



# 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)

## NOTICE OF 30-DAY PERIOD FOR PUBLIC COMMENT

### Preliminary Findings Regarding a Title IV (Acid Rain) Permit Renewal

#### for Whiting Clean Energy, Inc. in Lake County

#### Title IV (Acid Rain) Permit No. 089-30138-00449

The Indiana Department of Environmental Management has received an application from Whiting Clean Energy, Inc. located at 2155 Standard Avenue, Whiting, Indiana 46394-2201 for a renewal of their Title IV (Acid Rain) permit issued on October 23, 2008. If approved by IDEM's Office of Air Quality (OAQ), this proposed renewal would allow Whiting Clean Energy, Inc. to continue to operate their existing source.

This draft Title IV (Acid Rain) permit renewal does not contain any new equipment that would emit air pollutants; however, some conditions from previously issued permits/approvals have been corrected, changed or removed. This notice fulfills the public notice procedures to which those conditions are subject. IDEM has reviewed this application, and has developed preliminary findings, consisting of a draft permit and several supporting documents, that would allow for these changes.

A copy of the permit application and IDEM's preliminary findings are available at:

Whiting Public Library  
1735 Oliver Street  
Whiting, Indiana 46394-1722

and

IDEM Northwest Regional Office  
8380 Louisiana Street  
Merrillville, IN 46410

A copy of the preliminary findings is available on the Internet at: <http://www.in.gov/ai/appfiles/idem-caats/>.

### How can you participate in this process?

The date that this notice is published in a newspaper marks the beginning of a 30-day public comment period. If the 30<sup>th</sup> day of the comment period falls on a day when IDEM offices are closed for business, all comments must be postmarked or delivered in person on the next business day that IDEM is open.

You may request that IDEM hold a public hearing about this draft permit. If adverse comments concerning the **air pollution impact** of this draft permit are received, with a request for a public hearing, IDEM will decide whether or not to hold a public hearing. IDEM could also decide to hold a public meeting instead of, or in addition to, a public hearing. If a public hearing or meeting is held, IDEM will make a separate announcement of the date, time, and location of that hearing or meeting. At a hearing, you would have an opportunity to submit written comments and make verbal comments. At a meeting, you would have an opportunity to submit written comments, ask questions, and discuss any air pollution concerns with IDEM staff.

Comments and supporting documentation, or a request for a public hearing should be sent in writing to IDEM at the address below. If you comment via e-mail, please include your full U.S. mailing address so that you can be added to IDEM's mailing list to receive notice of future action related to this permit. If you do not want to comment at this time, but would like to receive notice of future action related to this permit application, please contact IDEM at the address below. Please refer to permit number AR 089-30138-00449 in all correspondence.

**Comments should be sent to:**

David J. Matousek  
IDEM, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251  
(800) 451-6027, ask for extension (2-8253)  
Or dial directly: (317) 232-8253  
E-mail: dmatouse@idem.IN.gov

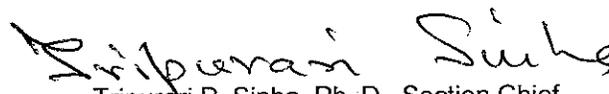
All comments will be considered by IDEM when we make a decision to issue or deny the permit. Comments that are most likely to affect final permit decisions are those based on the rules and laws governing this permitting process (326 IAC 2), air quality issues, and technical issues. IDEM does not have legal authority to regulate zoning, odor or noise. For such issues, please contact your local officials.

For additional information about air permits and how you can participate, please see IDEM's **Guide for Citizen Participation** and **Permit Guide** on the Internet at: [www.idem.in.gov](http://www.idem.in.gov).

**What will happen after IDEM makes a decision?**

Following the end of the public comment period, IDEM will issue a Notice of Decision stating whether the permit has been issued or denied. If the permit is issued, it may be different than the draft permit because of comments that were received during the public comment period. If comments are received during the public notice period, the final decision will include a document that summarizes the comments and IDEM's response to those comments. If you have submitted comments or have asked to be added to the mailing list, you will receive a Notice of the Decision. The notice will provide details on how you may appeal IDEM's decision, if you disagree with that decision. The final decision will also be available on the Internet at the address indicated above, at the local library indicated above, the IDEM public file room on the 12<sup>th</sup> floor of the Indiana Government Center North, 100 N. Senate Avenue, Indianapolis, Indiana 46204-2251 and IDEM Northwest Regional Office, 8380 Louisiana Street, Merrillville, IN 46410.

If you have any questions please contact David J. Matousek of my staff at the above address.

  
Tripuraj P. Sinha, Ph. D., Section Chief  
Permits Branch  
Office of Air Quality

DJM



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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## **TITLE IV (ACID RAIN) PERMIT RENEWAL OFFICE OF AIR QUALITY**

**Whiting Clean Energy, Inc.  
2155 Standard Avenue  
Whiting, Indiana, 46394**

**ORIS: 55259**

The owners and operators (hereinafter collectively known as the Permittee) of the above source are issued this permit under the provisions of 326 Indiana Administrative Code (IAC) 21 with conditions listed on the attached pages.

Operation Permit No.: AR 089-30138-00449	
Issued by:	Issuance Date:
Tripurari P. Sinha, Ph. D., Section Chief Permits Branch Office of Air Quality	Expiration Date:

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**Title IV Operating Conditions**

**Title IV Source Description:**

- (a) Two (2) Combined-cycle Combustion Turbines (CT), Identified as Unit CT1 and Unit CT2 (CT1 and CT2 in the Title V permit), each constructed in 2001:

Make/Model:	General Electric Frame 7FA (Model 7241)
Heat Input Capacity (HIC):	1,735 MMBtu per hour (HHV) @ ISO conditions, each
Electric Generating Capacity:	166 MW @ ISO conditions, each
Fuel Source:	Natural Gas
Control Technology:	Dry-Low NOx Burners
Stack ID:	CT1 exhausts through HRSG1 to stack 1 CT2 exhausts through HRSG2 to stack 2

(The information contained in this box is descriptive information and does not constitute enforceable conditions.)

**1. Statutory and Regulatory Authorities**

In accordance with IC 13-17-3-4 and IC 13-17-3-11, as well as Titles IV and V of the Clean Air Act, the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ) issues this permit pursuant to 326 IAC 2 and 326 IAC 21 (incorporates by reference 40 Code of Federal Regulations (CFR) 72 through 78).

**2. Standard Permit Requirements [326 IAC 21]**

- (a) The designated representative has submitted a complete acid rain permit application in accordance with 40 CFR 72.30.
- (b) The Permittee shall operate Unit CT1 and CT2 in compliance with this permit.

**3. Monitoring Requirements [326 IAC 21]**

- (a) The Permittee and, to the extent applicable, the designated representative of Unit CT1 and Unit CT2 shall comply with the monitoring requirements as provided in 40 CFR 75.
- (b) The emissions measurements recorded and reported in accordance with 40 CFR 75 shall be used to determine compliance by Unit CT1 and Unit CT2 with the acid rain emissions limitations and emissions reduction requirements for sulfur dioxide under the Acid Rain Program.
- (c) The requirements of 40 CFR 75 shall not affect the responsibility of the Permittee to monitor emissions of other pollutants or other emissions characteristics at Unit CT1 and Unit CT2 under other applicable requirements of the Clean Air Act and other provisions of the operating permit for the source.

**4. Sulfur Dioxide Requirements [326 IAC 21]**

- (a) The Permittee shall:
- (1) Hold allowances, as of the allowance transfer deadline (as defined in 40 CFR 72.2), in the compliance subaccount of Unit CT1 and Unit CT2, after deductions under 40 CFR 73.34(c), not less than the total annual emissions of sulfur dioxide for the previous calendar year from Unit CT1 and Unit CT2; and,
- (2) Comply with the applicable acid rain emissions limitations for sulfur dioxide.
- (b) Each ton of sulfur dioxide emitted in excess of the acid rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Clean Air Act.

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- (c) Unit CT1 and Unit CT2 shall be subject to the requirements under paragraph 4(a) of the sulfur dioxide requirements as follows:
  - (1) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or,
  - (2) Starting on the latter of January 1, 2000, or the deadline for monitor certification under 40 CFR 75, an affected unit under 40 CFR 72.6(a)(3).
- (d) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (e) An allowance shall not be deducted in order to comply with the requirements under paragraph 4(a) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (f) Unit CT1 and Unit CT2 were not allocated allowances by United States Environmental Protection Agency (U.S. EPA) under 40 CFR 73.10. However, Unit CT1 and Unit CT2 must still comply with the requirement to hold allowances to account for sulfur dioxide emissions under paragraph 4(a) and 326 IAC 21.
- (g) An allowance allocated by the U.S. EPA under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the acid rain permit application, the acid rain permit, the acid rain portion of an operating permit, or the written exemption under 40 CFR 72.7 and 72.8 and 326 IAC 21, and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (h) An allowance allocated by U.S. EPA under the Acid Rain Program does not constitute a property right.
- (i) No permit revision may be required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program, provided that the increases do not require a permit revision under any other applicable requirement. [326 IAC 2-7-5(4)(A)]
- (j) No limit shall be placed on the number of allowances held by the Permittee. The Permittee may not, however, use allowances as a defense to noncompliance with any applicable requirement other than the requirements of the Acid Rain Program. [326 IAC 2-7-5(4)(B)]

5. Nitrogen Oxides Requirements [326 IAC 21]

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- (a) Pursuant to 40 CFR 76, Acid Rain Nitrogen Oxides Emission Reduction Program, the natural gas fired combined cycle Unit CT1 and Unit CT2 are not subject to the nitrogen oxide limitations set out in 40 CFR 76.

6. Excess Emissions Requirements [40 CFR 77] [326 IAC 21]

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- (a) If Unit CT1 and Unit CT2 has excess emissions of sulfur dioxide in any calendar year, the designated representative shall submit a proposed offset plan to U.S. EPA and IDEM, OAQ as required under 40 CFR 77 and 326 IAC 21.
- (b) The designated representative shall submit required information to:

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

and

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U.S. Environmental Protection Agency  
Clean Air Markets Division  
1200 Pennsylvania Avenue, NW  
Mail Code (6204N)  
Washington, DC 20460

- (c) If Unit CT1 and Unit CT2 has excess emissions, as defined in 40 CFR 72.2, in any calendar year, the Permittee shall:
- (1) Pay to U.S. EPA without demand the penalty required, and pay to U.S. EPA upon demand the interest on that penalty, as required by 40 CFR 77 and 326 IAC 21; and,
  - (2) Comply with the terms of an approved sulfur dioxide offset plan, as required by 40 CFR 77 and 326 IAC 21.

**7. Record Keeping and Reporting Requirements [326 IAC 21]**

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- (a) Unless otherwise provided, the Permittee shall keep on site each of the following documents for a period of 5 years, as required by 40 CFR 72.9(f), from the date the document is created. This period may be extended for cause, at any time prior to the end of the 5 years, in writing by U.S. EPA or IDEM, OAQ:
- (1) The certificate of representation for the designated representative of Unit CT1 and Unit CT2 and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5 year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
  - (2) All emissions monitoring information collected in accordance with 40 CFR 75 shall be retained on site for 3 years;
  - (3) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
  - (4) Copies of all documents used to complete an acid rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (b) The designated representative of Unit CT1 and Unit CT2 shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR 72.90 subpart I, 40 CFR 75, and 326 IAC 21. The required information is to be submitted to the appropriate authority(ies) as specified in 40 CFR 72.90 subpart I and 40 CFR 75.

**8. Submissions [326 IAC 21]**

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- (a) The designated representative of Unit CT1 and Unit CT2 shall submit a certificate of representation, and any superseding certificate of representation, to U.S. EPA and IDEM, OAQ in accordance with 40 CFR 72 and 326 IAC 21.
- (b) The designated representative shall submit required information 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, IN 46204-2251

and

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U.S. Environmental Protection Agency  
Clean Air Markets Division  
1200 Pennsylvania Avenue, NW  
Mail Code (6204N)  
Washington, DC 20460

- (c) Each such submission under the Acid Rain Program shall be submitted, signed and certified by the designated representative for all sources on behalf of which the submission is made.
- (d) In each submission under the Acid Rain Program, the designated representative shall certify, by his or her signature, the following statements which shall be included verbatim in the submission:
  - (1) "I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made."; and,
  - (2) "I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."
- (e) The designated representative of Unit CT1 and Unit CT2 shall notify the Permittee:
  - (1) By the date of submission, of any Acid Rain Program submissions by the designated representative;
  - (2) Within 10 business days of receipt of any written determination by U.S. EPA or IDEM, OAQ; and,
  - (3) Provided that the submission or determination covers Unit CT1 and Unit CT2.
- (f) The designated representative of Unit CT1 and Unit CT2 shall provide the Permittee a copy of any submission or determination under paragraph (e) of this section, unless the Permittee expressly waives the right to receive a copy.

9. Severability [326 IAC 21]

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Invalidation of the acid rain portion of an operating permit does not affect the continuing validity of the rest of the operating permit, nor shall invalidation of any other portion of the operating permit affect the continuing validity of the acid rain portion of the permit. [40 CFR 72.72(b), 326 IAC 21, and 326 IAC 2-7-5(5)]

10. Liability [326 IAC 21]

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- (a) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, an acid rain permit, an acid rain portion of an operation permit, or a written exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement by U.S. EPA pursuant to Section 113(c) of the Clean Air Act and shall be subject to enforcement by IDEM pursuant to 326 IAC 21 and IC 13-30-3.
- (b) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to Section 113(c) of the Clean Air Act, 18 U.S.C. 1001 and IDEM pursuant to 326 IAC 21 and IC 13-30-6-2.

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- (c) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (d) Unit CT1 and Unit CT2 shall meet the requirements of the Acid Rain Program.
- (e) Any provision of the Acid Rain Program that applies to Unit CT1 and Unit CT2, including a provision applicable to the designated representative of Unit CT1 and Unit CT2, shall also apply to the Permittee.
- (f) Any provision of the Acid Rain Program that applies to Unit CT1 and Unit CT2, including a provision applicable to the designated representative, shall also apply to the Permittee. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NOx averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR 75, including 40 CFR 75.16, 75.17, and 75.18, the Permittee and the designated representative of one affected unit, shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
- (g) Each violation of a provision of 40 CFR parts 72, 73, 75, 76, 77, and 78 by Unit CT1 and Unit CT2, or by the Permittee or designated representative, shall be a separate violation of the Clean Air Act.

11. Effect on Other Authorities [326 IAC 21]

No provision of the Acid Rain Program, an acid rain permit application, an acid rain permit, an acid rain portion of an operation permit, or a written exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (a) Except as expressly provided in Title IV of the Clean Air Act (42 USC 7651 to 7651(o)), exempting or excluding the Permittee and, to the extent applicable, the designated representative of Unit CT1 and Unit CT2, from compliance with any other provision of the Clean Air Act, including the provisions of Title I of the Clean Air Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (b) Limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Clean Air Act;
- (c) Requiring a change of any kind in any state law regulating electric utility rates and charges, affecting any state law regarding such state regulation, or limiting such state regulation, including any prudence review requirements under such state law;
- (d) Modifying the Federal Power Act (16 USC 791(a) et seq.) or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- (e) Interfering with or impairing any program for competitive bidding for power supply in a state in which such a program is established.

# Indiana Department of Environmental Management Office of Air Quality

## Technical Support Document For a Title IV (Acid Rain) Permit Renewal

### Source Background and Description

Source Name:	Whiting Clean Energy, Inc.
Source Location:	2155 Standard Avenue, Whiting, Indiana 46394
County:	Lake
Operated By:	Whiting Clean Energy, Inc.
Designated Representative:	Richard M. Moroney
ORIS Code:	55259
Previous Title IV (Acid Rain) First Renewal Permit No.:	AR 089-22465-00449
Title IV (Acid Rain) Second Renewal Permit No.:	AR 089-30138-00449
Permit Reviewer:	David J. Matousek

The Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ) has reviewed a Title IV (Acid Rain) permit renewal application submitted by Whiting Clean Energy, Inc. on January 21, 2011. The application is for the operation of the following affected units at a station located at 2155 Standard Avenue, Whiting, Indiana 46394.

- (a) Two (2) Combined-cycle Combustion Turbines (CT), Identified as Unit CT1 and Unit CT2 (CT1 and CT2 in the Title V permit), each constructed in 2001:

Make/Model:	General Electric Frame 7FA (Model 7241)
Heat Input Capacity (HIC):	1,735 MMBtu per hour (HHV) @ ISO conditions, each
Electric Generating Capacity:	166 MW @ ISO conditions, each
Fuel Source:	Natural Gas
Control Technology:	Dry-Low NO <sub>x</sub> Burners
Stack ID:	CT1 exhausts through HRSG1 to stack 1 CT2 exhausts through HRSG2 to stack 2

This Title IV (Acid Rain) permit renewal AR 089-30138-00449, when issued, will have a term of five years and will involve the same affected units as indicated in the initial Title IV (Acid Rain) permit AR 089-11912-00449.

### Existing Title IV (Acid Rain) Approvals

The source has been operating under the following previous Title IV (Acid Rain) approvals:

- (a) Acid Rain Permit No. AR 089-11912-00449, issued on July 2, 2001; and
- (b) Acid Rain First Renewal Permit No. AR 089-22465-00449, issued on October 23, 2008.

### Program Description

The following information is provided to explain the Acid Rain Program.

- (a) Goal of the Program

The goal of the 1990 Clean Air Act (CAA) Amendments, Acid Rain Program is to reduce the impact of man-made emissions of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxide (NO<sub>x</sub>) on lakes, streams, forests, crops and, most important, the health of the public, by a nationwide allocation of SO<sub>2</sub> emissions from power plants. While it may not seem to be a

local problem, the information collected shows a need for this reduction. This is because these emissions can be transported great distances. Results of the SO<sub>2</sub> and NO<sub>x</sub> program, along with past, present and future plans, can be found on the Internet at <http://www.epa.gov/airmarkets/>. Additional information in the form of maps showing the results of the SO<sub>2</sub> and NO<sub>x</sub> limitations can be found on the Internet at <http://nadp.sws.uiuc.edu/>.

(b) Federal Rules

The emission allowances and conditions in this draft Title IV (Acid Rain) permit were taken from the limits developed by the U.S. EPA for the Acid Rain Program pursuant to Title IV of the Clean Air Act, 42 United States Code 7401, as amended by Public Law 101-5049 (November 15, 1990). Parts 72 through 78 of Title 40 of the Code of Federal Regulations (CFR), 61 Federal Register (FR) 59142, 61 FR 67111, 61 FR 68821, and 62 FR 3463, apply to regulated power plants.

(c) Indiana's Rules

Title 326 of the Indiana Administrative Code (IAC) Article 21, Acid Deposition Control, has adopted the federal rule by referencing 40 CFR 72 through 78, 61 FR 59142, 61 FR 67111, 61 FR 68821, and 62 FR 3463. The rule incorporates the requirements of Title IV, Clean Air Act Acid Rain Program, of the 1990 Clean Air Act (CAA).

(d) Sulfur Dioxide (SO<sub>2</sub>) Emission Allocations

Beginning in 2010, the Clean Air Act has placed a cap at 8.95 million on the number of allowances issued to units each year. No allocations were made for new sources. New regulated power plants have to obtain sulfur dioxide emission allocations by purchasing them from pre-existing power plants that have received U.S. EPA allocations. A regulated power plant may have emission allocations to sell because the plant purchased newer, less polluting, equipment. The U.S. EPA keeps track of the transfer of all sulfur dioxide emission allocations in an official accounting system.

(e) Nitrogen Oxide Emission (NO<sub>x</sub>) Limitations

The emission limitations for NO<sub>x</sub> under this part apply to each affected coal-fired utility unit subject to section 404(d) or 409(b) of the Act on the date the unit is required to meet the Acid Rain emissions reduction requirements for SO<sub>2</sub>.

### Specific Sulfur Dioxide (SO<sub>2</sub>) Emission Allocations

The natural gas-fired Combined-cycle gas turbines, Unit CT1 and CT2, have no annual allocated sulfur dioxide emission allowances established in the Title IV Acid Rain Program. The units will be required to seek sulfur dioxide emission allowances from other units, in order to account for all sulfur dioxide emissions, as required by 40 CFR 72.9(c).

### Emissions Monitoring Requirements

The Permittee and, to the extent applicable, the designated representative of Unit CT1 and Unit CT2 must comply with the monitoring requirements set out in 40 CFR 75 and 72.9(b)(1) and (2). The source must measure and record sulfur dioxide emissions. The source must report these measurements to IDEM and U.S. EPA. These records and reports are used to determine if the source is in compliance with the sulfur dioxide allocation program. The requirements of the Title IV (Acid Rain) permit do not affect the source's responsibility to monitor emissions of other pollutants or other emissions characteristics required by the Clean Air Act and other operating permit provisions. Monitoring requirements outlined in the source's Title IV (Acid Rain) permit renewal application are considered as part of the Title IV (Acid Rain) renewal permit.

### Other Record Keeping and Reporting Requirements

The source must keep copies of all reports and compliance certifications that it submits to demonstrate compliance with the requirements of the Title IV (Acid Rain) permit for five years. The source must submit the reports and compliance certifications required by the Title IV (Acid Rain) permit to the U.S. EPA and IDEM, OAQ. Record keeping and reporting requirements outlined in the Title IV (Acid Rain) renewal application are considered part of the Title IV (Acid Rain) renewal permit.

### Submissions

The designated representative for each emissions unit must sign and certify every report or other submission required by the Title IV (Acid Rain) renewal permit. The designated representative must include the following certification statement in every submission:

"I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

The designated representative must send the Permittee a notification regarding every submission. The designated representative must also notify the Permittee within ten (10) business days of the receipt of any written determination made by U.S. EPA or IDEM.

### Draft Title IV (Acid Rain) Permit Renewal

IDEM has preliminarily determined that the source meets the requirements of Indiana Code (IC) 13-17-3-4 and IC 13-17-3-11 as well as Title IV of the Clean Air Act. IDEM proposes this draft Title IV (Acid Rain) permit renewal pursuant to 326 IAC 21.

### Recommendation

The staff recommends that this Title IV (Acid Rain) Acid Rain permit renewal be approved.

### IDEM Contact

(a) Permit

Questions regarding the proposed Title IV (Acid Rain) renewal permit can be directed to David Matousek at the Indiana Department Environmental Management (IDEM), Office of Air Quality (OAQ), 100 North Senate Avenue, MC 61-53 IGCN 1003, Indianapolis, Indiana 46204-2251 or by telephone at (317) 232-8253 or toll free at 1-800-451-6027 extension 2-8253.

(b) Compliance Inspection

The source will be inspected by IDEM's compliance inspection staff. Persons seeking to obtain information regarding the source's compliance status or to report any potential violation of any permit condition should contact Dan Hancock at the Office of Air Quality (OAQ) address or by telephone at (317) 232-8429 or toll free at 1-800-451-6027 extension 2-8429.

(c) Copies

Copies of the Code of Federal Regulations (CFR) referenced in the permit may be obtained from:

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

or

The Government Printing Office  
Washington, D.C. 20402

or

on the Government Printing Office website at  
<http://www.access.gpo.gov/nara/cfr/index.html>



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels Jr.*  
**Governor**

*Thomas W. Easterly*  
**Commissioner**

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[www.idem.IN.gov](http://www.idem.IN.gov)

April 20, 2011

Mr. Richard Moroney  
Whiting Clean Energy Inc.  
2155 Standard Avenue  
Whiting, IN 46394

Re: Public Notice  
Whiting Clean Energy Inc.  
Permit Level: Title IV  
Permit Number: 089-30138-00449

Dear Mr. Moroney:

Enclosed is a copy of your draft Title IV, Technical Support Document, emission calculations, and the Public Notice which will be printed in your local newspaper.

The Office of Air Quality (OAQ) has submitted the draft permit package to the Whiting Public Library, 1735 Oliver Street in Whiting, Indiana. As a reminder, you are obligated by 326 IAC 2-1.1-6(c) to place a copy of the complete permit application at this library no later than ten (10) days after submittal of the application or additional information to our department. We highly recommend that even if you have already placed these materials at the library, that you confirm with the library that these materials are available for review and request that the library keep the materials available for review during the entire permitting process.

You will not be responsible for collecting any comments, nor are you responsible for having the notice published in the newspaper. The OAQ has requested that the Post Tribune and the Times in Merrillville, and Munster, Indiana publish this notice no later than Monday, April 25, 2011.

Please review the enclosed documents carefully. This is your opportunity to comment on the draft permit and notify the OAQ of any corrections that are needed before the final decision. Questions or comments about the enclosed documents should be directed to David Matousek, Indiana Department of Environmental Management, Office of Air Quality, 100 N. Senate Avenue, Indianapolis, Indiana, 46204 or call (800) 451-6027, and ask for extension 2-8253 or dial (317) 232-8253.

Sincerely,  
*Catherine Denny*  
Permits Branch  
Office of Air Quality

Enclosures  
PN Applicant Cover letter. dot 3/27/08



# 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)

## ATTENTION: PUBLIC NOTICES, LEGAL ADVERTISING

April 20, 2011

The Times  
601 W 45<sup>th</sup> Street  
Munster, IN 46321

The Post Tribune  
1433 E 83<sup>rd</sup> Avenue  
Merrillville, IN 46410

Enclosed, please find one Indiana Department of Environmental Management Notice of Public Comment for Whiting Clean Energy in Lake County, Indiana.

Since our agency must comply with requirements which call for a Notice of Public Comment, we request that you print this notice one time, no later than April 25<sup>th</sup>, 2011.

Please send a notarized form, clippings showing the date of publication, and the billing to the Indiana Department of Environmental Management, Accounting, Room N1345, 100 North Senate Avenue, Indianapolis, Indiana, 46204.

We are required by the Auditor's Office to request that you place the Federal ID Number on all claims. If you have any conflicts, questions, or problems with the publishing of this notice or if you do not receive complete public notice information for this notice, please call Catherine Denny at 800-451-6027 and ask for extension 3-9488 or dial 317-233-9488.

Sincerely,

*Catherine Denny*

Permit Branch  
Office of Air Quality

Permit Level: ACID Rain  
Permit Number: 089-30138-00449

Enclosure  
PN Newspaper.dot 3/27/08



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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April 20, 2011

To: Whiting Public Library

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

Subject: **Important Information to Display Regarding a Public Notice for an Air Permit**

**Applicant Name: Whiting Clean Energy, Inc.**  
**Permit Number: 089-30138-00449**

Enclosed is a copy of important information to make available to the public. This proposed project is regarding a source that may have the potential to significantly impact air quality. Librarians are encouraged to educate the public to make them aware of the availability of this information. The following information is enclosed for public reference at your library:

- Notice of a 30-day Period for Public Comment
- Request to publish the Notice of 30-day Period for Public Comment
- Draft Permit and Technical Support Document

You will not be responsible for collecting any comments from the citizens. Please refer all questions and request for the copies of any pertinent information to the person named below.

Members of your community could be very concerned in how these projects might affect them and their families. **Please make this information readily available until you receive a copy of the final package.**

If you have any questions concerning this public review process, please contact Joanne Smiddie-Brush, OAQ Permits Administration Section at 1-800-451-6027, extension 3-0185. Questions pertaining to the permit itself should be directed to the contact listed on the notice.

Enclosures  
PN Library.dot 03/27/08



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## Notice of Public Comment

**April 20, 2011**  
**Whiting Clean Energy, Inc.**  
**089-30138-00449**

Dear Concerned Citizen(s):

You have been identified as someone who could potentially be affected by this proposed air permit. The Indiana Department of Environmental Management, in our ongoing efforts to better communicate with concerned citizens, invites your comment on the draft permit.

Enclosed is a Notice of Public Comment, which has been placed in the Legal Advertising section of your local newspaper. The application and supporting documentation for this proposed permit have been placed at the library indicated in the Notice. These documents more fully describe the project, the applicable air pollution control requirements and how the applicant will comply with these requirements.

If you would like to comment on this draft permit, please contact the person named in the enclosed Public Notice. Thank you for your interest in the Indiana's Air Permitting Program.

**Please Note:** *If you feel you have received this Notice in error, or would like to be removed from the Air Permits mailing list, please contact Patricia Pear with the Air Permits Administration Section at 1-800-451-6027, ext. 3-6875 or via e-mail at PPEAR@IDEM.IN.GOV. If you have recently moved and this Notice has been forwarded to you, please notify us of your new address and if you wish to remain on the mailing list. Mail that is returned to IDEM by the Post Office with a forwarding address in a different county will be removed from our list unless otherwise requested.*

Enclosure  
PN AAA Cover.dot 3/27/08

# Mail Code 61-53

IDEM Staff	CDENNY 4/20/2011 Whiting Clean Energy, Inc. 089-30138-00449 (draft)		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		Richard M. Moroney Whiting Clean Energy, Inc. 2155 Standard Ave Whiting IN 46394-2201 (Source CAATS)										
2		East Chicago City Council 4525 Indianapolis Blvd East Chicago IN 46312 (Local Official)										
3		Gary - Hobart Water Corp 650 Madison St, P.O. Box M486 Gary IN 46401-0486 (Affected Party)										
4		Lake County Health Department-Gary 1145 W. 5th Ave Gary IN 46402-1795 (Health Department)										
5		WJOB / WZVN Radio 6405 Olcott Ave Hammond IN 46320 (Affected Party)										
6		Laurence A. McHugh Barnes & Thornburg 100 North Michigan South Bend IN 46601-1632 (Affected Party)										
7		Shawn Sobocinski 3229 E. Atlanta Court Portage IN 46368 (Affected Party)										
8		Ms. Carolyn Marsh Lake Michigan Calumet Advisory Council 1804 Oliver St Whiting IN 46394-1725 (Affected Party)										
9		Whiting City Council and Mayors Office 1143 119th St Whiting IN 46394 (Local Official)										
10		Mark Coleman 9 Locust Place Ogden Dunes IN 46368 (Affected Party)										
11		Mr. Chris Hernandez Pipefitters Association, Local Union 597 8762 Louisiana St., Suite G Merrillville IN 46410 (Affected Party)										
12		Craig Hogarth 7901 West Morris Street Indianapolis IN 46231 (Affected Party)										
13		Whiting Public Library 1735 Oliver St Whiting IN 46394-1794 (Library)										
14		Lake County Commissioners 2293 N. Main St, Building A 3rd Floor Crown Point IN 46307 (Local Official)										
15		Anthony Copeland 2006 E. 140th Street East Chicago IN 46312 (Affected Party)										

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.
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Name and address of Sender		Indiana Department of Environmental Management Office of Air Quality – Permits Branch 100 N. Senate Indianapolis, IN 46204		

Line	Article Number	Name, Address, Street and Post Office Address	Postage	Handling Charges	Act. Value (If Registered)	Insured Value	Due Send if COD	R.R. Fee	S.D. Fee	S.H. Fee	Rest. Del. Fee
											Remarks
1		Barbara G. 506 Lilac Street East Chicago IN 46312 (Affected Party)									
2		Mr. Robert Garcia 3733 Parrish Avenue East Chicago IN 46312 (Affected Party)									
3		Ms. Karen Kroczek 8212 Madison Ave Munster IN 46321-1627 (Affected Party)									
4		Calumet Township Trustee 31 E 5th Avenue Gary IN 46402 (Affected Party)									
5		Joseph Hero 11723 S Oakridge Drive St. John IN 46373 (Affected Party)									
6		Gary City Council 401 Broadway # 209 Gary IN 46402 (Local Official)									
7		Mr. Larry Davis 268 South, 600 West Hebron IN 46341 (Affected Party)									
8		Gitte Laasby Post Tribune 1433 E. 83rd Ave Merrillville IN 46410 (Affected Party)									
9		Susan Severtson City of Gary Law Dept. 401 Broadway 4th Floor Gary IN 46402 (Local Official)									
10		Mark Zeltwanger 26545 CR 52 Nappanee IN 46550 (Affected Party)									
11		Kenard Taylor Mostardi Platt Environmental 1080 Breuckman Drive Crown Point IN 46307 (Consultant)									
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.
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