beyond the Permittee's control, any monitoring equipment required by this permit cannot be installed and operated no later than ninety (90) days after permit issuance or the date of initial startup, whichever is later, the Permittee may extend the compliance schedule related to the equipment for an additional ninety (90) days provided the Permittee notifies:

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

**in writing, prior to the end of the initial ninety (90) day compliance schedule, with full justification of the reasons for the inability to meet this date.**

**The notification which shall be submitted by the Permittee does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).**

**Unless otherwise specified in the approval for the new emission unit(s), compliance monitoring for new emission units or emission units added through a permit revision shall be implemented when operation begins.**

**C.11 Monitoring Methods [326 IAC 3] [40 CFR 60] [40 CFR 63]**

---

**Any monitoring or testing required by Section D of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, 40 CFR 60 Appendix B, 40 CFR 63, or other approved methods as specified in this permit.**

**C.12 Instrument Specifications [326 IAC 2-1.1-11] [326 IAC 2-8-4(3)][326 IAC 2-8-5(1)]**

---

- (a) When required by any condition of this permit, an analog instrument used to measure a parameter related to the operation of an air pollution control device shall have a scale such that the expected maximum reading for the normal range shall be no less than twenty percent (20%) of full scale.**
- (b) The Permittee may request that the IDEM, OAQ approve the use of an instrument that does not meet the above specifications provided the Permittee can demonstrate that an alternative instrument specification will adequately ensure compliance with permit conditions requiring the measurement of the parameters.**

**Corrective Actions and Response Steps [326 IAC 2-8-4][326 IAC 2-8-5(a)(1)]**

**C.13 Emergency Reduction Plans [326 IAC 1-5-2] [326 IAC 1-5-3]**

---

**Pursuant to 326 IAC 1-5-2 (Emergency Reduction Plans; Submission):**

- (a) The Permittee shall prepare written emergency reduction plans (ERPs) consistent with safe operating procedures.**
- (b) These ERPs shall be submitted for approval 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**

**within 180 days from the date on which this source commences operation.**

**The ERP does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).**

- (c) If the ERP is disapproved by IDEM, OAQ, the Permittee shall have an additional thirty (30) days to resolve the differences and submit an approvable ERP.**
- (d) These ERPs shall state those actions that will be taken, when each episode level is declared, to reduce or eliminate emissions of the appropriate air pollutants.**

- (e) Said ERPs shall also identify the sources of air pollutants, the approximate amount of reduction of the pollutants, and a brief description of the manner in which the reduction will be achieved.
- (f) Upon direct notification by IDEM, OAQ that a specific air pollution episode level is in effect, the Permittee shall immediately put into effect the actions stipulated in the approved ERP for the appropriate episode level. [326 IAC 1-5-3]

**C.14 Risk Management Plan [326 IAC 2-8-4] [40 CFR 68]**

---

If a regulated substance, as defined in 40 CFR 68, is present at a source in more than a threshold quantity, the Permittee must comply with the applicable requirements of 40 CFR 68.

**C.15 Response to Excursions or Exceedances [326 IAC 2-8-4] [326 IAC 2-8-5]**

---

Upon detecting an excursion where a response step is required by the D Section or an exceedance of a limitation in this permit:

- (a) The Permittee shall take reasonable response steps to restore operation of the emissions unit (including any control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing excess emissions.
- (b) The response shall include minimizing the period of any startup, shutdown or malfunction. The response may include, but is not limited to, the following:
  - (1) initial inspection and evaluation;
  - (2) recording that operations returned or are returning to normal without operator action (such as through response by a computerized distribution control system); or
  - (3) any necessary follow-up actions to return operation to normal or usual manner of operation.
- (c) A determination of whether the Permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include, but is not limited to, the following:
  - (1) monitoring results;
  - (2) review of operation and maintenance procedures and records; and/or
  - (3) inspection of the control device, associated capture system, and the process.
- (d) Failure to take reasonable response steps shall be considered a deviation from the permit.
- (e) The Permittee shall record the reasonable response steps taken.

**C.16 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-8-4][326 IAC 2-8-5]**

---

- (a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall submit a description of its response actions to IDEM, OAQ, no later than seventy-five (75) days after the date of the test.

- (b) A retest to demonstrate compliance shall be performed no later than one hundred eighty (180) days after the date of the test. Should the Permittee demonstrate to IDEM, OAQ that retesting in one hundred eighty (180) days is not practicable, IDEM, OAQ may extend the retesting deadline
- (c) IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.

The response action documents submitted pursuant to this condition do require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

**Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]**

**C.17 General Record Keeping Requirements [326 IAC 2-8-4(3)] [326 IAC 2-8-5]**

---

- (a) Records of all required monitoring data, reports and support information required by this permit shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be physically present or electronically accessible at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.
- (b) Unless otherwise specified in this permit, all record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance or ninety (90) days of initial start-up, whichever is later.

**C.18 General Reporting Requirements [326 IAC 2-8-4(3)(C)] [326 IAC 2-1.1-11]**

---

- (a) The Permittee shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported except that a deviation required to be reported pursuant to an applicable requirement that exists independent of this permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report. This report shall be submitted not later than thirty (30) days after the end of the reporting period. The Quarterly Deviation and Compliance Monitoring Report shall include a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1). A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit.
- (b) The address for report submittal is:  
  
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
- (c) Unless otherwise specified in this permit, any notice, report, or other submission required by this permit 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.

- (d) The first report shall cover the period commencing on the date of issuance of this permit or the date of initial start-up, whichever is later, and ending on the last day of the reporting period. Reporting periods are based on calendar years, unless otherwise specified in this permit. For the purpose of this permit, "calendar year" means the twelve (12) month period from January 1 to December 31 inclusive.

### Stratospheric Ozone Protection

#### C.19 Compliance with 40 CFR 82 and 326 IAC 22-1

---

Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with applicable standards for recycling and emissions reduction.

\* \* \* \*

25. IDEM, OAQ has decided to clarify Section D.1.4, D.2.5, D.3.7, and D.4.5 – Preventative Maintenance Plan.

#### D.1.4 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

---

A Preventive Maintenance Plan, ~~in accordance with Section B – Preventive Maintenance Plan, of this permit,~~ is required for these facilities and their control devices. **Section B - Preventive Maintenance Plan contains the Permittee's obligation with regard to the preventive maintenance plan required by this condition.**

\* \* \* \*  
\* \* \*

#### D.2.5 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

---

A Preventive Maintenance Plan, ~~in accordance with Section B – Preventive Maintenance Plan, of this permit,~~ is required for EU-14a through EU-14f, EU-28a through EU-28b, and their control devices (F1a through F1h). **Section B - Preventive Maintenance Plan contains the Permittee's obligation with regard to the preventive maintenance plan required by this condition.**

\* \* \*  
\* \* \*

#### D.3.7 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

---

A Preventive Maintenance Plan, ~~in accordance with Section B – Preventive Maintenance Plan, of this permit,~~ is required for the boilers. **Section B - Preventive Maintenance Plan contains the Permittee's obligation with regard to the preventive maintenance plan required by this condition.**

\* \* \*  
\* \* \*

#### D.4.5 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

---

A Preventive Maintenance Plan, ~~in accordance with Section B – Preventive Maintenance Plan, of this permit,~~ is required for this boiler. **Section B - Preventive Maintenance Plan contains the Permittee's obligation with regard to the preventive maintenance plan required by this condition.**

\* \* \*

26. IDEM, OAQ has decided to clarify Section D.2.7 and D.3.8 - Testing Requirements.

D.2.7 Testing Requirements [326 IAC 2-8-5(a)(1), (4)] [326 IAC 2-1.1-11]

In order to ~~verify~~ **demonstrate** compliance with Conditions D.2.4, the Permittee shall perform VOC emission testing for one (1) of the wet scrubbers F1a through F1h within 60 days after achieving the maximum capacity, but not later than 180 days after initial startup, utilizing methods as approved by the Commissioner. ~~These tests shall be repeated~~ at least once every five (5) years from the date of ~~this~~ **the most recent** valid compliance demonstration. **Testing shall be conducted in accordance with the provisions of 326 IAC 3-6 (Source Sampling Procedures).** Subsequent tests shall be performed on a unit that has not been previously tested. ~~Testing shall be conducted in accordance with Section C - Performance Testing;~~ **contains the Permittee's obligation with regard to the performance testing required by this condition.**

\* \* \* \*  
\* \* \*

D.3.8 Testing Requirements [326 IAC 2-1.1-11]

In order to ~~verify~~ **demonstrate** compliance with Conditions D.3.5 and D.3.6, the Permittee shall perform CO and VOC mission testing for Boilers 1, 2 and 4 within 60 days after achieving the maximum capacity, but not later than 180 days after initial startup, utilizing methods as approved by the Commissioner. **Testing shall be conducted in accordance with the provisions of 326 IAC 3-6 (Source Sampling Procedures).** ~~Testing shall be conducted in accordance with Section C - Performance Testing;~~ **contains the Permittee's obligation with regard to the performance testing required by this condition.**

\* \* \*

27. IDEM, OAQ has decided to clarify Section D.2.8 – Parametric Monitoring.

D.2.8 Parametric Monitoring

The Permittee shall monitor and record the pressure drop and flow rate of the wet scrubbers (F1a through F1h) controlling the container sterilization and filling facilities (EU-14a through EU-14f and EU-28a through EU-28b) at least once per day when the associated process is in operation. When for any one reading, the pressure drop across the scrubber is outside the normal range of 1.5 and 6.5 inches of water, or a range established during the latest stack test, the Permittee shall take reasonable response. ~~steps in accordance with Section C - Response to Excursions or Exceedances;~~ **contains the Permittee's obligation with regard to the reasonable response steps required by this condition.** When for any one reading, the flow rate of any of the scrubbers is less than the minimum of 7.0 gallons per minute, or a minimum established during the latest stack test, the Permittee shall take reasonable response steps in accordance with Section C - Response to Excursions or Exceedances. A pressure reading that is outside the above mentioned range or a flow rate that is below the above mentioned minimum is not a deviation from this permit. Failure to take response steps ~~in accordance with Section C - Response to Excursions or Exceedances,~~ shall be considered a deviation from this permit.

The instruments used for determining the pressure drop and flow rate shall comply with Section C - Instrument Specifications, of this permit, shall be subject to approval by IDEM, OAQ, and shall be calibrated **or replaced** at least once every six (6) months.

\* \* \* \*  
\* \* \*

28. IDEM, OAQ has decided to clarify Section D.2.9 – Scrubber Malfunction.

D.2.9 Scrubber Malfunction

In the event that a scrubber malfunction has been observed, failed units and the associated process will be shut down immediately until the failed units have been repaired or replaced. Operations may continue only if the event qualifies as an emergency and the Permittee satisfies

the requirements of the emergency provisions of this permit (Section B - Emergency Provisions). **Section C – Response to Excursions or Exceedances contains the Permittee’s obligation with regard to the reasonable response steps required by this condition.** Failure to take response steps in accordance with ~~Section C – Response to Excursions or Exceedances~~ shall be considered a deviation from this permit.

\* \* \* \*

29. The word "status" has been added to Section D.2.10, D.3.9, D.4.7 - Record Keeping Requirements. The Permittee has the obligation to document the compliance status. The wording has been revised to properly reflect this.

D.2.10 Record Keeping Requirements

- (a) To document **the** compliance **status** with Condition D.2.9, the Permittee shall maintain daily records of pressure drop and flow rate for the wet scrubbers (F1a through F1h) during normal operation.
- (b) ~~All records shall be maintained in accordance with Section C - General Record Keeping Requirements of this permit~~ **contains the Permittee's obligations with regard to the records required by this condition.**

\* \* \*

D.3.9 Record Keeping Requirements [326 IAC 12]

\* \* \*

- (c) ~~All records shall be maintained in accordance with Section C - General Record Keeping Requirements of this permit~~ **contains the Permittee's obligations with regard to the records required by this condition.**

\* \* \*

D.4.7 Record Keeping Requirements [326 IAC 12]

\* \* \*

- (c) ~~All records shall be maintained in accordance with Section C - General Record Keeping Requirements of this permit~~ **contains the Permittee's obligations with regard to the records required by this condition.**

\* \* \*

30. IDEM OAQ has decided to remove footnote “A certification is not required for this report.” on Page 2 of 2 of the EMERGENCY OCCURRENCE REPORT.

\* \* \*

Form Completed by: \_\_\_\_\_

Title / Position: \_\_\_\_\_

Date: \_\_\_\_\_

Phone: \_\_\_\_\_

A certification is not required for this report.

\* \* \*

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](http://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 Charles Sullivan, of my staff, at 317-232-8422 or 1-800-451-6027, and ask for extension 2-8422.

Sincerely,



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

Attachments: Updated Permit, Calculations

ACD/cbs

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



# 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)

## New Source Construction and Federally Enforceable State Operating Permit OFFICE OF AIR QUALITY

**Nestle USA, Inc.  
4301 West 73rd Street  
Anderson, Indiana 46013**

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

**The Permittee must comply with all conditions of this permit. Noncompliance with any provisions of this permit is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. An emergency does constitute an affirmative defense in an enforcement action provided the Permittee complies with the applicable requirements set forth in Section B, Emergency Provisions.**

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-7 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17.

Indiana statutes from IC 13 and rules from 326 IAC, quoted in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a FESOP under 326 IAC 2-8.

Operation Permit No.: F095-23798-00129	
Original document signed by: Nisha Sizemore, Chief Permits Branch Office of Air Quality	Issuance Date: March 6, 2007 Expiration Date: March 6, 2012

First Significant Permit Modification No.: 095-27579-00129, issued July 6, 2009  
First Administrative Amendment No.: 095-28455-00129, issued October 13, 2009

Second Administrative Amendment No.: 095-29404-00129	
Issued by:  Alfred C. Dumaul, Ph.D, Section Chief Permits Branch Office of Air Quality	Issuance Date: September 15, 2010 Expiration Date: March 6, 2012

## TABLE OF CONTENTS

<b>A. SOURCE SUMMARY.....</b>	<b>6</b>
A.1 General Information [326 IAC 2-8-3(b)]	
A.2 Emission Units and Pollution Control Equipment Summary [326 IAC 2-8-3(c)(3)]	
A.3 Insignificant Activities [326 IAC 2-7-1(21)][326 IAC 2-8-3(c)(3)(l)]	
A.4 FESOP Applicability [326 IAC 2-8-2]	
<b>B. GENERAL CONDITIONS .....</b>	<b>11</b>
B.1 Definitions [326 IAC 2-8-1]	
B.2 Revocation of Permits [326 IAC 2-1.1-9(5)]	
B.3 Affidavit of Construction [326 IAC 2-5.1-3(h)] [326 IAC 2-5.1-4][326 IAC 2-8]	
B.4 Permit Term [326 IAC 2-8-4(2)][326 IAC 2-1.1-9.5][IC 13-15-3-6(a)]	
B.5 Term of Conditions [326 IAC 2-1.1-9.5]	
B.6 Enforceability [326 IAC 2-8-6]	
B.7 Severability [326 IAC 2-8-4(4)]	
B.8 Property Rights or Exclusive Privilege [326 IAC 2-8-4(5)(D)]	
B.9 Duty to Provide Information [326 IAC 2-8-4(5)(E)]	
B.10 Certification [326 IAC 2-8-3(d)][326 IAC 2-8-4(3)(C)(i)][326 IAC 2-8-5(1)]	
B.11 Annual Compliance Certification [326 IAC 2-8-5(a)(1)]	
B.12 Compliance Order Issuance [326 IAC 2-8-5(b)]	
B.13 Preventive Maintenance Plan [326 IAC 1-6-3][326 IAC 2-8-4(9)] [326 IAC 2-8-5(a)(1)]	
B.14 Emergency Provisions [326 IAC 2-8-12]	
B.15 Prior Permits Superseded [326 IAC 2-1.1-9.5]	
B.16 Termination of Right to Operate [326 IAC 2-8-9][326 IAC 2-8-3(h)]	
B.17 Permit Modification, Reopening, Revocation and Reissuance, or Termination [326 IAC 2-8-4(5)(C)][326 IAC 2-8-7(a)][326 IAC 2-8-8]	
B.18 Permit Renewal [326 IAC 2-8-3(h)]	
B.19 Permit Amendment or Revision [326 IAC 2-8-10][326 IAC 2-8-11.1]	
B.20 Operational Flexibility [326 IAC 2-8-15][326 IAC 2-8-11.1]	
B.21 Source Modification Requirement [326 IAC 2-8-11.1]	
B.22 Inspection and Entry [326 IAC 2-8-5(a)(2)][IC 13-14-2-2][IC 13-17-3-2] [IC 13-30-3-1]	
B.23 Transfer of Ownership or Operational Control [326 IAC 2-8-10]	
B.24 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-8-4(6)] [326 IAC 2-8-16] [326 IAC 2-1.1-7]	
B.25 Credible Evidence [326 IAC 2-8-4(3)][326 IAC 2-8-5][62 FR 8314] [326 IAC 1-1-6]	
<b>C. SOURCE OPERATION CONDITIONS .....</b>	<b>20</b>
<b>Emission Limitations and Standards [326 IAC 2-8-4(1)]</b>	
C.1 Particulate Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) Pounds per Hour [326 IAC 6-3-2]	
C.2 Overall Source Limit [326 IAC 2-8]	
C.3 Opacity [326 IAC 5-1]	
C.4 Open Burning [326 IAC 4-1] [IC 13-17-9]	
C.5 Incineration [326 IAC 4-2] [326 IAC 9-1-2]	
C.6 Fugitive Dust Emissions [326 IAC 6-4]	
C.7 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]	
<b>Testing Requirements [326 IAC 2-8-4(3)]</b>	
C.8 Performance Testing [326 IAC 3-6]	

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

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

**Compliance Monitoring Requirements [326 IAC 2-8-4][326 IAC 2-8-5(a)(1)]**

C.10 Compliance Monitoring [326 IAC 2-8-4(3)][326 IAC 2-8-5(a)(1)]

C.11 Monitoring Methods [326 IAC 3] [40 CFR 60] [40 CFR 63]

C.12 Instrument Specifications [326 IAC 2-1.1-11] [326 IAC 2-8-4(3)]  
[326 IAC 2-8-5(1)]

**Corrective Actions and Response Steps [326 IAC 2-8-4][326 IAC 2-8-5(a)(1)]**

C.13 Risk Management Plan [326 IAC 2-8-4] [40 CFR 68]

C.14 Response to Excursions or Exceedances [326 IAC 2-8-4] [326 IAC 2-8-5]

C.15 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-8-4]  
[326 IAC 2-8-5]

**Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]**

C.16 General Record Keeping Requirements [326 IAC 2-8-4(3)] [326 IAC 2-8-5]

C.17 General Reporting Requirements [326 IAC 2-8-4(3)(C)] [326 IAC 2-1.1-11]

**Stratospheric Ozone Protection**

C.18 Compliance with 40 CFR 82 and 326 IAC 22-1

**D.1. EMISSIONS UNIT OPERATION CONDITIONS - Nesquik, Coffeemate, and Boost Production..26**

D.1.1 Permit No Defense

D.1.2 Effective Date of the Permit [IC13-15-5-3]

D.1.3 Modification to Construction Conditions [326 IAC 2]

**Emission Limitations and Standards [326 IAC 2-8-4(1)]**

D.1.4 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

**Compliance Determination Requirements**

D.1.5 Particulate Control

**D.2 EMISSIONS UNIT OPERATION CONDITIONS - Container Production and Filling ..... 29**

D.2.1 Permit No Defense

D.2.2 Effective Date of the Permit [IC13-15-5-3]

D.2.3 Modification to Construction Conditions [326 IAC 2]

**Emission Limitations and Standards [326 IAC 2-8-4(1)]**

D.2.4 Volatile Organic Compound (VOC) Limitation [326 IAC 2-8]

D.2.5 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

**Compliance Determination Requirements**

D.2.6 VOC Control

D.2.7 Testing Requirements [326 IAC 2-8-5(a)(1), (4)] [326 IAC 2-1.1-11]

**Compliance Monitoring Requirements [326 IAC 2-8-4] [326 IAC 2-8-5(a)(1)]**

D.2.8 Parametric Monitoring

D.2.9 Scrubber Malfunction

**Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]**

D.2.10 Record Keeping Requirements

**D.3 EMISSIONS UNIT OPERATION CONDITIONS - Boiler1, Boiler2 and Boiler4 ..... 32**

- D.3.1 Permit No Defense
- D.3.2 Effective Date of the Permit [IC13-15-5-3]
- D.3.3 Modification to Construction Conditions [326 IAC 2]

**Emission Limitations and Standards [326 IAC 2-8-4(1)]**

- D.3.4 Particulate [326 IAC 6-2-4]
- D.3.5 CO Limit [326 IAC 2-8]
- D.3.6 VOC Limit [326 IAC2-8]
- D.3.7 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

**Compliance Determination Requirements**

- D.3.8 Testing Requirements

**Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]**

- D.3.9 Record Keeping Requirements [40 CFR 60, Subpart Dc] [326 IAC 12]

**New Source Performance Standards (NSPS) Requirements [326 IAC 2-7-5(1)]**

- D.3.10 General Provisions Relating to New Source Performance Standards [326 IAC 12-1] [40 CFR Part 60, Subpart A]
- D.3.11 Standard of Performance for Small Industrial-Commercial-Institutional Steam Generating Units Requirements [40 CFR Part 60, Subpart Dc] [326 IAC 12]
- D.3.12 One Time Deadlines Relating to NSPS Subpart Dc

**D.4 EMISSIONS UNIT OPERATION CONDITIONS - Boiler3 ..... 39**

- D.4.1 Permit No Defense
- D.4.2 Effective Date of the Permit [IC13-15-5-3]
- D.4.3 Modification to Construction Conditions [326 IAC 2]

**Emission Limitations and Standards [326 IAC 2-8-4(1)]**

- D.4.4 Particulate [326 IAC 6-2-4]
- D.5.5 CO Limit [326 IAC 2-8]
- D.4.6 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

**Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]**

- D.4.7 Record Keeping Requirements [40 CFR 60, Subpart Dc] [326 IAC 12]

**New Source Performance Standards (NSPS) Requirements [326 IAC 2-7-5(1)]**

- D.4.8 General Provisions Relating to New Source Performance Standards [326 IAC 12-1] [40 CFR Part 60, Subpart A]
- D.4.9 Standard of Performance for Small Industrial-Commercial-Institutional Steam Generating Units Requirements [40 CFR Part 60, Subpart Dc] [326 IAC 12]
- D.4.10 One Time Deadlines Relating to NSPS Subpart Dc

**D.5 EMISSIONS UNIT OPERATION CONDITIONS - Emergency Generators and Fire Pump..... 44**

- D.5.1 Permit No Defense
- D.5.2 Effective Date of the Permit [IC13-15-5-3]
- D.5.3 Modification to Construction Conditions [326 IAC 2]

**New Source Performance Standards (NSPS) Requirements [326 IAC 2-7-5(1)]**

- D.5.4 General Provisions Relating to New Source Performance Standards [326 IAC 12-1] [40 CFR Part 60, Subpart A]
- D.5.5 Standards of Performance for Stationary Compression Ignition Internal Combustion Engines [40 CFR Part 60, Subpart IIII] [326 IAC 12]

D.5.6 National Emission for Stationary Compression Ignition Internal Combustion Engines [40 CFR Part 63, Subpart ZZZZ] [326 IAC 20-82]

Certification Form .....	54
Emergency Occurrence Form .....	55
Quarterly Deviation and Compliance Monitoring Report Form .....	57
Affidavit of Construction .....	59

## SECTION A

This permit 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 through A.3 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 or seek modification of this permit pursuant to 326 IAC 2, or change other applicable requirements presented in the permit application.

### A.1 General Information [326 IAC 2-8-3(b)]

---

The Permittee owns and operates a stationary food processing and bottling plant.

Source Address:	4301 West 73rd Street, Anderson, Indiana 46013
General Source Phone Number:	(765) 778-6019
SIC Code:	2026, 2023, 3085
County Location:	Madison
Source Location Status:	Attainment for all criteria pollutants
Source Status:	Federally Enforceable State Operating Permit Program Minor Source, under PSD and Emission Offset Rules Minor Source, Section 112 of the Clean Air Act Not 1 of 28 Source Categories

### A.2 Emission Units and Pollution Control Equipment Summary [326 IAC 2-8-3(c)(3)]

---

This stationary source consists of the following emission units and pollution control devices:

#### **Nesquik Liquid and Coffeemate Liquid Production:**

- (a) Two (2) pneumatic conveyance systems for transporting sugar from railcars to storage silos, identified as EU-1a and EU-1b, approved for construction in 2007, with a combined maximum throughput capacity of 66,000 pounds per hour, with emissions from each conveyance system controlled by an integral cyclone/filter (107a and 107b) and an integral vent filter (122a and 122b), respectively, with emissions exhausting inside the building.
- (b) Four (4) storage silos for storing sugar, identified as EU-2a through EU-2d, approved for construction in 2007, with a maximum combined storage capacity of 800 tons and a combined maximum throughput capacity of 66,000 pounds per hour, with emissions controlled by integral bag filters (211a and 211b) and integral vent filters (409a and 409b). 211a and 211b exhaust to stacks V211a and V211b, and 409a and 409b exhaust inside the building.
- (c) One (1) pneumatic conveyance system for transporting sugar from storage silos to the sugar dissolving operation, identified as EU-3, approved for construction in 2007, with a maximum throughput capacity of 66,000 pounds per hour, with emissions controlled by an integral bag filter (511), and exhausting inside the building.
- (d) One (1) cocoa dumping station, identified as EU-4, approved for construction in 2007, with a maximum throughput capacity of 6,000 pounds per hour, with emissions controlled by an integral bag filter (708), and exhausting inside the building.
- (e) One (1) pneumatic conveyance system for transporting cocoa from the cocoa dumping station to the cocoa dissolving operation, identified as EU-5, approved for construction in 2007, with a maximum throughput capacity of 8,820 pounds per hour, with emissions controlled by an integral bag filter (723), and exhausting inside the building.

- (f) Six (6) minor ingredients dumping stations, identified as EU-6a through EU-6f, approved for construction in 2007, with a combined maximum throughput capacity of 19,800 pounds per hour, with emissions on each conveyance system controlled by an integral bag filter (1202a through 1202f, respectively), and exhausting inside the building.
- (g) Six (6) major ingredients receiving for transporting major ingredients from the dumping stations to a homogenization operation, identified as EU-8a through EU-8f, approved for construction in 2007, with a combined maximum throughput capacity of 60,000 pounds per hour, with emissions from each conveyance system controlled by an integral bag filter (1304a through 1304f, respectively), and exhausting to stacks V1304a through V1304f, respectively.
- (h) One (1) completely enclosed hydraulic transfer system for transporting vegetable oil from tankcars to vegetable oil storage tanks and then to the CML mixing, identified as VegOilTransfer, approved for construction in 2007, with a maximum throughput capacity of 6,500 pounds per hour, with uncontrolled emissions exhausting inside the building.

**Boost Production:**

- (i) One (1) Tapioca Dextrin & Fructose Transfer Station, identified as EU-16, approved for construction in 2009, with a maximum capacity of 13,224 pounds per hour, using an integral fabric filter identified as Filter#101 for particulate control, and exhausting inside the building.
- (j) One (1) Soya Cyclone and Hopper, identified as EU-17, approved for construction in 2009, with a maximum capacity of 13,224 pounds per hour, using an integral fabric filter identified as Filter#1309 for particulate control, and exhausting inside the building.
- (k) Major Ingredients Cyclones and Silos, identified as EU-18, approved for construction in 2009, with a maximum capacity of 13,224 pounds per hour, using an integral fabric filter identified as Filter#309 for particulate control, and exhausting inside the building.
- (l) One (1) Big Bag Filling Station, identified as EU-19, approved for construction in 2009, with a maximum capacity of 13,244 pounds per hour, using an integral fabric filter identified as Filter#607 for particulate control, and exhausting inside the building.
- (m) Weighing Hoppers before Scanima, identified as EU-20, approved for construction in 2009, with a maximum capacity of 1,125 pounds per hour, using an integral fabric filter identified as Filter#814 for particulate control, and exhausting inside the building.
- (n) Micro & Macro Ingredients Transfer Station, identified as EU-21, approved for construction in 2009, with a maximum capacity of 250 pounds per hour, using an integral fabric filter identified as Filter#1601 for particulate control, and exhausting inside the building.
- (o) Pre-weight Dumping Station, identified as EU-22, approved for construction in 2009, with a maximum capacity of 20 pounds per hour, using an integral fabric filter identified as Filter#1701 for particulate control, and exhausting inside the building.
- (p) Cocoa Dumping Station, identified as EU-23, approved for construction in 2009, with a maximum capacity of 8,816 pounds per hour, using an integral fabric filter identified as Filter#1801 for particulate control, and exhausting inside the building.

### **Container Production and Filling:**

- (q) One (1) pneumatic conveyance system for transporting polyethylene terephthalate resin pellets (PET) from railcars to two (2) storage silos, identified as EU-9, approved for construction in 2007, with a maximum throughput capacity of 33,000 pounds per hour, with emissions controlled by an integral bag filter (1407) and an integral vent filter (1507), with emissions exhausting inside the building.
- (r) Two (2) storage silos for storing polyethylene terephthalate resin pellets (PET), identified as EU-10a and EU-10b, approved for construction in 2007, each with a maximum storage capacity of 200 tons, with a combined maximum throughput capacity of 33,000 pounds per hour, each with emissions controlled by an integral cyclone/filter (1515), and exhausting inside the building.
- (s) Four (4) PET drying hopper operations, identified as EU-11a through EU-11d, approved for construction in 2007, with a combined maximum throughput capacity of 10,666 pounds per hour, using electric heaters, with emissions from each hopper controlled by integral cyclone and bag filters (11a through 11d, respectively), and exhausting inside the building.
- (t) One (1) container preforming operation, identified as EU-12, approved for construction in 2007, with a maximum throughput capacity of 10,666 pounds of resin per hour, using electric heaters, with uncontrolled emissions exhausting inside the building.
- (u) One (1) container blowmolding operation, identified as EU-13, approved for construction in 2007, with a maximum throughput capacity of 10,666 pounds of resin per hour, using electric heaters, using compressed air as blowing agent, with uncontrolled emissions exhausting inside the building.
- (v) Six (6) container sterilization and filling facilities, identified as EU-14a through EU-14f, approved for construction in 2007, with a combined maximum throughput capacity of 10,666 pounds of plastic containers per hour, using a VOC/oxidizer rinse to sanitize containers prior to filling, with emissions from each sterilization and filling facility controlled by a wet scrubber (F1a through F1f, respectively), and exhausting to stacks VF1a through VF1f, respectively.
- (w) One (1) PET scrap grinding and transfer operation, identified as EU-15a and EU-15b, approved for construction in 2007, with a maximum grinding capacity of 2,000 pounds of plastic scrap per hour, with emissions controlled by integral cyclone/bag filters (2000a and 2000c and 2000d) and deduster (2000b), and exhausting inside the building.
- (x) Two (2) container sterilization and filling facilities, identified as EU28a and EU28b, approved for construction in 2009, with a combined maximum throughput capacity of 43,200 bottles per hour, using a VOC/oxidizer rinse to sanitize containers prior to filling, with emissions from each sterilization and filling facility controlled by a wet scrubber (F1g and F1h, respectively), and exhausting to stacks VF1g and VF1h, respectively.
- (y) Polyshield Drying, identified as EU-24, approved for construction in 2009, with a maximum capacity of 110 pounds per hour, using fabric filter identified as Filter#24 for particulate control, and exhausting inside the building.
- (z) MXD6/BB10 Drying, identified as EU-25, approved for construction in 2009, with a maximum capacity of 66 pounds per hour, using fabric filter identified as Filter#25, for particulate control, and exhausting inside the building.
- (aa) One (1) container preform operation, identified as EU-26, approved for construction in 2009, with a maximum capacity of 44,800 preforms per hour, uncontrolled and exhausting inside the building.

- (bb) One (1) container blowmolding operation, identified as EU-27, approved for construction in 2009, with a maximum capacity of 1,975 pounds per hour, uncontrolled and exhausting inside the building.

**Boilers:**

- (cc) Two (2) natural gas-fired boilers, identified as Boiler1 and Boiler2, approved for construction in 2007, each with a maximum heat input capacity of 99 MMBtu per hour, each equipped with ultra low-NOx burners (9 ppm NOx) and using flue gas recirculation for NOx control, with emissions exhausting to stacks VBoiler1 and VBoiler2, respectively. Under 40 CFR 60, Subpart Dc, Boiler1 and Boiler2 are considered to be Small Industrial-Commercial-Institutional Steam Generating Units.
- (dd) One (1) natural gas-fired boiler, identified as Boiler3, approved for construction in 2007, with a maximum heat input capacity of 11.8 MMBtu per hour, equipped with low-NOx burners for NOx control, with emissions exhausting to stack VBoiler3. Under 40 CFR 60, Subpart Dc, Boiler3 is considered to be a Small Industrial-Commercial-Institutional Steam Generating Unit.
- (ee) One (1) natural gas-fired boiler, identified as Boiler4, approved for construction in 2009, with a maximum heat input capacity of 99 MMBtu per hour, equipped with ultra low-NOx burners (9ppm NOx) and using flue gas recirculation for NOx control, with emissions exhausting to stack VBoiler4. Under 40 CFR 60, Subpart Dc, Boiler4 is considered to be a small industrial-commercial-institutional steam generating unit.

A.3 Insignificant Activities [326 IAC 2-7-1(21)][326 IAC 2-8-3(c)(3)(I)]

This stationary source also includes the following insignificant activities:

- (a) Natural gas-fired combustion sources with heat input equal to or less than ten (10) million BTU per hour, consisting of seventy-nine (79) space heaters and HVAC units with a combined heat input capacity of 60.5 MMBtu per hour.
- (b) VOC and HAP storage containers storing lubricating oils, hydraulic oils, machining oils, or machining fluids.
- (c) Closed loop heating and cooling systems.
- (d) Activities associated with the treatment of wastewater streams.
- (e) Noncontact cooling tower systems, consisting of natural draft cooling towers not regulated under a NESHAP.
- (f) Replacement or repair of electrostatic precipitators, bags in baghouses, and filters in other air filtration equipment.
- (g) Heat exchanger cleaning and repair.
- (h) Process vessel degassing and cleaning to prepare for internal repairs.
- (i) Paved roads and parking lots with public access.
- (j) Blowdown for the following: sight glass, boiler, cooling tower, compressors and/or pumps.

- (k) Emergency diesel generators not exceeding one thousand six hundred (1,600) horsepower, consisting of three (3) diesel-fueled generators, identified as Gen1, Gen2, and Gen3, approved for construction in 2007, each rated at 750 brake horsepower, each with a displacement of 14.9 liters, with emissions uncontrolled and exhausting to stacks VGen1, VGen2, and VGen3. Under 40 CFR 60, Subpart IIII, Gen1, Gen2, and Gen3 are considered to be stationary compression ignition internal combustion engines (CI ICE).
- (l) An emergency fire pump engine, consisting of one (1) diesel-fueled pump engine, identified as Pump1, approved for construction in 2007, rated at 183 horsepower, with a displacement of 6.8 liters, with emissions uncontrolled and exhausting to stack VPump1. Under 40 CFR 60, Subpart IIII, Pump1 is considered to be a stationary compression ignition internal combustion engine (CI ICE).
- (m) Emissions from three (3) laboratories, as defined in 326 IAC 2-7-1(21)(D).
- (n) Emissions from research and development activities as defined in 326 IAC 2-7-1(21)(E).
- (o) Natural gas-fired combustion sources with heat input equal to or less than ten (10) million Btu per hour, consisting of three (3) space heaters and HVAC units with a combined heat input capacity of 7.50 MMBtu per hour.
- (p) One (1) dust collector associated with bin cleaning of dry ingredients, identified as EU-29, constructed in 2009, equipped with a bag filter.
- (q) Wastewater treatment Dissolved Air Flotation (DAF) Unit, identified as EU-30, constructed in 2010, with VOC, oil and grease content less than or equal to one percent (1%) by volume.
- (r) Filler Room HVAC unit installed in each of seven Filler Rooms, identified as EU-31, constructed in 2010, with VOC emissions rate less than three (3) lb/hr.

A.4 FESOP Applicability [326 IAC 2-8-2]

---

This stationary source, otherwise required to have a Part 70 permit as described in 326 IAC 2-7-2(a), has applied to the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ) for a Federally Enforceable State Operating Permit (FESOP).

## **SECTION B GENERAL CONDITIONS**

### **B.1 Definitions [326 IAC 2-8-1]**

---

Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, the applicable definitions found in the statutes or regulations (IC 13-11, 326 IAC 1-2 and 326 IAC 2-7) shall prevail.

### **B.2 Revocation of Permits [326 IAC 2-1.1-9(5)]**

---

Pursuant to 326 IAC 2-1.1-9(5)(Revocation of Permits), the Commissioner may revoke this permit if construction is not commenced within eighteen (18) months after receipt of this approval or if construction is suspended for a continuous period of one (1) year or more.

### **B.3 Affidavit of Construction [326 IAC 2-5.1-3(h)] [326 IAC 2-5.1-4][326 IAC 2-8]**

---

This document shall also become the approval to operate pursuant to 326 IAC 2-5.1-4 and 326 IAC 2-8 when prior to the start of operation, the following requirements are met:

- (a) The attached Affidavit of Construction shall be submitted to the Office of Air Quality (OAQ), verifying that the emission units were constructed as proposed in the application or the permit. The emission units covered in this permit may begin operating on the date the Affidavit of Construction is postmarked or hand delivered to IDEM if constructed as proposed.
- (b) If actual construction of the emission units differs from the construction proposed in the application, the source may not begin operation until the permit has been revised pursuant to 326 IAC 2 and an Operation Permit Validation Letter is issued.
- (c) The Permittee shall attach the Operation Permit Validation Letter received from the Office of Air Quality (OAQ) to this permit.

### **B.4 Permit Term [326 IAC 2-8-4(2)][326 IAC 2-1.1-9.5][IC 13-15-3-6(a)]**

- 
- (a) This permit, F129-27917-00054, is issued for a fixed term of five (5) years from the issuance date of this permit, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3. Subsequent revisions, modifications, or amendments of this permit do not affect the expiration date of this permit.
  - (b) If IDEM, OAQ, upon receiving a timely and complete renewal permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect, until the renewal permit has been issued or denied.

### **B.5 Term of Conditions [326 IAC 2-1.1-9.5]**

---

Notwithstanding the permit term of a permit to construct, a permit to operate, or a permit modification, any condition established in a permit issued pursuant to a permitting program approved in the state implementation plan shall remain in effect until:

- (a) the condition is modified in a subsequent permit action pursuant to Title I of the Clean Air Act; or
- (b) the emission unit to which the condition pertains permanently ceases operation.

### **B.6 Enforceability [326 IAC 2-8-6] [IC 13-17-12]**

---

Unless otherwise stated, all terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM, the United States Environmental Protection Agency (U.S. EPA) and by citizens in accordance with the Clean Air Act.

**B.7 Severability [326 IAC 2-8-4(4)]**

---

The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.

**B.8 Property Rights or Exclusive Privilege [326 IAC 2-8-4(5)(D)]**

---

This permit does not convey any property rights of any sort or any exclusive privilege.

**B.9 Duty to Provide Information [326 IAC 2-8-4(5)(E)]**

---

- (a) The Permittee shall furnish to IDEM, OAQ, within a reasonable time, any information that IDEM, OAQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. Upon request, the Permittee shall also furnish to IDEM, OAQ copies of records required to be kept by this permit.
- (b) For information furnished by the Permittee to IDEM, OAQ, the Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1. When furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.

**B.10 Certification [326 IAC 2-8-3(d)][326 IAC 2-8-4(3)(C)(i)][326 IAC 2-8-5(1)]**

---

- (a) A certification required by this permit meets the requirements of 326 IAC 2-8-5(a)(1) if:
  - (1) it contains a certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1), and
  - (2) the certification states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (b) The Permittee may use the attached Certification Form, or its equivalent with each submittal requiring certification. One (1) certification may cover multiple forms in one (1) submittal.
- (c) An "authorized individual" is defined at 326 IAC 2-1.1-1(1).

**B.11 Annual Compliance Certification [326 IAC 2-8-5(a)(1)]**

---

- (a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. The initial certification shall cover the time period from the date of final permit issuance through December 31 of the same year. All subsequent certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted no later than July 1 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, Indiana 46204-2251
- (b) The annual compliance certification report required by this permit 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.
- (c) The annual compliance certification report shall include the following:

- (1) The appropriate identification of each term or condition of this permit that is the basis of the certification;
- (2) The compliance status;
- (3) Whether compliance was continuous or intermittent;
- (4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-8-4(3); and
- (5) Such other facts, as specified in Sections D of this permit, as IDEM, OAQ may require to determine the compliance status of the source.

The submittal by the Permittee does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

B.12 Compliance Order Issuance [326 IAC 2-8-5(b)]

IDEM, OAQ may issue a compliance order to this Permittee upon discovery that this permit is in nonconformance with an applicable requirement. The order may require immediate compliance or contain a schedule for expeditious compliance with the applicable requirement.

B.13 Preventive Maintenance Plan [326 IAC 1-6-3][326 IAC 2-8-4(9)][326 IAC 2-8-5(a)(1)]

- (a) If required by specific condition(s) in Section D of this permit, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMPs) no later than ninety (90) days after issuance of this permit or ninety (90) days after initial start-up, whichever is later, including the following information on each facility:
- (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
  - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and
  - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If, due to circumstances beyond the Permittee's control, the PMPs cannot be prepared and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:

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

The PMP extension notification does not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

The Permittee shall implement the PMPs.

- (b) A copy of the PMPs shall be submitted to IDEM, OAQ upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ. IDEM, OAQ may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or is the primary contributor to an exceedance of any limitation on emissions. The PMPs and their submittal do not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (c) To the extent the Permittee is required by 40 CFR Part 60/63 to have an Operation Maintenance, and Monitoring (OMM) Plan for a unit, such Plan is deemed to satisfy the PMP requirements of 326 IAC 1-6-3 for that unit.

**B.14 Emergency Provisions [326 IAC 2-8-12]**

---

- (a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation except as provided in 326 IAC 2-8-12.
- (b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a health-based or technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:
  - (1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;
  - (2) The permitted facility was at the time being properly operated;
  - (3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;
  - (4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ, or Southwest Regional Office within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

Telephone Number: 1-800-451-6027 (ask for Office of Air Quality,  
Compliance and Enforcement Branch), or  
Telephone Number: 317-233-0178 (ask for Office of Air Quality,  
Compliance and Enforcement Branch)

Facsimile Number: 317-233-6865

Southwest Regional Office phone: (812) 380-2305; fax: (812) 380-2304.

- (5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile 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

within two (2) working days of the time when emission limitations were exceeded due to the emergency.

The notice fulfills the requirement of 326 IAC 2-8-4(3)(C)(ii) and must contain the following:

- (A) A description of the emergency;
- (B) Any steps taken to mitigate the emissions; and
- (C) Corrective actions taken.

The notification which shall be submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (6) The Permittee immediately took all reasonable steps to correct the emergency.
- (c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.
- (d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.
- (e) The Permittee seeking to establish the occurrence of an emergency shall make records available upon request to ensure that failure to implement a PMP did not cause or contribute to an exceedance of any limitations on emissions. However, IDEM, OAQ may require that the Preventive Maintenance Plans required under 326 IAC 2-8-3(c)(6) be revised in response to an emergency.
- (f) Failure to notify IDEM, OAQ by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-8 and any other applicable rules.
- (g) Operations may continue during an emergency only if the following conditions are met:
  - (1) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.
  - (2) If an emergency situation causes a deviation from a health-based limit, the Permittee may not continue to operate the affected emissions facilities unless:
    - (A) The Permittee immediately takes all reasonable steps to correct the emergency situation and to minimize emissions; and
    - (B) Continued operation of the facilities is necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw material of substantial economic value.

Any operations shall continue no longer than the minimum time required to prevent the situations identified in (g)(2)(B) of this condition.

**B.15** Prior Permits Superseded [326 IAC 2-1.1-9.5]

- 
- (a) All terms and conditions of permits established prior to F129-27917-00054 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.16 Termination of Right to Operate [326 IAC 2-8-9][326 IAC 2-8-3(h)]**

---

The Permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least nine (9) months prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-8-3(h) and 326 IAC 2-8-9.

**B.17 Permit Modification, Reopening, Revocation and Reissuance, or Termination [326 IAC 2-8-4(5)(C)][326 IAC 2-8-7(a)][326 IAC 2-8-8]**

---

- (a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Federally Enforceable State Operating Permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-8-4(5)(C)] The notification by the Permittee does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAQ determines any of the following:
  - (1) That this permit contains a material mistake.
  - (2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.
  - (3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-8-8(a)]
- (c) Proceedings by IDEM, OAQ to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-8-8(b)]
- (d) The reopening and revision of this permit, under 326 IAC 2-8-8(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAQ at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAQ may provide a shorter time period in the case of an emergency. [326 IAC 2-8-8(c)]

**B.18 Permit Renewal [326 IAC 2-8-3(h)]**

---

- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ and shall include the information specified in 326 IAC 2-8-3. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40). The renewal application does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

Request for renewal shall be submitted to:

Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

- (b) A timely renewal application is one that is:
- (1) Submitted at least nine (9) months prior to the date of the expiration of this permit; and
  - (2) 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.
- (c) If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-8 until IDEM, OAQ takes final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by the deadline specified, pursuant to 326 IAC 2-8-3(g), in writing by IDEM, OAQ any additional information identified as being needed to process the application.

B.19 Permit Amendment or Revision [326 IAC 2-8-10][326 IAC 2-8-11.1]

- (a) Permit amendments and revisions are governed by the requirements of 326 IAC 2-8-10 or 326 IAC 2-8-11.1 whenever the Permittee seeks to amend or modify this permit.

- (b) Any application requesting an amendment or modification of this permit shall be submitted to:

Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

Any such application does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-8-10(b)(3)]

B.20 Operational Flexibility [326 IAC 2-8-15][326 IAC 2-8-11.1]

- (a) The Permittee may make any change or changes at the source that are described in 326 IAC 2-8-15(b) through (d) without a prior permit revision, if each of the following conditions is met:

- (1) The changes are not modifications under any provision of Title I of the Clean Air Act;
- (2) Any approval required by 326 IAC 2-8-11.1 has been obtained;
- (3) The changes do not result in emissions which exceed the limitations provided in this permit (whether expressed herein as a rate of emissions or in terms of total emissions);

- (4) The Permittee notifies the:

Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

and

United States Environmental Protection Agency, Region V  
Air and Radiation Division, Regulation Development Branch - Indiana (AR-18J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

in advance of the change by written notification at least ten (10) days in advance of the proposed change. The Permittee shall attach every such notice to the Permittee's copy of this permit; and

- (5) The Permittee maintains records on-site, on a rolling five (5) year basis, which document all such changes and emission trades that are subject to 326 IAC 2-8-15(b) through (d). The Permittee shall make such records available, upon reasonable request, for public review.

Such records shall consist of all information required to be submitted to IDEM, OAQ in the notices specified in 326 IAC 2-8-15(b)(2), (c)(1), and (d).

- (b) Emission Trades [326 IAC 2-8-15(c)]  
The Permittee may trade emissions increases and decreases at the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-8-15(c).
- (c) Alternative Operating Scenarios [326 IAC 2-8-15(d)]  
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-8-4(7). No prior notification of IDEM, OAQ, or U.S. EPA is required.
- (d) Backup fuel switches specifically addressed in, and limited under, Section D of this permit shall not be considered alternative operating scenarios. Therefore, the notification requirements of part (a) of this condition do not apply.

B.21 Source Modification Requirement [326 IAC 2-8-11.1]

A modification, construction, or reconstruction is governed by the requirements of 326 IAC 2.

B.22 Inspection and Entry [326 IAC 2-8-5(a)(2)][IC 13-14-2-2][IC 13-17-3-2][IC 13-30-3-1]

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee's right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, U.S. EPA, or an authorized representative to perform the following:

- (a) Enter upon the Permittee's premises where a FESOP source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;

- (b) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and
- (e) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.

B.23 Transfer of Ownership or Operational Control [326 IAC 2-8-10]

- (a) The Permittee must comply with the requirements of 326 IAC 2-8-10 whenever the Permittee seeks to change the ownership or operational control of the source and no other change in the permit is necessary.
- (b) Any application requesting a change in the ownership or operational control of the source shall contain a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new Permittee. The application shall be submitted to:  
  
Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251  
  
Any such application does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-8-10(b)(3)]

B.24 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-8-4(6)] [326 IAC 2-8-16][326 IAC 2-1.1-7]

- (a) The Permittee shall pay annual fees to IDEM, OAQ no later than thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ the applicable fee is due April 1 of each year.
- (b) Failure to pay may result in administrative enforcement action or revocation of this permit.
- (c) The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-4230 (ask for OAQ, Billing, Licensing, and Training Section), to determine the appropriate permit fee.

B.25 Credible Evidence [326 IAC 2-8-4(3)][326 IAC 2-8-5][62 FR 8314] [326 IAC 1-1-6]

For the purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of any condition of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether the Permittee would have been in compliance with the condition of this permit if the appropriate performance or compliance test or procedure had been performed.

## SECTION C SOURCE OPERATION CONDITIONS

Entire Source

### Emission Limitations and Standards [326 IAC 2-8-4(1)]

#### C.1 Particulate Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) Pounds per Hour [326 IAC 6-3-2]

Pursuant to 326 IAC 6-3-2(e)(2), particulate emissions from any process not exempt under 326 IAC 6-3-1(b) or (c) which has a maximum process weight rate less than 100 pounds per hour and the methods in 326 IAC 6-3-2(b) through (d) do not apply shall not exceed 0.551 pounds per hour.

#### C.2 Overall Source Limit [326 IAC 2-8]

The purpose of this permit is to limit this source's potential to emit to less than major source levels for the purpose of Section 502(a) of the Clean Air Act.

(a) Pursuant to 326 IAC 2-8:

- (1) The potential to emit any regulated pollutant, except particulate matter (PM), from the entire source shall be limited to less than one hundred (100) tons per twelve (12) consecutive month period.
- (2) The potential to emit any individual hazardous air pollutant (HAP) from the entire source shall be limited to less than ten (10) tons per twelve (12) consecutive month period; and
- (3) The potential to emit any combination of HAPs from the entire source shall be limited to less than twenty-five (25) tons per twelve (12) consecutive month period.

(b) Pursuant to 326 IAC 2-2 (PSD), potential to emit particulate matter (PM) from the entire source shall be limited to less than two hundred fifty (250) tons per twelve (12) consecutive month period.

(c) This condition shall include all emission points at this source including those that are insignificant as defined in 326 IAC 2-7-1(21). The source shall be allowed to add insignificant activities not already listed in this permit, provided that the source's potential to emit does not exceed the above specified limits.

(d) Section D of this permit contains independently enforceable provisions to satisfy this requirement.

#### C.3 Opacity [326 IAC 5-1]

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-1 (Applicability) and 326 IAC 5-1-3 (Temporary Alternative Opacity Limitations), opacity shall meet the following, unless otherwise stated in this permit:

- (a) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.
- (b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

C.4 Open Burning [326 IAC 4-1] [IC 13-17-9]

---

The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1.

C.5 Incineration [326 IAC 4-2] [326 IAC 9-1-2]

---

The Permittee shall not operate an incinerator except as provided in 326 IAC 4-2 or in this permit. The Permittee shall not operate a refuse incinerator or refuse burning equipment except as provided in 326 IAC 9-1-2 or in this permit.

C.6 Fugitive Dust Emissions [326 IAC 6-4]

---

The Permittee shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4 (Fugitive Dust Emissions).

C.7 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]

---

- (a) Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.
- (b) The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:
- (1) When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or
  - (2) If there is a change in the following:
    - (A) Asbestos removal or demolition start date;
    - (B) Removal or demolition contractor; or
    - (C) Waste disposal site.
- (c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).
- (d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).

All required notifications shall be submitted 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

The notice shall include a signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project. The notifications do not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (e) **Procedures for Asbestos Emission Control**  
The Permittee shall comply with the applicable emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-1, emission control requirements are applicable for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.
- (f) **Demolition and Renovation**  
The Permittee shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos pursuant to 40 CFR 61.145(a).
- (g) **Indiana Licensed Asbestos Inspector**  
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Licensed Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos.

### **Testing Requirements [326 IAC 2-8-4(3)]**

#### **C.8 Performance Testing [326 IAC 3-6]**

---

- (a) For performance testing required by this permit, a test protocol, except as provided elsewhere in this permit, shall be submitted 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  
  
no later than thirty-five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ if the Permittee submits to IDEM, OAQ a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.

## **Compliance Requirements [326 IAC 2-1.1-11]**

### **C.9 Compliance Requirements [326 IAC 2-1.1-11]**

---

The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements by issuing an order under 326 IAC 2-1.1-11. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U. S. EPA.

### **Compliance Monitoring Requirements [326 IAC 2-8-4][326 IAC 2-8-5(a)(1)]**

### **C.10 Compliance Monitoring [326 IAC 2-8-4(3)][326 IAC 2-8-5(a)(1)]**

---

Unless otherwise specified in this permit, for all monitoring requirements not already legally required, the Permittee shall be allowed up to ninety (90) days from the date of permit issuance or of initial start-up, whichever is later, to begin such monitoring. If due to circumstances beyond the Permittee's control, any monitoring equipment required by this permit cannot be installed and operated no later than ninety (90) days after permit issuance or the date of initial startup, whichever is later, the Permittee may extend the compliance schedule related to the equipment for an additional ninety (90) days provided the Permittee notifies:

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

in writing, prior to the end of the initial ninety (90) day compliance schedule, with full justification of the reasons for the inability to meet this date.

The notification which shall be submitted by the Permittee does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

Unless otherwise specified in the approval for the new emission unit(s), compliance monitoring for new emission units or emission units added through a permit revision shall be implemented when operation begins.

### **C.11 Instrument Specifications [326 IAC 2-1.1-11] [326 IAC 2-8-4(3)][326 IAC 2-8-5(1)]**

---

- (a) When required by any condition of this permit, an analog instrument used to measure a parameter related to the operation of an air pollution control device shall have a scale such that the expected maximum reading for the normal range shall be no less than twenty percent (20%) of full scale.
- (b) The Permittee may request that the IDEM, OAQ approve the use of an instrument that does not meet the above specifications provided the Permittee can demonstrate that an alternative instrument specification will adequately ensure compliance with permit conditions requiring the measurement of the parameters.

## **Corrective Actions and Response Steps [326 IAC 2-8-4][326 IAC 2-8-5(a)(1)]**

### **C.12 Emergency Reduction Plans [326 IAC 1-5-2] [326 IAC 1-5-3]**

---

Pursuant to 326 IAC 1-5-2 (Emergency Reduction Plans; Submission):

- (a) The Permittee shall prepare written emergency reduction plans (ERPs) consistent with safe operating procedures.
- (b) These ERPs shall be submitted for approval 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

within 180 days from the date on which this source commences operation.

The ERP does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (c) If the ERP is disapproved by IDEM, OAQ, the Permittee shall have an additional thirty (30) days to resolve the differences and submit an approvable ERP.
- (d) These ERPs shall state those actions that will be taken, when each episode level is declared, to reduce or eliminate emissions of the appropriate air pollutants.
- (e) Said ERPs shall also identify the sources of air pollutants, the approximate amount of reduction of the pollutants, and a brief description of the manner in which the reduction will be achieved.
- (f) Upon direct notification by IDEM, OAQ that a specific air pollution episode level is in effect, the Permittee shall immediately put into effect the actions stipulated in the approved ERP for the appropriate episode level. [326 IAC 1-5-3]

C.13 Risk Management Plan [326 IAC 2-8-4] [40 CFR 68]

If a regulated substance, as defined in 40 CFR 68, is present at a source in more than a threshold quantity, the Permittee must comply with the applicable requirements of 40 CFR 68.

C.14 Response to Excursions or Exceedances [326 IAC 2-8-4] [326 IAC 2-8-5]

Upon detecting an excursion where a response step is required by the D Section or an exceedance of a limitation in this permit:

- (a) The Permittee shall take reasonable response steps to restore operation of the emissions unit (including any control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing excess emissions.
- (b) The response shall include minimizing the period of any startup, shutdown or malfunction. The response may include, but is not limited to, the following:
  - (1) initial inspection and evaluation;
  - (2) recording that operations returned or are returning to normal without operator action (such as through response by a computerized distribution control system);  
or
  - (3) any necessary follow-up actions to return operation to normal or usual manner of operation.
- (c) A determination of whether the Permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include, but is not limited to, the following:
  - (1) monitoring results;
  - (2) review of operation and maintenance procedures and records; and/or
  - (3) inspection of the control device, associated capture system, and the process.

- (d) Failure to take reasonable response steps shall be considered a deviation from the permit.
- (e) The Permittee shall record the reasonable response steps taken.

**C.15 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-8-4][326 IAC 2-8-5]**

- (a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall submit a description of its response actions to IDEM, OAQ, no later than seventy-five (75) days after the date of the test.
- (b) A retest to demonstrate compliance shall be performed no later than one hundred eighty (180) days after the date of the test. Should the Permittee demonstrate to IDEM, OAQ that retesting in one hundred eighty (180) days is not practicable, IDEM, OAQ may extend the retesting deadline
- (c) IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.

The response action documents submitted pursuant to this condition do require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

**Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]**

**C.16 General Record Keeping Requirements [326 IAC 2-8-4(3)] [326 IAC 2-8-5]**

- (a) Records of all required monitoring data, reports and support information required by this permit shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be physically present or electronically accessible at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.
- (b) Unless otherwise specified in this permit, all record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance or ninety (90) days of initial start-up, whichever is later.

**C.17 General Reporting Requirements [326 IAC 2-8-4(3)(C)] [326 IAC 2-1.1-11]**

- (a) The Permittee shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported except that a deviation required to be reported pursuant to an applicable requirement that exists independent of this permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report. This report shall be submitted not later than thirty (30) days after the end of the reporting period. The Quarterly Deviation and Compliance Monitoring Report shall include a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1). A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit.
- (b) The address for report submittal is:

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

- (c) Unless otherwise specified in this permit, any notice, report, or other submission required by this permit 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.
- (d) The first report shall cover the period commencing on the date of issuance of this permit or the date of initial start-up, whichever is later, and ending on the last day of the reporting period. Reporting periods are based on calendar years, unless otherwise specified in this permit. For the purpose of this permit, "calendar year" means the twelve (12) month period from January 1 to December 31 inclusive.

### **Stratospheric Ozone Protection**

#### **C.18 Compliance with 40 CFR 82 and 326 IAC 22-1**

---

Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with applicable standards for recycling and emissions reduction.

## SECTION D.1 EMISSIONS UNIT OPERATION CONDITIONS

### **Emissions Unit Description: Nesquik Liquid and Coffeemate Liquid Production and Boost Production**

- (a) Two (2) pneumatic conveyance systems for transporting sugar from railcars to storage silos, identified as EU-1a and EU-1b, approved for construction in 2007, with a combined maximum throughput capacity of 66,000 pounds per hour, with emissions from each conveyance system controlled by an integral cyclone/filter (107a and 107b) and an integral vent filter (122a and 122b), respectively, with emissions exhausting inside the building.
- (b) Four (4) storage silos for storing sugar, identified as EU-2a through EU-2d, approved for construction in 2007, with a maximum combined storage capacity of 800 tons and a combined maximum throughput capacity of 66,000 pounds per hour, with emissions controlled by integral bag filters (211a and 211b) and integral vent filters (409a and 409b). 211a and 211b exhaust to stacks V211a and V211b, and 409a and 409b exhaust inside the building.
- (c) One (1) pneumatic conveyance system for transporting sugar from storage silos to the sugar dissolving operation, identified as EU-3, approved for construction in 2007, with a maximum throughput capacity of 66,000 pounds per hour, with emissions controlled by an integral bag filter (511), and exhausting inside the building.
- (d) One (1) cocoa dumping station, identified as EU-4, approved for construction in 2007, with a maximum throughput capacity of 6,000 pounds per hour, with emissions controlled by an integral bag filter (708), and exhausting inside the building.
- (e) One (1) pneumatic conveyance system for transporting cocoa from the cocoa dumping station to the cocoa dissolving operation, identified as EU-5, approved for construction in 2007, with a maximum throughput capacity of 8,820 pounds per hour, with emissions controlled by an integral bag filter (723), and exhausting inside the building.
- (f) Six (6) minor ingredients dumping stations, identified as EU-6a through EU-6f, approved for construction in 2007, with a combined maximum throughput capacity of 19,800 pounds per hour, with emissions on each conveyance system controlled by an integral bag filter (1202a through 1202f, respectively), and exhausting inside the building.
- (g) Six (6) major ingredients receiving for transporting major ingredients from the dumping stations to a homogenization operation, identified as EU-8a through EU-8f, approved for construction in 2007, with a combined maximum throughput capacity of 60,000 pounds per hour, with emissions from each conveyance system controlled by an integral bag filter (1304a through 1304f, respectively), and exhausting to stacks V1304a through V1304f, respectively.
- (h) One (1) completely enclosed hydraulic transfer system for transporting vegetable oil from tankcars to vegetable oil storage tanks and then to the CML mixing, identified as VegOilTransfer, approved for construction in 2007, with a maximum throughput capacity of 6,500 pounds per hour, with uncontrolled emissions exhausting inside the building.
- (i) One (1) Tapioca Dextrin & Fructose Transfer Station, identified as EU-16, approved for construction in 2009, with a maximum capacity of 13,224 pounds per hour, using fabric filter identified as Filter#101 for particulate control, and exhausting inside the building.
- (j) One (1) Soya Cyclone and Hopper, identified as EU-17, approved for construction in 2009, with a maximum capacity of 13,224 pounds per hour, using fabric filter identified as Filter#1309 for particulate control, and exhausting inside the building.

- (k) Major Ingredients Cyclones and Silos, identified as EU-18, approved for construction in 2009, with a maximum capacity of 13,224 pounds per hour, using fabric filter identified as Filter#309 for particulate control, and exhausting inside the building.
- (l) One (1) Big Bag Filling Station, identified as EU-19, approved for construction in 2009, with a maximum capacity of 13,244 pounds per hour, using fabric filter identified as Filter#607 for particulate control, and exhausting inside the building.
- (m) Weighing Hoppers before Scanima, identified as EU-20, approved for construction in 2009, with a maximum capacity of 1,125 pounds per hour, using fabric filter identified as Filter#814 for particulate control, and exhausting inside the building.
- (n) Micro & Macro Ingredients Transfer Station, identified as EU-21, approved for construction in 2009, with a maximum capacity of 250 pounds per hour, using fabric filter identified as Filter#1601 for particulate control, and exhausting inside the building.
- (o) Pre-weight Dumping Station, identified as EU-22, approved for construction in 2009, with a maximum capacity of 20 pounds per hour, using fabric filter identified as Filter#1701 for particulate control, and exhausting inside the building.
- (p) Cocoa Dumping Station, identified as EU-23, approved for construction in 2009, with a maximum capacity of 8,816 pounds per hour, using fabric filter identified as Filter#1801 for particulate control, and exhausting inside the building.

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

THIS SECTION OF THE PERMIT IS BEING ISSUED UNDER THE PROVISIONS OF 326 IAC 2 AND 326 IAC 2-8-11.1, WITH CONDITIONS LISTED BELOW.

### ***Construction Conditions***

#### **General Construction Conditions**

##### **D.1.1 Permit No Defense**

---

This permit to construct does not relieve the Permittee of the responsibility to comply with the provisions of the Indiana Environmental Management Law (IC 13-11 through 13-20; 13-22 through 13-25; and 13-30), the Air Pollution Control Law (IC 13-17) and the rules promulgated there under, as well as other applicable local, state, and federal requirements.

#### **Effective Date of the Permit**

##### **D.1.2 Effective Date of the Permit [IC 13-15-5-3]**

---

Pursuant to IC 13-15-5-3, this section of this permit becomes effective upon its issuance.

##### **D.1.3 Modification to Construction Conditions [326 IAC 2]**

---

All requirements of these construction conditions shall remain in effect unless modified in a manner consistent with procedures established for revisions pursuant to 326 IAC 2.

## ***Operation Conditions***

### **Emission Limitations and Standards [326 IAC 2-8-4(1)]**

#### **D.1.4 Preventive Maintenance Plan [326 IAC 2-8-4(9)]**

---

A Preventive Maintenance Plan is required for these facilities and their control devices. Section B - Preventive Maintenance Plan contains the Permittee's obligation with regard to the preventive maintenance plan required by this condition.

### **Compliance Determination Requirements**

#### **D.1.5 Particulate Control**

---

- (a) The Permittee shall operate the integral cyclones, vent filters, baghouses, and fabric filters on these facilities (EU-1a, EU-1b, EU-2a, EU-2b, EU-2c, EU-2d, EU-3, EU-4, EU-5, EU-6a through EU-6f, EU-8a through EU-8f, EU-16, EU-17, EU-18, EU-19, EU-20, EU-21, EU-22, EU-23, EU-24 and EU-25) and control emissions from these facilities at all times that these facilities are in operation.
  
- (b) In the event that bag failure is observed in a multi-compartment baghouse, if operations will continue for ten (10) days or more after the failure is observed before the failed units will be repaired or replaced, the Permittee shall promptly notify the IDEM, OAQ of the expected date the failed units will be repaired or replaced. The notification shall also include the status of the applicable compliance monitoring parameters with respect to normal, and the results of any response actions taken up to the time of notification.

## SECTION D.2 EMISSIONS UNIT OPERATION CONDITIONS

### Emissions Unit Description: Container Production and Filling

- (q) One (1) pneumatic conveyance system for transporting polyethylene terephthalate resin pellets (PET) from railcars to two (2) storage silos, identified as EU-9, approved for construction in 2007, with a maximum throughput capacity of 33,000 pounds per hour, with emissions controlled by an integral bag filter (1407) and an integral vent filter (1507), with emissions exhausting inside the building.
- (r) Two (2) storage silos for storing polyethylene terephthalate resin pellets (PET), identified as EU-10a and EU-10b, approved for construction in 2007, each with a maximum storage capacity of 200 tons, with a combined maximum throughput capacity of 33,000 pounds per hour, each with emissions controlled by an integral cyclone/filter (1515), and exhausting inside the building.
- (s) Four (4) PET drying hopper operations, identified as EU-11a through EU-11d, approved for construction in 2007, with a combined maximum throughput capacity of 10,666 pounds per hour, using electric heaters, with emissions from each hopper controlled by integral cyclone and bag filters (11a through 11d, respectively), and exhausting inside the building.
- (t) One (1) container preforming operation, identified as EU-12, approved for construction in 2007, with a maximum throughput capacity of 10,666 pounds of resin per hour, using electric heaters, with uncontrolled emissions exhausting inside the building.
- (u) One (1) container blowmolding operation, identified as EU-13, approved for construction in 2007, with a maximum throughput capacity of 10,666 pounds of resin per hour, using electric heaters, using compressed air as blowing agent, with uncontrolled emissions exhausting inside the building.
- (v) Six (6) container sterilization and filling facilities, identified as EU-14a through EU-14f, approved for construction in 2007, with a combined maximum throughput capacity of 10,666 pounds of plastic containers per hour, using a VOC/oxidizer rinse to sanitize containers prior to filling, with emissions from each sterilization and filling facility controlled by a wet scrubber (F1a through F1f, respectively), and exhausting to stacks VF1a through VF1f, respectively.
- (w) One (1) PET scrap grinding and transfer operation, identified as EU-15a and EU-15b, approved for construction in 2007, with a maximum grinding capacity of 2,000 pounds of plastic scrap per hour, with emissions controlled by integral cyclone/bag filters (2000a and 2000c and 2000d) and deduster (2000b), and exhausting inside the building.
- (x) Two (2) container sterilization and filling facilities, identified as EU28a and EU28b, approved for construction in 2009, with a combined maximum throughput capacity of 43,200 bottles per hour, using a VOC/oxidizer rinse to sanitize containers prior to filling, with emissions from each sterilization and filling facility controlled by a wet scrubber (F1g and F1h, respectively), and exhausting to stacks VF1g and VF1h, respectively.
- (y) Polyshield Drying, identified as EU-24, approved for construction in 2009, with a maximum capacity of 110 pounds per hour, using fabric filter identified as Filter#24 for particulate control, and exhausting inside the building.
- (z) MXD6/BB10 Drying, identified as EU-25, approved for construction in 2009, with a maximum capacity of 66 pounds per hour, using fabric filter identified as Filter#25, for particulate control, and exhausting inside the building.

- (aa) One (1) container preform operation, identified as EU-26, approved for construction in 2009, with a maximum capacity of 44,800 preforms per hour, uncontrolled and exhausting inside the building.
- (bb) One (1) container blowmolding operation, identified as EU-27, approved for construction in 2009, with a maximum capacity of 1,975 pounds per hour, uncontrolled and exhausting inside the building.

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

THIS SECTION OF THE PERMIT IS BEING ISSUED UNDER THE PROVISIONS OF 326 IAC 2 AND 326 IAC 2-8-11.1, WITH CONDITIONS LISTED BELOW.

### ***Construction Conditions***

#### **General Construction Conditions**

##### **D.2.1 Permit No Defense**

---

This permit to construct does not relieve the Permittee of the responsibility to comply with the provisions of the Indiana Environmental Management Law (IC 13-11 through 13-20; 13-22 through 13-25; and 13-30), the Air Pollution Control Law (IC 13-17) and the rules promulgated there under, as well as other applicable local, state, and federal requirements.

#### **Effective Date of the Permit**

##### **D.2.2 Effective Date of the Permit [IC13-15-5-3]**

---

Pursuant to IC 13-15-5-3, this section of this permit becomes effective upon its issuance.

##### **D.2.3 Modification to Construction Conditions [326 IAC 2]**

---

All requirements of these construction conditions shall remain in effect unless modified in a manner consistent with procedures established for revisions pursuant to 326 IAC 2.

### ***Operation Conditions***

#### **Emission Limitations and Standards [326 IAC 2-8-4(1)]**

##### **D.2.4 Volatile Organic Compound (VOC) Limitation [326 IAC 2-8]**

---

Pursuant to 326 IAC 2-8-4 (FESOP):

- (a) The VOC emissions, after controls, from each Container Sterilization facility (EU-14a through EU14-f and EU28a through EU-28b) shall not exceed 1.77 pounds per hour.
- (b) The minimum overall VOC control efficiency for each scrubber (Scrubber F1a through F1h) shall be 67.8%.

Compliance with these limits, combined with the VOC emissions from all other emission units at this source, shall limit the source-wide total VOC emissions to less than 100 tons per year and shall render 326 IAC 2-7 (Part 70 Permits) not applicable.

##### **D.2.5 Preventive Maintenance Plan [326 IAC 2-8-4(9)]**

---

A Preventive Maintenance Plan is required for EU-14a through EU-14f, EU-28a through EU-28b, and their control devices (F1a through F1h). Section B - Preventive Maintenance Plan contains the Permittee's obligation with regard to the preventive maintenance plan required by this condition.

## Compliance Determination Requirements

### D.2.6 VOC Control

---

In order to comply with Condition D.2.4, the wet scrubbers F1a through F1h shall be in operation and control emissions from the container sterilization and filling facilities EU-14a through EU-14f and EU-28a through EU-28b at all times that these processes are in operation.

### D.2.7 Testing Requirements [326 IAC 2-8-5(a)(1), (4)] [326 IAC 2-1.1-11]

---

In order to demonstrate compliance with Condition D.2.4, the Permittee shall perform VOC emission testing for one (1) of the wet scrubbers F1a through F1h within 60 days after achieving the maximum capacity, but not later than 180 days after initial startup, utilizing methods as approved by the Commissioner at least once every five (5) years from the date of the most recent valid compliance demonstration. Testing shall be conducted in accordance with the provisions of 326 IAC 3-6 (Source Sampling Procedures). Subsequent tests shall be performed on a unit that has not been previously tested. Section C - Performance Testing contains the Permittee's obligation with regard to the performance testing required by this condition.

## Compliance Monitoring Requirements [326 IAC 2-8-4] [326 IAC 2-8-5(a)(1)]

### D.2.8 Parametric Monitoring

---

The Permittee shall monitor and record the pressure drop and flow rate of the wet scrubbers (F1a through F1h) controlling the container sterilization and filling facilities (EU-14a through EU-14f and EU-28a through EU-28b) at least once per day when the associated process is in operation. When for any one reading, the pressure drop across the scrubber is outside the normal range of 1.5 and 6.5 inches of water, or a range established during the latest stack test, the Permittee shall take reasonable response. Section C - Response to Excursions or Exceedances contains the Permittee's obligation with regard to the reasonable response steps required by this condition. When for any one reading, the flow rate of any of the scrubbers is less than the minimum of 7.0 gallons per minute, or a minimum established during the latest stack test, the Permittee shall take reasonable response steps in accordance with Section C - Response to Excursions or Exceedances. A pressure reading that is outside the above mentioned range or a flow rate that is below the above mentioned minimum is not a deviation from this permit. Failure to take response steps, shall be considered a deviation from this permit.

The instruments used for determining the pressure drop and flow rate shall comply with Section C - Instrument Specifications, of this permit, shall be subject to approval by IDEM, OAQ, and shall be calibrated or replaced at least once every six (6) months.

### D.2.9 Scrubber Malfunction

---

In the event that a scrubber malfunction has been observed, failed units and the associated process will be shut down immediately until the failed units have been repaired or replaced. Operations may continue only if the event qualifies as an emergency and the Permittee satisfies the requirements of the emergency provisions of this permit (Section B - Emergency Provisions). Section C - Response to Excursions or Exceedances contains the Permittee's obligation with regard to the reasonable response steps required by this condition. Failure to take response steps shall be considered a deviation from this permit.

## Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]

### D.2.10 Record Keeping Requirements

---

- (a) To document the compliance status with Condition D.2.9, the Permittee shall maintain daily records of pressure drop and flow rate for the wet scrubbers (F1a through F1h) during normal operation.
- (b) Section C - General Record Keeping Requirements contains the Permittee's obligations with regard to the records required by this condition.

## SECTION D.3 EMISSIONS UNIT OPERATION CONDITIONS

### Emissions Unit Description: Boilers

- (cc) Two (2) natural gas-fired boilers, identified as Boiler1 and Boiler2, approved for construction in 2007, each with a maximum heat input capacity of 99 MMBtu per hour, each equipped with ultra low-NOx burners (9 ppm NOx) and using flue gas recirculation for NOx control, with emissions exhausting to stacks VBoiler1 and VBoiler2, respectively. Under 40 CFR 60, Subpart Dc, Boiler1 and Boiler2 are considered to be Small Industrial-Commercial-Institutional Steam Generating Units.
- (ee) One (1) natural gas-fired boiler, identified as Boiler4, approved for construction in 2009, with a maximum heat input capacity of 99 MMBtu per hour, equipped with ultra low-NOx burners (9ppm NOx) and using flue gas recirculation for NOx control, with emissions exhausting to stack VBoiler4. Under 40 CFR 60, Subpart Dc, Boiler4 is considered to be a small industrial-commercial-institutional steam generating unit.

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

THIS SECTION OF THE PERMIT IS BEING ISSUED UNDER THE PROVISIONS OF 326 IAC 2 AND 326 IAC 2-8-11.1, WITH CONDITIONS LISTED BELOW.

### **Construction Conditions**

#### **General Construction Conditions**

##### D.3.1 Permit No Defense

This permit to construct does not relieve the Permittee of the responsibility to comply with the provisions of the Indiana Environmental Management Law (IC 13-11 through 13-20; 13-22 through 13-25; and 13-30), the Air Pollution Control Law (IC 13-17) and the rules promulgated there under, as well as other applicable local, state, and federal requirements.

#### **Effective Date of the Permit**

##### D.3.2 Effective Date of the Permit [IC13-15-5-3]

Pursuant to IC 13-15-5-3, this section of this permit becomes effective upon its issuance.

##### D.3.3 Modification to Construction Conditions [326 IAC 2]

All requirements of these construction conditions shall remain in effect unless modified in a manner consistent with procedures established for revisions pursuant to 326 IAC 2.

### **Operation Conditions**

#### **Emission Limitations and Standards [326 IAC 2-8-4(1)]**

##### D.3.4 Particulate [326 IAC 6-2-4]

- (a) Pursuant to 326 IAC 6-2-4 (Particulate Emission Limitations for Sources of Indirect Heating), the particulate emissions from the boilers, identified as Boiler1 and Boiler2, shall each be limited to less than 0.27 pound per million Btu heat input.
- (b) Pursuant to 326 IAC 6-2-4 (Particulate Emission Limitations for Sources of Indirect Heating), the particulate emissions from the boiler, identified as Boiler 4, shall be less than 0.25 pound per million Btu heat input.

This emission limit was calculated using the following equation:

$$Pt = \frac{1.09}{Q^{0.26}}$$

Where Pt = emission rate limit (lbs/MMBtu)  
Q = total source heat input capacity (MMBtu/hr)

#### D.3.5 CO Limit [326 IAC 2-8]

- (a) The CO emissions from Boiler 1 shall not exceed 0.037 pound per MMBtu.
- (b) The CO emissions from Boiler 2 shall not exceed 0.037 pound per MMBtu.
- (c) The CO emissions from Boiler 4 shall not exceed 0.037 pound per MMBtu.

Compliance with the above limits, combined with the potential to emit CO from other emission units at the source, shall limit the CO from the entire source to less than 100 tons per twelve (12) consecutive month period and render 326 IAC 2-7 (Part 70 Permits) not applicable.

#### D.3.6 Volatile Organic Compound (VOC) Limit [326 IAC 2-8]

- (a) The VOC emissions from Boiler 1 shall not exceed 0.004 pound per MMBtu.
- (b) The VOC emissions from Boiler 2 shall not exceed 0.004 pound per MMBtu.
- (c) The VOC emissions from Boiler 4 shall not exceed 0.004 pound per MMBtu.

Compliance with the above limits, combined with the potential to emit VOC from other emission units at the source, shall limit the VOC from the entire source to less than 100 tons per twelve (12) consecutive month period and render 326 IAC 2-7 (Part 70 Permits) not applicable.

#### D.3.7 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

A Preventive Maintenance Plan is required for the boilers. Section B - Preventive Maintenance Plan contains the Permittee's obligation with regard to the preventive maintenance plan required by this condition.

Compliance Determination Requirements

#### D.3.8 Testing Requirements [326 IAC 2-1.1-11]

In order to demonstrate compliance with Conditions D.3.5 and D.3.6, the Permittee shall perform CO and VOC mission testing for Boilers 1, 2 and 4 within 60 days after achieving the maximum capacity, but not later than 180 days after initial startup, utilizing methods as approved by the Commissioner. Testing shall be conducted in accordance with the provisions of 326 IAC 3-6 (Source Sampling Procedures). Section C - Performance Testing contains the Permittee's obligation with regard to the performance testing required by this condition.

### **Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]**

#### D.3.9 Record Keeping Requirements [326 IAC 12]

- (a) Pursuant to 326 IAC 12, the Permittee shall maintain daily records of the amount of fuel used in Boiler 1, Boiler 2 and Boiler 4. This requirement is not federally enforceable.
- (b) Pursuant to 40 CFR 60, Subpart Dc, the Permittee shall maintain monthly records of the amount of fuel used in Boiler 1, Boiler 2 and Boiler 4.
- (c) Section C - General Record Keeping Requirements contains the Permittee's obligations with regard to the records required by this condition.

## **New Source Performance Standards (NSPS) Requirements [326 IAC 2-8-4(1)]**

### **D.3.10 General Provisions Relating to New Source Performance Standards [326 IAC 12-1] [40 CFR Part 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 for Boiler1 and Boiler2, except as otherwise specified in 40 CFR Part 60, Subpart Dc.
- (b) Pursuant to 40 CFR 60.19, 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,  
Indianapolis, Indiana 46204-2251

### **D.3.11 Standard of Performance for Small Industrial-Commercial-Institutional Steam Generating Units Requirements [40 CFR Part 60, Subpart Dc]**

---

Pursuant to 40 CFR Part 60, Subpart Dc, the Permittee shall comply with the provisions of Standard of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, which are incorporated by reference as 326 IAC 12, for Boiler1 and Boiler2 as follows:

## **New Source Performance Standards for Small Industrial-Commercial-Institutional Steam Generating Units**

### **§ 60.40c Applicability and delegation of authority.**

(a) Except as provided in paragraph (d) of this section, the affected facility to which this subpart applies is each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989 and that has a maximum design heat input capacity of 29 megawatts (MW) (100 million Btu per hour (Btu/hr)) or less, but greater than or equal to 2.9 MW (10 million Btu/hr).

(b) In delegating implementation and enforcement authority to a State under section 111(c) of the Clean Air Act, §60.48c(a)(4) shall be retained by the Administrator and not transferred to a State.

[55 FR 37683, Sept. 12, 1990, as amended at 61 FR 20736, May 8, 1996; 71 FR 9884, Feb. 27, 2006]

### **§ 60.41c Definitions.**

As used in this subpart, all terms not defined herein shall have the meaning given them in the Clean Air Act and in subpart A of this part.

Annual capacity factor means the ratio between the actual heat input to a steam generating unit from an individual fuel or combination of fuels during a period of 12 consecutive calendar months and the potential heat input to the steam generating unit from all fuels had the steam generating unit been operated for 8,760 hours during that 12-month period at the maximum design heat input capacity. In the case of steam generating units that are rented or leased, the actual heat input shall be determined based on the combined heat input from all operations of the affected facility during a period of 12 consecutive calendar months.

Coal means all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American Society of Testing and Materials in ASTM D388–77, 90, 91, 95, or 98a, Standard Specification for Classification of Coals by Rank (IBR—see §60.17), coal refuse, and petroleum coke. Coal-derived synthetic fuels derived from coal for the purposes of creating useful heat, including but not limited to solvent refined coal, gasified coal, coal-oil mixtures, and coal-water mixtures, are also included in this definition for the purposes of this subpart.

Coal refuse means any by-product of coal mining or coal cleaning operations with an ash content greater than 50 percent (by weight) and a heating value less than 13,900 kilojoules per kilogram (kJ/kg) (6,000 Btu per pound (Btu/lb) on a dry basis.

Cogeneration steam generating unit means a steam generating unit that simultaneously produces both electrical (or mechanical) and thermal energy from the same primary energy source.

Combined cycle system means a system in which a separate source (such as a stationary gas turbine, internal combustion engine, or kiln) provides exhaust gas to a steam generating unit.

Combustion research means the experimental firing of any fuel or combination of fuels in a steam generating unit for the purpose of conducting research and development of more efficient combustion or more effective prevention or control of air pollutant emissions from combustion, provided that, during these periods of research and development, the heat generated is not used for any purpose other than preheating combustion air for use by that steam generating unit (i.e., the heat generated is released to the atmosphere without being used for space heating, process heating, driving pumps, preheating combustion air for other units, generating electricity, or any other purpose).

Conventional technology means wet flue gas desulfurization technology, dry flue gas desulfurization technology, atmospheric fluidized bed combustion technology, and oil hydrodesulfurization technology.

Distillate oil means fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396–78, 89, 90, 92, 96, or 98, “Standard Specification for Fuel Oils” (incorporated by reference—see §60.17).

Dry flue gas desulfurization technology means a sulfur dioxide (SO<sub>2</sub>) control system that is located between the steam generating unit and the exhaust vent or stack, and that removes sulfur oxides from the combustion gases of the steam generating unit by contacting the combustion gases with an alkaline slurry or solution and forming a dry powder material. This definition includes devices where the dry powder material is subsequently converted to another form. Alkaline reagents used in dry flue gas desulfurization systems include, but are not limited to, lime and sodium compounds.

Duct burner means a device that combusts fuel and that is placed in the exhaust duct from another source (such as a stationary gas turbine, internal combustion engine, kiln, etc.) to allow the firing of additional fuel to heat the exhaust gases before the exhaust gases enter a steam generating unit.

Emerging technology means any SO<sub>2</sub> control system that is not defined as a conventional technology under this section, and for which the owner or operator of the affected facility has received approval from the Administrator to operate as an emerging technology under §60.48c(a)(4).

Federally enforceable means all limitations and conditions that are enforceable by the Administrator, including the requirements of 40 CFR Parts 60 and 61, requirements within any applicable State implementation plan, and any permit requirements established under 40 CFR 52.21 or under 40 CFR 51.18 and 40 CFR 51.24.

Fluidized bed combustion technology means a device wherein fuel is distributed onto a bed (or series of beds) of limestone aggregate (or other sorbent materials) for combustion; and these materials are forced upward in the device by the flow of combustion air and the gaseous products of combustion. Fluidized bed combustion technology includes, but is not limited to, bubbling bed units and circulating bed units.

Fuel pretreatment means a process that removes a portion of the sulfur in a fuel before combustion of the fuel in a steam generating unit.

Heat input means heat derived from combustion of fuel in a steam generating unit and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust gases from other sources (such as stationary gas turbines, internal combustion engines, and kilns).

Heat transfer medium means any material that is used to transfer heat from one point to another point.

Maximum design heat input capacity means the ability of a steam generating unit to combust a stated maximum amount of fuel (or combination of fuels) on a steady state basis as determined by the physical design and characteristics of the steam generating unit.

Natural gas means (1) a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane, or (2) liquefied petroleum (LP) gas, as defined by the American Society for Testing and Materials in ASTM D1835–86, 87, 91, or 97, "Standard Specification for Liquefied Petroleum Gases" (incorporated by reference—see §60.17).

Noncontinental area means the State of Hawaii, the Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, or the Northern Mariana Islands.

Oil means crude oil or petroleum, or a liquid fuel derived from crude oil or petroleum, including distillate oil and residual oil.

Potential sulfur dioxide emission rate means the theoretical SO<sub>2</sub> emissions (nanograms per joule [ng/J], or pounds per million Btu [lb/million Btu] heat input) that would result from combusting fuel in an uncleaned state and without using emission control systems.

Process heater means a device that is primarily used to heat a material to initiate or promote a chemical reaction in which the material participates as a reactant or catalyst.

Residual oil means crude oil, fuel oil that does not comply with the specifications under the definition of distillate oil, and all fuel oil numbers 4, 5, and 6, as defined by the American Society for Testing and Materials in ASTM D396–78, 89, 90, 92, 96, or 98, "Standard Specification for Fuel Oils" (incorporated by reference—see §60.17).

Steam generating unit means a device that combusts any fuel and produces steam or heats water or any other heat transfer medium. This term includes any duct burner that combusts fuel and is part of a combined cycle system. This term does not include process heaters as defined in this subpart.

Steam generating unit operating day means a 24-hour period between 12:00 midnight and the following midnight during which any fuel is combusted at any time in the steam generating unit. It is not necessary for fuel to be combusted continuously for the entire 24-hour period.

Wet flue gas desulfurization technology means an SO<sub>2</sub> control system that is located between the steam generating unit and the exhaust vent or stack, and that removes sulfur oxides from the combustion gases of the steam generating unit by contacting the combustion gases with an alkaline slurry or solution and forming a liquid material. This definition includes devices where the liquid material is subsequently converted to another form. Alkaline reagents used in wet flue gas desulfurization systems include, but are not limited to, lime, limestone, and sodium compounds.

Wet scrubber system means any emission control device that mixes an aqueous stream or slurry with the exhaust gases from a steam generating unit to control emissions of particulate matter (PM) or SO<sub>2</sub>.

Wood means wood, wood residue, bark, or any derivative fuel or residue thereof, in any form, including but not limited to sawdust, sanderdust, wood chips, scraps, slabs, millings, shavings, and processed pellets made from wood or other forest residues.

[55 FR 37683, Sept. 12, 1990, as amended at 61 FR 20736, May 8, 1996; 65 FR 61752, Oct. 17, 2000; 71 FR 9884, Feb. 27, 2006]

**§ 60.43c Standard for particulate matter.**

(d) The PM and opacity standards under this section apply at all times, except during periods of startup, shutdown, or malfunction.

(e)(1) On or after the date on which the initial performance test is completed or is required to be completed under §60.8, whichever date comes first, no owner or operator of an affected facility that commences construction, reconstruction, or modification after February 28, 2005, and that combusts coal, oil, gas, wood, a mixture of these fuels, or a mixture of these fuels with any other fuels and has a heat input capacity of 8.7 MW (30 MMBtu/h) or greater shall cause to be discharged into the atmosphere from that affected facility any gases that contain particulate matter emissions in excess of 13 ng/J (0.030 lb/MMBtu) heat input, except as provided in paragraphs (e)(2) and (e)(3) of this section. Affected facilities subject to this paragraph, are also subject to the requirements of paragraphs (c) and (d) of this section.

[55 FR 37683, Sept. 12, 1990, as amended at 65 FR 61753, Oct. 17, 2000; 71 FR 9885, Feb. 27, 2006]

**§ 60.45c Compliance and performance test methods and procedures for particulate matter.**

(c) Units that burn only oil containing no more than 0.5 weight percent sulfur or liquid or gaseous fuels with potential sulfur dioxide emission rates of 230 ng/J (0.54 lb/MMBtu) heat input or less are not required to conduct emissions monitoring if they maintain fuel supplier certifications of the sulfur content of the fuels burned.

[55 FR 37683, Sept. 12, 1990, as amended at 65 FR 61753, Oct. 17, 2000; 71 FR 9885, Feb. 27, 2006]

**§ 60.47c Emission monitoring for particulate matter.**

(c) Units that burn only oil that contains no more than 0.5 weight percent sulfur or liquid or gaseous fuels with potential sulfur dioxide emission rates of 230 ng/J (0.54 lb/MMBtu) heat input or less are not required to conduct PM emissions monitoring if they maintain fuel supplier certifications of the sulfur content of the fuels burned.

[55 FR 37683, Sept. 12, 1990, as amended at 65 FR 61753, Oct. 17, 2000; 71 FR 9886, Feb. 27, 2006]

**§ 60.48c Reporting and recordkeeping requirements.**

(a) The owner or operator of each affected facility shall submit notification of the date of construction or reconstruction, anticipated startup, and actual startup, as provided by §60.7 of this part. This notification shall include:

(1) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.

(2) If applicable, a copy of any Federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under §60.42c, or §60.43c.

(3) The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

(4) Notification if an emerging technology will be used for controlling SO<sub>2</sub> emissions. The Administrator will examine the description of the control device and will determine whether the technology qualifies as an emerging technology. In making this determination, the Administrator may require the owner or operator of the affected facility to submit additional information concerning the control device. The affected facility is subject to the provisions of §60.42c(a) or (b)(1), unless and until this determination is made by the Administrator.

(b) The owner or operator of each affected facility subject to the SO<sub>2</sub> emission limits of §60.42c, or the PM or opacity limits of §60.43c, shall submit to the Administrator the performance test data from the initial and any subsequent performance tests and, if applicable, the performance evaluation of the CEMS and/or COMS using the applicable performance specifications in appendix B.

(g) The owner or operator of each affected facility shall record and maintain records of the amounts of each fuel combusted during each day. The owner or operator of an affected facility that only burns very low sulfur fuel oil or other liquid or gaseous fuels with potential sulfur dioxide emissions rate of 140 ng/J (0.32 lb/MMBtu) heat input or less shall record and maintain records of the fuels combusted during each calendar month.

(j) All records required under this section shall be maintained by the owner or operator of the affected facility for a period of two years following the date of such record.

[55 FR 37683, Sept. 12, 1990, as amended at 64 FR 7465, Feb. 12, 1999; 65 FR 61753, Oct. 17, 2000; 71 FR 9886, Feb. 27, 2006]

#### D.3.12 One Time Deadlines Relating to NSPS Subpart Dc

---

The Permittee shall comply with the following requirements by the dates listed below:

- (a) Pursuant to 40 CFR 60.7(a)(1), submit notification of the date of construction of Boiler1 and Boiler2 no later than 30 days after commencement of construction.
- (b) Pursuant to 40 CFR 60.7(a)(3), submit notification of the date of initial startup of Boiler1 and Boiler2 within 15 days of startup. This notification shall include the design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility, if applicable, a copy of any Federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under §60.42c, or §60.43c, and the annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

## SECTION D.4 EMISSIONS UNIT OPERATION CONDITIONS

### Emissions Unit Description: Boilers

- (q) One (1) natural gas-fired boiler, identified as Boiler3, approved for construction in 2007, with a maximum heat input capacity of 11.8 MMBtu per hour, equipped with low-NOx burners for NOx control, with emissions exhausting to stack VBoiler3. Under 40 CFR 60, Subpart Dc, Boiler3 is considered to be a Small Industrial-Commercial-Institutional Steam Generating Unit.

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

THIS SECTION OF THE PERMIT IS BEING ISSUED UNDER THE PROVISIONS OF 326 IAC 2 AND 326 IAC 2-8-11.1, WITH CONDITIONS LISTED BELOW.

### Construction Conditions

#### General Construction Conditions

##### D.4.1 Permit No Defense

This permit to construct does not relieve the Permittee of the responsibility to comply with the provisions of the Indiana Environmental Management Law (IC 13-11 through 13-20; 13-22 through 13-25; and 13-30), the Air Pollution Control Law (IC 13-17) and the rules promulgated there under, as well as other applicable local, state, and federal requirements.

#### Effective Date of the Permit

##### D.4.2 Effective Date of the Permit [IC13-15-5-3]

Pursuant to IC 13-15-5-3, this section of this permit becomes effective upon its issuance.

##### D.4.3 Modification to Construction Conditions [326 IAC 2]

All requirements of these construction conditions shall remain in effect unless modified in a manner consistent with procedures established for revisions pursuant to 326 IAC 2.

### Operation Conditions

#### Emission Limitations and Standards [326 IAC 2-8-4(1)]

##### D.4.4 Particulate [326 IAC 6-2-4]

Pursuant to 326 IAC 6-2-4 (PM Emissions for Sources of Indirect Heating), the particulate emissions from Boiler3 shall be limited to less than 0.27 pounds per million Btu heat input.

This emission limit was calculated using the following equation:

$$Pt = \frac{1.09}{Q^{0.26}}$$

Where Pt = emission rate limit (lbs/MMBtu)  
Q = total source heat input capacity (MMBtu/hr)

##### D.4.5 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

A Preventive Maintenance Plan is required for this boiler. Section B - Preventive Maintenance Plan contains the Permittee's obligation with regard to the preventive maintenance plan required by this condition.

## **Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]**

### **D.4.7 Record Keeping Requirements [326 IAC 12]**

---

- (a) Pursuant to 326 IAC 12, the Permittee shall maintain daily records of the amount of fuel used in Boiler3. This requirement is not federally enforceable.
- (b) Pursuant to 40 CFR 60, Subpart Dc, the Permittee shall maintain monthly records of the amount of fuel used in Boiler3.
- (c) Section C - General Record Keeping Requirements contains the Permittee's obligations with regard to the records required by this condition.

## **New Source Performance Standards (NSPS) Requirements [326 IAC 2-8-4(1)]**

### **D.4.8 General Provisions Relating to New Source Performance Standards [326 IAC 12-1] [40 CFR Part 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 for Boiler3, except as otherwise specified in 40 CFR Part 60, Subpart Dc.
- (b) Pursuant to 40 CFR 60.19, 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,  
Indianapolis, Indiana 46204-2251

### **D.4.9 Standard of Performance for Small Industrial-Commercial-Institutional Steam Generating Units Requirements [40 CFR Part 60, Subpart Dc]**

---

Pursuant to 40 CFR Part 60, Subpart Dc, the Permittee shall comply with the provisions of Standard of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, which are incorporated by reference as 326 IAC 12, for Boiler3 as follows:

## **New Source Performance Standards for Small Industrial-Commercial-Institutional Steam Generating Units**

### **§ 60.40c Applicability and delegation of authority.**

(a) Except as provided in paragraph (d) of this section, the affected facility to which this subpart applies is each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989 and that has a maximum design heat input capacity of 29 megawatts (MW) (100 million Btu per hour (Btu/hr)) or less, but greater than or equal to 2.9 MW (10 million Btu/hr).

(b) In delegating implementation and enforcement authority to a State under section 111(c) of the Clean Air Act, §60.48c(a)(4) shall be retained by the Administrator and not transferred to a State.

[55 FR 37683, Sept. 12, 1990, as amended at 61 FR 20736, May 8, 1996; 71 FR 9884, Feb. 27, 2006]

### **§ 60.41c Definitions.**

As used in this subpart, all terms not defined herein shall have the meaning given them in the Clean Air Act and in subpart A of this part.

Annual capacity factor means the ratio between the actual heat input to a steam generating unit from an individual fuel or combination of fuels during a period of 12 consecutive calendar months and the potential heat input to the steam generating unit from all fuels had the steam generating unit been operated for 8,760 hours during that 12-month period at the maximum design heat input capacity. In the case of steam generating units that are rented or leased, the actual heat input shall be determined based on the combined heat input from all operations of the affected facility during a period of 12 consecutive calendar months.

Coal means all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American Society of Testing and Materials in ASTM D388–77, 90, 91, 95, or 98a, Standard Specification for Classification of Coals by Rank (IBR—see §60.17), coal refuse, and petroleum coke. Coal-derived synthetic fuels derived from coal for the purposes of creating useful heat, including but not limited to solvent refined coal, gasified coal, coal-oil mixtures, and coal-water mixtures, are also included in this definition for the purposes of this subpart.

Coal refuse means any by-product of coal mining or coal cleaning operations with an ash content greater than 50 percent (by weight) and a heating value less than 13,900 kilojoules per kilogram (kJ/kg) (6,000 Btu per pound (Btu/lb) on a dry basis.

Cogeneration steam generating unit means a steam generating unit that simultaneously produces either electrical (or mechanical) and thermal energy from the same primary energy source.

Combined cycle system means a system in which a separate source (such as a stationary gas turbine, internal combustion engine, or kiln) provides exhaust gas to a steam generating unit.

Combustion research means the experimental firing of any fuel or combination of fuels in a steam generating unit for the purpose of conducting research and development of more efficient combustion or more effective prevention or control of air pollutant emissions from combustion, provided that, during these periods of research and development, the heat generated is not used for any purpose other than preheating combustion air for use by that steam generating unit (i.e., the heat generated is released to the atmosphere without being used for space heating, process heating, driving pumps, preheating combustion air for other units, generating electricity, or any other purpose).

Conventional technology means wet flue gas desulfurization technology, dry flue gas desulfurization technology, atmospheric fluidized bed combustion technology, and oil hydrodesulfurization technology.

Distillate oil means fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396–78, 89, 90, 92, 96, or 98, “Standard Specification for Fuel Oils” (incorporated by reference—see §60.17).

Dry flue gas desulfurization technology means a sulfur dioxide (SO<sub>2</sub>) control system that is located between the steam generating unit and the exhaust vent or stack, and that removes sulfur oxides from the combustion gases of the steam generating unit by contacting the combustion gases with an alkaline slurry or solution and forming a dry powder material. This definition includes devices where the dry powder material is subsequently converted to another form. Alkaline reagents used in dry flue gas desulfurization systems include, but are not limited to, lime and sodium compounds.

Duct burner means a device that combusts fuel and that is placed in the exhaust duct from another source (such as a stationary gas turbine, internal combustion engine, kiln, etc.) to allow the firing of additional fuel to heat the exhaust gases before the exhaust gases enter a steam generating unit.

Emerging technology means any SO<sub>2</sub> control system that is not defined as a conventional technology under this section, and for which the owner or operator of the affected facility has received approval from the Administrator to operate as an emerging technology under §60.48c(a)(4).

Federally enforceable means all limitations and conditions that are enforceable by the Administrator, including the requirements of 40 CFR Parts 60 and 61, requirements within any applicable State implementation plan, and any permit requirements established under 40 CFR 52.21 or under 40 CFR 51.18 and 40 CFR 51.24.

Fluidized bed combustion technology means a device wherein fuel is distributed onto a bed (or series of beds) of limestone aggregate (or other sorbent materials) for combustion; and these materials are forced upward in the device by the flow of combustion air and the gaseous products of combustion. Fluidized bed combustion technology includes, but is not limited to, bubbling bed units and circulating bed units.

Fuel pretreatment means a process that removes a portion of the sulfur in a fuel before combustion of the fuel in a steam generating unit.

Heat input means heat derived from combustion of fuel in a steam generating unit and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust gases from other sources (such as stationary gas turbines, internal combustion engines, and kilns).

Heat transfer medium means any material that is used to transfer heat from one point to another point.

Maximum design heat input capacity means the ability of a steam generating unit to combust a stated maximum amount of fuel (or combination of fuels) on a steady state basis as determined by the physical design and characteristics of the steam generating unit.

Natural gas means (1) a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane, or (2) liquefied petroleum (LP) gas, as defined by the American Society for Testing and Materials in ASTM D1835–86, 87, 91, or 97, "Standard Specification for Liquefied Petroleum Gases" (incorporated by reference—see §60.17).

Noncontinental area means the State of Hawaii, the Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, or the Northern Mariana Islands.

Oil means crude oil or petroleum, or a liquid fuel derived from crude oil or petroleum, including distillate oil and residual oil.

Potential sulfur dioxide emission rate means the theoretical SO<sub>2</sub> emissions (nanograms per joule [ng/J], or pounds per million Btu [lb/million Btu] heat input) that would result from combusting fuel in an uncleaned state and without using emission control systems.

Process heater means a device that is primarily used to heat a material to initiate or promote a chemical reaction in which the material participates as a reactant or catalyst.

Residual oil means crude oil, fuel oil that does not comply with the specifications under the definition of distillate oil, and all fuel oil numbers 4, 5, and 6, as defined by the American Society for Testing and Materials in ASTM D396–78, 89, 90, 92, 96, or 98, "Standard Specification for Fuel Oils" (incorporated by reference—see §60.17).

Steam generating unit means a device that combusts any fuel and produces steam or heats water or any other heat transfer medium. This term includes any duct burner that combusts fuel and is part of a combined cycle system. This term does not include process heaters as defined in this subpart.

Steam generating unit operating day means a 24-hour period between 12:00 midnight and the following midnight during which any fuel is combusted at any time in the steam generating unit. It is not necessary for fuel to be combusted continuously for the entire 24-hour period.

Wet flue gas desulfurization technology means an SO<sub>2</sub> control system that is located between the steam generating unit and the exhaust vent or stack, and that removes sulfur oxides from the combustion gases of the steam generating unit by contacting the combustion gases with an alkaline slurry or solution and forming a liquid material. This definition includes devices where the liquid material is subsequently converted to another form. Alkaline reagents used in wet flue gas desulfurization systems include, but are not limited to, lime, limestone, and sodium compounds.

Wet scrubber system means any emission control device that mixes an aqueous stream or slurry with the exhaust gases from a steam generating unit to control emissions of particulate matter (PM) or SO<sub>2</sub>.

Wood means wood, wood residue, bark, or any derivative fuel or residue thereof, in any form, including but not limited to sawdust, sanderdust, wood chips, scraps, slabs, millings, shavings, and processed pellets made from wood or other forest residues.

[55 FR 37683, Sept. 12, 1990, as amended at 61 FR 20736, May 8, 1996; 65 FR 61752, Oct. 17, 2000; 71 FR 9884, Feb. 27, 2006]

**§ 60.48c Reporting and recordkeeping requirements.**

(a) The owner or operator of each affected facility shall submit notification of the date of construction or reconstruction, anticipated startup, and actual startup, as provided by §60.7 of this part. This notification shall include:

(1) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.

(g) The owner or operator of each affected facility shall record and maintain records of the amounts of each fuel combusted during each day. The owner or operator of an affected facility that only burns very low sulfur fuel oil or other liquid or gaseous fuels with potential sulfur dioxide emissions rate of 140 ng/J (0.32 lb/MMBtu) heat input or less shall record and maintain records of the fuels combusted during each calendar month.

(i) All records required under this section shall be maintained by the owner or operator of the affected facility for a period of two years following the date of such record.

[55 FR 37683, Sept. 12, 1990, as amended at 64 FR 7465, Feb. 12, 1999; 65 FR 61753, Oct. 17, 2000; 71 FR 9886, Feb. 27, 2006]

**D.4.10 One Time Deadlines Relating to NSPS Subpart Dc**

---

The Permittee shall comply with the following requirements by the dates listed below:

- (a) Pursuant to 40 CFR 60.7(a)(1), submit notification of the date of construction of Boiler3, no later than 30 days after commencement of construction.
- (b) Pursuant to 40 CFR 60.7(a)(3), submit notification of the date of initial startup of Boiler3, within 15 days of startup. This notification shall include the design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility, if applicable, a copy of any Federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under §60.42c, or §60.43c, and the annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

## SECTION D.5 EMISSIONS UNIT OPERATION CONDITIONS

### Emissions Unit Description:

#### Insignificant Activities: Emergency Generators and Emergency Fire Pump Engine

- (k) Emergency diesel generators not exceeding one thousand six hundred (1,600) horsepower, consisting of three (3) diesel-fueled generators, identified as Gen1, Gen2, and Gen3, approved for construction in 2007, each rated at 591 brake horsepower, each with a displacement of 14.9 liters, with emissions uncontrolled and exhausting to stacks VGen1, VGen2, and VGen3. Under 40 CFR 60, Subpart IIII, Gen1, Gen2, and Gen3 are considered to be stationary compression ignition internal combustion engines (CI ICE).
- (l) A emergency fire pump engine, consisting of one (1) diesel-fueled pump engine, identified as Pump1, approved for construction in 2007, rated at 183 horsepower, with a displacement of 6.8 liters, with emissions uncontrolled and exhausting to stack VPump1. Under 40 CFR 60, Subpart IIII, Pump1 is considered to be a stationary compression ignition internal combustion engine (CI ICE).

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

THIS SECTION OF THE PERMIT IS BEING ISSUED UNDER THE PROVISIONS OF 326 IAC 2 AND 326 IAC 2-8-11.1, WITH CONDITIONS LISTED BELOW.

### *Construction Conditions*

#### General Construction Conditions

##### D.5.1 Permit No Defense

---

This permit to construct does not relieve the Permittee of the responsibility to comply with the provisions of the Indiana Environmental Management Law (IC 13-11 through 13-20; 13-22 through 13-25; and 13-30), the Air Pollution Control Law (IC 13-17) and the rules promulgated there under, as well as other applicable local, state, and federal requirements.

#### Effective Date of the Permit

##### D.5.2 Effective Date of the Permit [IC13-15-5-3]

---

Pursuant to IC 13-15-5-3, this section of this permit becomes effective upon its issuance.

##### D.5.3 Modification to Construction Conditions [326 IAC 2]

---

All requirements of these construction conditions shall remain in effect unless modified in a manner consistent with procedures established for revisions pursuant to 326 IAC 2.

## **Operation Conditions**

### **New Source Performance Standards (NSPS) Requirements [326 IAC 2-7-5(1)]**

#### **D.5.4 General Provisions Relating to New Source Performance Standards [326 IAC 12-1] [40 CFR Part 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 for the emergency generators (Gen1, Gen2, and Gen3) and the emergency fire pump engine (Pump1), except as otherwise specified in 40 CFR Part 60, Subpart IIII.

(b) Pursuant to 40 CFR 60.19, 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,  
Indianapolis, Indiana 46204-2251

#### **D.5.5 Standards of Performance for Stationary Compression Ignition Internal Combustion Engines [40 CFR Part 60, Subpart IIII] [326 IAC 12]**

---

Pursuant to 40 CFR Part 60, Subpart IIII, the Permittee shall comply with the provisions of Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, which are incorporated by reference as 326 IAC 12, for the emergency generators (Gen1, Gen2, and Gen3) and the emergency fire pump engine (Pump1), as follows:

### **Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines**

#### **§ 60.4200 Am I subject to this subpart?**

(a) The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary compression ignition (CI) internal combustion engines (ICE) as specified in paragraphs (a)(1) through (3) of this section. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.

(2) Owners and operators of stationary CI ICE that commence construction after July 11, 2005 where the stationary CI ICE are:

(i) Manufactured after April 1, 2006 and are not fire pump engines, or

(ii) Manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006.

### **Emission Standards for Owners and Operators**

#### **§ 60.4205 What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?**

(a) Owners and operators of pre-2007 model year emergency stationary CI ICE with a displacement of less than 10 liters per cylinder that are not fire pump engines must comply with the emission standards in table 1 to this subpart. Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards in 40 CFR 94.8(a)(1).

(b) Owners and operators of 2007 model year and later emergency stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards for new nonroad CI engines in §60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE.

(c) Owners and operators of fire pump engines with a displacement of less than 30 liters per cylinder must comply with the emission standards in table 4 to this subpart, for all pollutants.

**§ 60.4206 How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?**

Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in §§60.4204 and 60.4205 according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer, over the entire life of the engine.

**Fuel Requirements for Owners and Operators**

**§ 60.4207 What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart?**

(a) Beginning October 1, 2007, owners and operators of stationary CI ICE subject to this subpart that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(a).

(b) Beginning October 1, 2010, owners and operators of stationary CI ICE subject to this subpart with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel.

(c) Owners and operators of pre-2011 model year stationary CI ICE subject to this subpart may petition the Administrator for approval to use remaining non-compliant fuel that does not meet the fuel requirements of paragraphs (a) and (b) of this section beyond the dates required for the purpose of using up existing fuel inventories. If approved, the petition will be valid for a period of up to 6 months. If additional time is needed, the owner or operator is required to submit a new petition to the Administrator.

**Other Requirements for Owners and Operators**

**§ 60.4208 What is the deadline for importing or installing stationary CI ICE produced in the previous model year?**

(a) After December 31, 2008, owners and operators may not install stationary CI ICE (excluding fire pump engines) that do not meet the applicable requirements for 2007 model year engines.

(b) After December 31, 2009, owners and operators may not install stationary CI ICE with a maximum engine power of less than 19 KW (25 HP) (excluding fire pump engines) that do not meet the applicable requirements for 2008 model year engines.

(c) After December 31, 2014, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 19 KW (25 HP) and less than 56 KW (75 HP) that do not meet the applicable requirements for 2013 model year non-emergency engines.

(d) After December 31, 2013, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 56 KW (75 HP) and less than 130 KW (175 HP) that do not meet the applicable requirements for 2012 model year non-emergency engines.

(e) After December 31, 2012, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 130 KW (175 HP), including those above 560 KW (750 HP), that do not meet the applicable requirements for 2011 model year non-emergency engines.

(f) After December 31, 2016, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 560 KW (750 HP) that do not meet the applicable requirements for 2015 model year non-emergency engines.

(g) In addition to the requirements specified in §§60.4201, 60.4202, 60.4204, and 60.4205, it is prohibited to import stationary CI ICE with a displacement of less than 30 liters per cylinder that do not meet the applicable requirements specified in paragraphs (a) through (f) of this section after the dates specified in paragraphs (a) through (f) of this section.

(h) The requirements of this section do not apply to owners or operators of stationary CI ICE that have been modified, reconstructed, and do not apply to engines that were removed from one existing location and reinstalled at a new location.

**§ 60.4209 What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?**

If you are an owner or operator, you must meet the monitoring requirements of this section. In addition, you must also meet the monitoring requirements specified in §60.4211.

(a) If you are an owner or operator of an emergency stationary CI internal combustion engine, you must install a non-resettable hour meter prior to startup of the engine.

**Compliance Requirements**

**§ 60.4211 What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?**

(a) If you are an owner or operator and must comply with the emission standards specified in this subpart, you must operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer. In addition, owners and operators may only change those settings that are permitted by the manufacturer. You must also meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you.

(b) If you are an owner or operator of a pre-2007 model year stationary CI internal combustion engine and must comply with the emission standards specified in §§60.4204(a) or 60.4205(a), or if you are an owner or operator of a CI fire pump engine that is manufactured prior to the model years in table 3 to this subpart and must comply with the emission standards specified in §60.4205(c), you must demonstrate compliance according to one of the methods specified in paragraphs (b)(1) through (5) of this section.

(1) Purchasing an engine certified according to 40 CFR part 89 or 40 CFR part 94, as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's specifications.

(2) Keeping records of performance test results for each pollutant for a test conducted on a similar engine. The test must have been conducted using the same methods specified in this subpart and these methods must have been followed correctly.

(3) Keeping records of engine manufacturer data indicating compliance with the standards.

(4) Keeping records of control device vendor data indicating compliance with the standards.

(5) Conducting an initial performance test to demonstrate compliance with the emission standards according to the requirements specified in §60.4212, as applicable.

(c) If you are an owner or operator of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in §60.4204(b) or §60.4205(b), or if you are an owner or operator of a CI fire pump engine that is manufactured during or after the model year that applies to your fire pump engine power rating in table 3 to this subpart and must comply with the emission standards specified in §60.4205(c), you must comply by purchasing an engine certified to the emission standards in §60.4204(b), or §60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer's specifications.

(e) Emergency stationary ICE may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State, or local government, the

manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. Anyone may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. For owners and operators of emergency engines meeting standards under §60.4205 but not §60.4204, any operation other than emergency operation, and maintenance and testing as permitted in this section, is prohibited.

### Testing Requirements for Owners and Operators

#### **§ 60.4212 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?**

Owners and operators of stationary CI ICE with a displacement of less than 30 liters per cylinder who conduct performance tests pursuant to this subpart must do so according to paragraphs (a) through (d) of this section.

(a) The performance test must be conducted according to the in-use testing procedures in 40 CFR part 1039, subpart F.

(b) Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR part 1039 must not exceed the not-to-exceed (NTE) standards for the same model year and maximum engine power as required in 40 CFR 1039.101(e) and 40 CFR 1039.102(g)(1), except as specified in 40 CFR 1039.104(d). This requirement starts when NTE requirements take effect for nonroad diesel engines under 40 CFR part 1039.

(c) Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8, as applicable, must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in 40 CFR 89.112 or 40 CFR 94.8, as applicable, determined from the following equation:

$$\text{NTE requirement for each pollutant} = (1.25) \times (\text{STD}) \quad (\text{Eq. 1})$$

Where:

STD = The standard specified for that pollutant in 40 CFR 89.112 or 40 CFR 94.8, as applicable.

Alternatively, stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8 may follow the testing procedures specified in §60.4213 of this subpart, as appropriate.

(d) Exhaust emissions from stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in §60.4204(a), §60.4205(a), or §60.4205(c) must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in §60.4204(a), §60.4205(a), or §60.4205(c), determined from the equation in paragraph (c) of this section.

Where:

STD = The standard specified for that pollutant in §60.4204(a), §60.4205(a), or §60.4205(c).

Alternatively, stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in §60.4204(a), §60.4205(a), or §60.4205(c) may follow the testing procedures specified in §60.4213, as appropriate.

## **Notification, Reports, and Records for Owners and Operators**

### **§ 60.4214 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?**

(b) If the stationary CI internal combustion engine is an emergency stationary internal combustion engine, the owner or operator is not required to submit an initial notification. Starting with the model years in table 5 to this subpart, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

### **General Provisions**

### **§ 60.4218 What parts of the General Provisions apply to me?**

Table 8 to this subpart shows which parts of the General Provisions in §§60.1 through 60.19 apply to you.

### **Definitions**

### **§ 60.4219 What definitions apply to this subpart?**

As used in this subpart, all terms not defined herein shall have the meaning given them in the CAA and in subpart A of this part.

Combustion turbine means all equipment, including but not limited to the turbine, the fuel, air, lubrication and exhaust gas systems, control systems (except emissions control equipment), and any ancillary components and sub-components comprising any simple cycle combustion turbine, any regenerative/recuperative cycle combustion turbine, the combustion turbine portion of any cogeneration cycle combustion system, or the combustion turbine portion of any combined cycle steam/electric generating system.

Compression ignition means relating to a type of stationary internal combustion engine that is not a spark ignition engine.

Diesel fuel means any liquid obtained from the distillation of petroleum with a boiling point of approximately 150 to 360 degrees Celsius. One commonly used form is number 2 distillate oil.

Diesel particulate filter means an emission control technology that reduces PM emissions by trapping the particles in a flow filter substrate and periodically removes the collected particles by either physical action or by oxidizing (burning off) the particles in a process called regeneration.

Emergency stationary internal combustion engine means any stationary internal combustion engine whose operation is limited to emergency situations and required testing and maintenance. Examples include stationary ICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary ICE used to pump water in the case of fire or flood, etc. Stationary CI ICE used to supply power to an electric grid or that supply power as part of a financial arrangement with another entity are not considered to be emergency engines.

Engine manufacturer means the manufacturer of the engine. See the definition of "manufacturer" in this section.

Fire pump engine means an emergency stationary internal combustion engine certified to NFPA requirements that is used to provide power to pump water for fire suppression or protection.

Manufacturer has the meaning given in section 216(1) of the Act. In general, this term includes any person who manufactures a stationary engine for sale in the United States or otherwise introduces a new stationary engine into commerce in the United States. This includes importers who import stationary engines for sale or resale.

Maximum engine power means maximum engine power as defined in 40 CFR 1039.801.

Model year means either:

(1) The calendar year in which the engine was originally produced, or

(2) The annual new model production period of the engine manufacturer if it is different than the calendar year. This must include January 1 of the calendar year for which the model year is named. It may not begin before January 2 of the previous calendar year and it must end by December 31 of the named calendar year. For an engine that is converted to a stationary engine after being placed into service as a nonroad or other non-stationary engine, model year means the calendar year or new model production period in which the engine was originally produced.

Other internal combustion engine means any internal combustion engine, except combustion turbines, which is not a reciprocating internal combustion engine or rotary internal combustion engine.

Reciprocating internal combustion engine means any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work.

Rotary internal combustion engine means any internal combustion engine which uses rotary motion to convert heat energy into mechanical work.

Spark ignition means relating to a gasoline, natural gas, or liquefied petroleum gas fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark ignition engines usually use a throttle to regulate intake air flow to control power during normal operation. Dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for CI and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis are spark ignition engines.

Stationary internal combustion engine means any internal combustion engine, except combustion turbines, that converts heat energy into mechanical work and is not mobile. Stationary ICE differ from mobile ICE in that a stationary internal combustion engine is not a nonroad engine as defined at 40 CFR 1068.30 (excluding paragraph (2)(ii) of that definition), and is not used to propel a motor vehicle or a vehicle used solely for competition. Stationary ICE include reciprocating ICE, rotary ICE, and other ICE, except combustion turbines.

Subpart means 40 CFR part 60, subpart IIII.

Useful life means the period during which the engine is designed to properly function in terms of reliability and fuel consumption, without being remanufactured, specified as a number of hours of operation or calendar years, whichever comes first. The values for useful life for stationary CI ICE with a displacement of less than 10 liters per cylinder are given in 40 CFR 1039.101(g). The values for useful life for stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder are given in 40 CFR 94.9(a).

### **Tables to Subpart IIII of Part 60**

#### **Table 1 to Subpart IIII of Part 60. Emission Standards for Stationary Pre-2007 Model Year Engines With a Displacement of <10 Liters per Cylinder and 2007-2010 Model Year Engines >2,237 KW (3,000 HP) and With a Displacement of <10 Liters per Cylinder**

[As stated in §§ 60.4201(b), 60.4202(b), 60.4204(a), and 60.4205(a), you must comply with the following emission standards]

Emission standards for stationary pre-2007 model year engines with a displacement of <10 liters per cylinder and 2007-2010 model year engines >2,237 KW (3,000 HP) and with a Maximum engine power displacement of <10 liters per cylinder in g/KW-hr (g/HP-hr)					
	NMHC + NOX	HC	NOX	CO	PM
KW<8 (HP<11)	10.5 (7.8)			8.0 (6.0)	1.0 (0.75)
8[le]KW<19 (11[le]HP<25)	9.5 (7.1)			6.6 (4.9)	0.80 (0.60)
19[le]KW<37 (25[le]HP<50)	9.5 (7.1)			5.5 (4.1)	0.80 (0.60)
37[le]KW<56 (50[le]HP<75)			9.2 (6.9)		
56[le]KW<75 (75[le]HP<100)			9.2 (6.9)		
75[le]KW<130 (100[le]HP<175)			9.2 (6.9)		
130[le]KW<225 (175[le]HP<300)		1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)
225[le]KW<450 (300[le]HP<600)		1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)
450[le]KW[le]560 (600[le]HP[le]750)		1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)
KW>560 (HP>750)		1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)

**Table 4 to Subpart IIII of Part 60. Emission Standards for Stationary Fire Pump Engines**

[As stated in §§ 60.4202(d) and 60.4205(c), you must comply with the following emission standards for stationary fire pump engines]

Maximum engine power	Model year(s)	NMHC + NOX	CO	PM
KW<8 (HP<11)	2010 and earlier	10.5 (7.8)	8.0 (6.0)	1.0 (0.75)
	2011+	7.5 (5.6)	.....	0.40 (0.30)
8[le]KW<19 (11[le]HP<25)	2010 and earlier	9.5 (7.1)	6.6 (4.9)	0.80 (0.60)
	2011+	7.5 (5.6)	.....	0.40 (0.30)
19[le]KW<37 (25[le]HP<50)	2010 and earlier	9.5 (7.1)	5.5 (4.1)	0.80 (0.60)
	2011+	7.5 (5.6)	.....	0.30 (0.22)
37[le]KW<56 (50[le]HP<75)	2010 and earlier	10.5 (7.8)	5.0 (3.7)	0.80 (0.60)
	2011+ \1\	4.7 (3.5)	.....	0.40 (0.30)
56[le]KW<75 (75[le]HP<100)	2010 and earlier	10.5 (7.8)	5.0 (3.7)	0.80 (0.60)
	2011+ \1\	4.7 (3.5)	.....	0.40 (0.30)
75[le]KW<130 (100[le]HP<175)	2009 and earlier	10.5 (7.8)	5.0 (3.7)	0.80 (0.60)
	2010+ \2\	4.0 (3.0)	.....	0.30 (0.22)
130[le]KW<225 (175[le]HP<300)	2008 and earlier	0.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009+ \3\	4.0 (3.0)	.....	0.20 (0.15)
225[le]KW<450 (300[le]HP<600)	2008 and earlier	0.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009+ \3\	4.0 (3.0)	.....	0.20 (0.15)
450[le]KW[le]560 (600[le]HP[le]750)	2008 and earlier	0.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009+	4.0 (3.0)	.....	0.20 (0.15)
KW>560 (HP>750)	2007 and earlier	0.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2008+	6.4 (4.8)	.....	0.20 (0.15)

\1\ For model years 2011-2013, manufacturers, owners and operators of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 revolutions per minute (rpm) may comply with the emission limitations for 2010 model year engines.

\2\ For model years 2010-2012, manufacturers, owners and operators of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 rpm may comply with the emission limitations for 2009 model year engines.

\3\ In model years 2009-2011, manufacturers of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 rpm may comply with the emission limitations for 2008 model year engines.

**Table 5 to Subpart IIII of Part 60. Labeling and Recordkeeping Requirements for New Stationary Emergency Engines**

[You must comply with the labeling requirements in § 60.4210(f) and the recordkeeping requirements in § 60.4214(b) for new emergency stationary CI ICE beginning in the following model years:]

Engine power	Starting model year
19[le]KW<56 (25[le]HP<75)	2013
56[le]KW<130 (75[le]HP<175)	2012
KW>=130 (HP>=175)	2011

D.5.6 National Emission Standards for Stationary Reciprocating Internal Combustion Engines [40 CFR 63, Subpart ZZZZ] [ 326 IAC 20-82]

Pursuant to 40 CFR 63, Subpart ZZZZ, the Permittee shall comply with the provisions of National Emission Standards for Stationary Reciprocating Internal Combustion Engines, which are incorporated by reference as 326 IAC 20-82, for the emergency generators (Gen1, Gen2 and Gen3) and the emergency fire pump engine (Pump1) as follows:

**Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines**

Source: 69 FR 33506, June 15, 2004, unless otherwise noted.

**What This Subpart Covers**

**§ 63.6580 What is the purpose of subpart ZZZZ?**

Subpart ZZZZ establishes national emission limitations and operating limitations for hazardous air pollutants (HAP) emitted from stationary reciprocating internal combustion engines (RICE) located at major and area sources of HAP emissions. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations and operating limitations.

[73 FR 3603, Jan. 18, 2008]

**§ 63.6585 Am I subject to this subpart?**

You are subject to this subpart if you own or operate a stationary RICE at a major or area source of HAP emissions, except if the stationary RICE is being tested at a stationary RICE test cell/stand.

(a) A stationary RICE is any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. Stationary RICE differ from mobile RICE in that a stationary RICE is not a non-road engine as defined at 40 CFR 1068.30, and is not used to propel a motor vehicle or a vehicle used solely for competition.

(b) A major source of HAP emissions is a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons (9.07 megagrams) or more per year or any combination of HAP at a rate of 25 tons (22.68 megagrams) or more per year, except that for oil and gas production facilities, a major source of HAP emissions is determined for each surface site.

(c) An area source of HAP emissions is a source that is not a major source.

(d) If you are an owner or operator of an area source subject to this subpart, your status as an entity subject to a standard or other requirements under this subpart does not subject you to the obligation to obtain a permit under 40 CFR part 70 or 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart as applicable.

(e) If you are an owner or operator of a stationary RICE used for national security purposes, you may be eligible to request an exemption from the requirements of this subpart as described in 40 CFR part 1068, subpart C.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3603, Jan. 18, 2008]

### **§ 63.6590 What parts of my plant does this subpart cover?**

This subpart applies to each affected source.

(a) *Affected source.* An affected source is any existing, new, or reconstructed stationary RICE located at a major or area source of HAP emissions, excluding stationary RICE being tested at a stationary RICE test cell/stand.

(2) *New stationary RICE.* (i) A stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions is new if you commenced construction of the stationary RICE on or after December 19, 2002.

(iii) A stationary RICE located at an area source of HAP emissions is new if you commenced construction of the stationary RICE on or after June 12, 2006.

(c) *Stationary RICE subject to Regulations under 40 CFR Part 60.* An affected source that is a new or reconstructed stationary RICE located at an area source, or is a new or reconstructed stationary RICE located at a major source of HAP emissions and is a spark ignition 2 stroke lean burn (2SLB) stationary RICE with a site rating of less than 500 brake HP, a spark ignition 4 stroke lean burn (4SLB) stationary RICE with a site rating of less than 250 brake HP, or a 4 stroke rich burn (4SRB) stationary RICE with a site rating of less than or equal to 500 brake HP, a stationary RICE with a site rating of less than or equal to 500 brake HP which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, an emergency or limited use stationary RICE with a site rating of less than or equal to 500 brake HP, or a compression ignition (CI) stationary RICE with a site rating of less than or equal to 500 brake HP, must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart IIII, for compression ignition engines or 40 CFR part 60 subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under this part.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3604, Jan. 18, 2008]

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR QUALITY**

**FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP)  
CERTIFICATION**

Source Name: Nestle USA, Inc.  
Source Address: 4301 West 73rd Street, Anderson, Indiana 46013  
FESOP Permit No.: F095-23798-00129

**This certification shall be included when submitting monitoring, testing reports/results or other documents as required by this permit.**

Please check what document is being certified:

- Annual Compliance Certification Letter
- Test Result (specify)\_\_\_\_\_
- Report (specify)\_\_\_\_\_
- Notification (specify)\_\_\_\_\_
- Affidavit (specify)\_\_\_\_\_
- Other (specify)\_\_\_\_\_

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Signature:

Printed Name:

Title/Position:

Date:

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR QUALITY  
COMPLIANCE AND ENFORCEMENT BRANCH  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251  
Phone: 317-233-0178  
Fax: 317-233-6865**

**FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP)  
EMERGENCY OCCURRENCE REPORT**

Source Name: Nestle USA, Inc.  
Source Address: 4301 West 73rd Street, Anderson, Indiana 46013  
FESOP Permit No.: F095-23798-00129

**This form consists of 2 pages**

**Page 1 of 2**

- |   |
|---|
| <input type="checkbox"/> This is an emergency as defined in 326 IAC 2-7-1(12) <ul style="list-style-type: none"><li>• The Permittee must notify the Office of Air Quality (OAQ), within four (4) business hours (1-800-451-6027 or 317-233-0178, ask for Compliance Section); and</li><li>• The Permittee must submit notice in writing or by facsimile within two (2) working days (Facsimile Number: 317-233-6865), and follow the other requirements of 326 IAC 2-7-16</li></ul> |
|---|

If any of the following are not applicable, mark N/A

Facility/Equipment/Operation:
Control Equipment:
Permit Condition or Operation Limitation in Permit:
Description of the Emergency:
Describe the cause of the Emergency:

If any of the following are not applicable, mark N/A

**Page 2 of 2**

Date/Time Emergency started:
Date/Time Emergency was corrected:
Was the facility being properly operated at the time of the emergency?    Y    N Describe:
Type of Pollutants Emitted: TSP, PM-10, SO <sub>2</sub> , VOC, NO <sub>x</sub> , CO, Pb, other:
Estimated amount of pollutant(s) emitted during emergency:
Describe the steps taken to mitigate the problem:
Describe the corrective actions/response steps taken:
Describe the measures taken to minimize emissions:
If applicable, describe the reasons why continued operation of the facilities are necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw materials of substantial economic value:

Form Completed by: \_\_\_\_\_

Title / Position: \_\_\_\_\_

Date: \_\_\_\_\_

Phone: \_\_\_\_\_

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR QUALITY  
COMPLIANCE AND ENFORCEMENT BRANCH  
FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP)  
QUARTERLY DEVIATION AND COMPLIANCE MONITORING REPORT**

Source Name: Nestle USA, Inc.  
Source Address: 4301 West 73rd Street, Anderson, Indiana 46013  
FESOP Permit No.: F095-23798-00129

**Months:** \_\_\_\_\_ **to** \_\_\_\_\_ **Year:** \_\_\_\_\_

Page 1 of 2

<p>This report shall be submitted quarterly based on a calendar year. Any deviation from the requirements of this permit, the date(s) of each deviation, the probable cause of the deviation, and the response steps taken must be reported. A deviation required to be reported pursuant to an applicable requirement that exists independent of the permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report. Additional pages may be attached if necessary. If no deviations occurred, please specify in the box marked "No deviations occurred this reporting period".</p>	
<input type="checkbox"/> NO DEVIATIONS OCCURRED THIS REPORTING PERIOD.	
<input type="checkbox"/> THE FOLLOWING DEVIATIONS OCCURRED THIS REPORTING PERIOD	
<b>Permit Requirement</b> (specify permit condition #)	
<b>Date of Deviation:</b>	<b>Duration of Deviation:</b>
<b>Number of Deviations:</b>	
<b>Probable Cause of Deviation:</b>	
<b>Response Steps Taken:</b>	
<b>Permit Requirement</b> (specify permit condition #)	
<b>Date of Deviation:</b>	<b>Duration of Deviation:</b>
<b>Number of Deviations:</b>	
<b>Probable Cause of Deviation:</b>	
<b>Response Steps Taken:</b>	

<b>Permit Requirement</b> (specify permit condition #)	
<b>Date of Deviation:</b>	<b>Duration of Deviation:</b>
<b>Number of Deviations:</b>	
<b>Probable Cause of Deviation:</b>	
<b>Response Steps Taken:</b>	
<b>Permit Requirement</b> (specify permit condition #)	
<b>Date of Deviation:</b>	<b>Duration of Deviation:</b>
<b>Number of Deviations:</b>	
<b>Probable Cause of Deviation:</b>	
<b>Response Steps Taken:</b>	
<b>Permit Requirement</b> (specify permit condition #)	
<b>Date of Deviation:</b>	<b>Duration of Deviation:</b>
<b>Number of Deviations:</b>	
<b>Probable Cause of Deviation:</b>	
<b>Response Steps Taken:</b>	

Form Completed by: \_\_\_\_\_

Title / Position: \_\_\_\_\_

Date: \_\_\_\_\_

Phone: \_\_\_\_\_

Mail to: Permit Administration & Development Section  
Office of Air Quality  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251

Nestle USA, Inc.  
4301 West 73rd Street  
Anderson, Indiana 46013

Affidavit of Construction

I, \_\_\_\_\_, being duly sworn upon my oath, depose and say:  
(Name of the Authorized Representative)

1. I live in \_\_\_\_\_ County, Indiana and being of sound mind and over twenty-one (21) years of age, I am competent to give this affidavit.
2. I hold the position of \_\_\_\_\_ for Nestle USA, Inc.  
(Title)
3. By virtue of my position with Nestle USA, Inc., I have personal knowledge of the representations contained in this affidavit and am authorized to make these representations on behalf of Nestle USA, Inc.
4. I hereby certify that Nestle USA, Inc., 4301 West 73rd Street, Anderson, Indiana 46013, has constructed and will operate a food manufacturing and bottling facility on \_\_\_\_\_ in conformity with the requirements and intent of the permit application received by the Office of Air Quality on March 29, 2005 and as permitted pursuant to New Source Construction Permit and Federally Enforceable State Operating Permit No. 095-22798-00129, Plant ID No. 095-00129 issued on \_\_\_\_\_.

Further Affiant said not.

I affirm under penalties of perjury that the representations contained in this affidavit are true, to the best of my information and belief.

Signature \_\_\_\_\_

Date \_\_\_\_\_

STATE OF INDIANA)  
)SS

COUNTY OF \_\_\_\_\_ )

Subscribed and sworn to me, a notary public in and for \_\_\_\_\_ County and State of  
Indiana on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ .

My Commission expires:

Signature \_\_\_\_\_

\_\_\_\_\_  
Name (typed or printed)

**Appendix A: Emissions Calculations  
Dissolved Air Flotation (DAF) Unit (EU-30)  
& Filling Room HVAC Unit (EU-31)**

**Company Name: Nestle USA, Inc.  
Source Address: 4301 W. 73rd Street  
Operation Permit No.: F095-29404-000129  
Permit Reviewer: C. Sullivan**

Test - Method <sup>a</sup>	Result	MDL*	Date Complete
BOD5-405.1	2100 mg/L	2.0 mg/L	5/24/2010
Solids, suspended-EPA160.2	160 mg/L	5.0 mg/L	5/20/2010
Oil and Grease- 1664	240 mg/L	0.5 mg/L	5/28/2010
pH-150.1	7.25		5/19/2010

\* Method Detection Level

**VOC Fugitive Air Sampling Calculation**

**1) Filling Room Air Sampling Result**

Acetic Acid (Ac) = 0.22 ppm<sub>v</sub> from IH Assessment<sup>b</sup>  
 $Ac = 0.22 \text{ ppm}_v * MW/24.25 = 0.22 \text{ ppm}_v * 60.05/24.45 = 0.54 \text{ mg/m}^3$   
 Peracetic acid (PAA) = 0.36 mg/m<sup>3</sup>  
 Total VOC = 0.90 mg/m<sup>3</sup>

**2) VOC Emissions Calculation**

Exhaust air flow = 12,000 cubic feet per minute  
 Assume room temperature at 25 °C  
 VOC Emissions = Concentration \* Exhaust air flow  
 $Emissions = 0.90 \text{ mg/m}^3 * 12,000 \text{ ft}^3/\text{min} * 2.20 \text{ E-6 lb/mg} * 1 \text{ m}^3/35.3 \text{ ft}^3 * 60 \text{ min/hr}$   
 Emissions = 0.041 lb/hr or 0.179 tons/year

Process / Emission Unit	Potential to Emit (tons/year)								
	PM	PM10*	PM2.5	SO <sub>2</sub>	NOx	VOC	CO	Total HAPs	Worse Single HAP
Wastewater Treatment DAF Unit (EU-30)	--	--	--	--	--	< 1% by Weight <sup>1</sup>	--	--	--
Filling Room HVAC (EU-31)	--	--	--	--	--	0.179	--	--	--
<b>Total</b>	--	--	--	--	--	0.179	--	--	--

-- not reported or negligible.

\* Under the Part 70 Permit program (40 CFR 70), particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM10), not particulate matter (PM), is considered as a "regulated air pollutant".

<sup>1</sup> Activities associated with the treatment of wastewater streams with an oil and grease content less than or equal to one percent (1%) by volume. This operation uses aqueous solutions containing less than or equal to one percent (1%) by weight of VOCs excluding HAPs as defined under Section 112(b) of the Clean Air Act.

a- Source sample tested at Hoosier Microbiological Laboratory, Muncie Indiana in 5/2010.

b Methodology for derivation of air contaminant concentration shown on Table II (page 2 of 2): VOC emissions = Concentration \* Exhaust air flow

**Appendix A: Emissions Calculations**  
**TABLE II Filling Room - Air Sampling Results \***

**Company Name: Nestle USA, Inc.**  
**Source Address: 4301 W. 73rd Street**  
**Operation Permit No.: F095-29404-000129**  
**Permit Reviewer: C. Sullivan**

Location/Employee	Sample Time (mins)	Air Contaminant	Units	Air Conc.	Standard or Guideline (ppm)	
					OSHA	ACGIH
Filling Line #2 Operator LaToya Thompson OVM 7679	280	Acetic Acid Hydrogen Peroxide	ppm	<0.069	10	10
			ppm	0.06	1.0	1.0
Filling Line #2 Area Unidox Recovery Area OVM 7434 & Imp #1	280	Acetic Acid Hydrogen Peroxide Peracetic Acid	ppm	0.21		10
			ppm	0.05	10.0	1.0
			mg/m <sup>3</sup>	0.36	1.0 (1)	
Filling Line #2 Operator's Computer Station OVM 7605 & IMP #1	470	Acetic Acid Hydrogen Peroxide Peracetic Acid	ppm	0.22	10.0	10
			ppm	0.03	1.0 (1)	1.0
			mg/m <sup>3</sup>	0.24		

**Notes and Definitions:**

(1) Suggested exposure limit for PA is 1.5 mg/m3 as a STEL and 0.6 mg/m3 as A full shift TWA.

OSHA = Occupational Safety and Health Administration Permissible Exposure Limits, 29 CFR 1910.1000

ACGIH = American Conference of Governmental Industrial Hygienists 2009 Threshold Limit Values.

\* Location of assessment Nestle -Anderson, Indiana - Date May 12 & 13, 2009 & June 16, 2009

ppm = parts per million

mg/m3 = milligrams per cubic meter

< = less than



# 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)

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

**TO:** Greg Chastain  
Nestle USA  
4301 W 73rd St  
Anderson, IN 46013

**DATE:** September 15, 2010

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

**SUBJECT:** Final Decision  
FESOP - Administrative Amendment  
095 - 29404 - 00129

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:  
Mr. Erik Petrovskis GeoSyntec Consultants  
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	LPOGOST 9/15/2010 Nestle USA, Inc. 095 - 29404 – 00129 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	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		Greg Chastain Nestle USA, Inc. 4301 W 73rd St Anderson IN 46013 (Source CAATS) Via confirmed delivery										
2		Madison County Commissioners 16 E. 9th Suite 104 Anderson IN 46016 (Local Official)										
3		Anderson Town Council & Mayors Office P.O. Box 2100 Anderson IN 46018 (Local Official)										
4		Mr. Charles L. Berger Berger & Berger, Attorneys at Law 313 Main Street Evansville IN 47700 (Affected Party)										
5		Madison County Health Department 206 E 9th St Anderson IN 46016-1512 (Health Department)										
6		Mr. Erik Petrovskis GeoSyntec Consultants 8120 Main Street Dexter MI 48130 (Consultant)										
7		Mr. Gary McKinney Anderson Brownfields Coordinator 120 E. 8th St. Anderson IN 46016 (Local Official)										
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 <b>Domestic Mail Manual R900, S913, and S921</b> for limitations of coverage on inured and COD mail. See <b>International Mail Manual</b> for limitations o coverage on international mail. Special handling charges apply only to Standard Mail (A) and Standard Mail (B) parcels.
---	--	--	--