



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

Clint Decker
Chief Operating Officer
Better Way Partners, LLC (dba Better Way Products)
70891 CR 23
New Paris, IN 46553

April 28, 2011

RE: Response to Review Request 085-30059-00114

Mr. Decker:

Better Way Partners, LLC (dba Better Way Products), located at 501 W. Railroad Ave. in Syracuse, Indiana, submitted a Source Determination on December 28, 2010. The letter was submitted to determine if Better Way Partners, LLC (dba Better Way Products), source ID 085-00114, should be considered one source with J.P., Inc. dba Jasper Plastics Solutions, source ID 085-00013.

The information submitted by Better Way Partners, LLC has been reviewed and the following determination has been made:

Better Way Partners, LLC dba Better Way Products (Better Way) operates its plant in the same building as the J.P., Inc. dba Jasper Plastics Solutions (Jasper) plant. The two plants have a common General Manager. IDEM, OAQ has examined whether the two plants are part of the same major source. The term "major source" is defined at 326 IAC 2-7-1 (22). In order for these plants to be considered one major source, they must meet all three of the following criteria:

- (1) the plants must be under common ownership or common control;
- (2) the plants must have the same two-digit Standard Industrial Classification (SIC) Code or one must serve as a support facility for the other(s); and,
- (3) the plants must be located on one or more contiguous or adjacent properties.

The two plants are owned by separate companies. Although the two companies have some common shareholders, there are no majority shareholders in Better Way that are also majority shareholders in Jasper. The two companies do share a common General Manager. IDEM's nonrule policy document Air-005 states that if two plants share common corporate officers, in whole or in substantial part, who are responsible for the day-to-day operations of the plants, common ownership exists. Since the two plants share a common General Manager, common ownership exists.

IDEM's Nonrule Policy Document Air-005 sets out two independent tests to determine if common control exists. The first test, the auxiliary activity test, determines whether one plant performs an auxiliary activity which directly serves the purpose of a primary activity and whether the owner or operator of the primary activity has a major role in the day-to-day operations of the auxiliary activity. An auxiliary activity directly serves the purpose of a primary activity by supplying a necessary raw material to the primary activity or performing an integral part of the production process for the primary activity.

Neither plant provides any products or services to the other plant. The two plants have separate production staff and production supervisors. The plants do have a common General Manager as well as common payroll office and a common human resources office. However, since neither plant supplies a

necessary raw material to the other, and neither plant performs an integral part of the production process for the other, there is no showing of common control under the first test.

The second common control test in the nonrule policy is the but/for test. This test focuses on whether the auxiliary activity would exist absent the needs of the primary activity. If all or a majority of the output of the auxiliary activity is consumed by the primary activity the but/for test is satisfied. Neither plant consumes any of the output of the other plant. Neither plant needs the other plant. Therefore the second common control test is also not met. However, since Better Way and Jasper are under common ownership, IDEM, OAQ finds that the first part of the major source definition is met.

The SIC Code Manual of 1987 sets out how to determine the proper SIC Code for each type of business. More information about SIC Codes is available at http://www.osha.gov/pls/imis/sic_manual.html on the internet. The Better Way plant produces motor vehicle body components for airport shuttle buses and similar motor vehicles, using reinforced plastic composites. The Better Way plant has the two-digit SIC Code 37, for the Major Group Transportation Equipment. The specific four-digit SIC Code is 3713, Truck and Bus Bodies. The Jasper plant produces polyurethane faux wood furniture and other polyurethane internal components for recreational vehicles. The Jasper plant has the two-digit SIC Code 30, for the major group Rubber and Miscellaneous Plastics Products. This includes the four-digit SIC Code of 3089 for Plastics Products, Not Elsewhere Classified.

A plant is a support facility to another plant if it dedicates 50% or more of its output to the other plant. Each of these two plants has separate employees and separate supervisors. Neither plant provides any output to the other plant, so neither is a support facility. Since they do not have the same two-digit SIC Code and there is no support facility relationship, IDEM, OAQ finds that the plants do not meet the second part of the major source definition.

The two plants are located in the same building on the same property. Since the plants are located on one property, they meet the third part of the major source definition. However, since the two plants do not meet all three parts of the major source definition, IDEM, OAQ finds that the two plants are not part of the same major source.

IDEM has determined that a modification to the existing permits for Better Way Partners (source ID 085-00114) and J.P., Inc. (source ID 085-00013) will not be necessary. The original source determination for these sources has not been changed as a result of this information.

Questions should be directed to Anne-Marie C. Hart, IDEM, Office of Air Quality, 100 North Senate Avenue, MC 61-53 IGCN 1003, Indianapolis, Indiana 46204-2251, or at (800) 451-6027, ask for extension (4-5400), or dial directly: (317) 234-5400.

Sincerely,


Chrystal Wagner, Section Chief
Permits Branch
Office of Air Quality

ACH

cc:
File - Kosciusko County
Kosciusko County Health Department
Compliance and Enforcement Branch



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

TO: Clint Decker
Better Way Partners, LLC dba Better Way Products
70891 CR 23
New Paris, IN 46553

DATE: April 28, 2011

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

SUBJECT: Final Decision
Review Request
085-30059-00114

Enclosed is the final decision and supporting materials for the air permit application referenced above. Please note that this packet contains the original, signed, permit documents.

The final decision is being sent to you because our records indicate that you are the contact person for this application. However, if you are not the appropriate person within your company to receive this document, please forward it to the correct person.

A copy of the final decision and supporting materials has also been sent via standard mail to:
OAQ Permits Branch Interested Parties List

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178, or toll-free at 1-800-451-6027 (ext. 3-0178), and ask to speak to the permit reviewer who prepared the permit. If you think you have received this document in error, please contact Joanne Smiddie-Brush of my staff at 1-800-451-6027 (ext 3-0185), or via e-mail at jbrush@idem.IN.gov.

Final Applicant Cover letter.dot 11/30/07

Mail Code 61-53

IDEM Staff CDENNY 4/28/2011	Better Way Partners, LLC dba Better Way Products 085-30059-0011 (final) Indiana Department of Environmental Management Office of Air Quality – Permits Branch 100 N. Senate Indianapolis, IN 46204	AFFIX STAMP HERE IF USED AS CERTIFICATE OF MAILING
Name and address of Sender	CERTIFICATE OF MAILING ONLY	

Line	Article Number	Name, Address, Street and Post Office Address	Postage Charges	Handling Charges (If Registered)	Act. Value (If Registered)	Insured Value	Due Send If COD	R.R. Fee	S.D. Fee	S.H. Fee	Rest. Del. Fee	Remarks
1		Clint Decker Better Way Partners, LLC dba Better Way Products 70891 CR 23 New Paris IN 46553 (Source CAATS)										
2		Mr. Kevin Parks D & B Environmental Services, Inc. 401 Lincoln Way West Osceola IN 46561 (Consultant)										
3		Kosciusko County Health Department 100 W. Center Street, 3rd Floor Warsaw IN 46580-2877 (Health Department)										
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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 mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual R900, S913, and S921 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on international mail. Special handling charges apply only to Standard Mail (A) and Standard Mail (B) parcels.		