



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

TO: Interested Parties / Applicant

DATE: July 19, 2011

RE: Exel, Inc / 129-306511-00056

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

Notice of Decision: Denial - Effective Immediately

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 13-15-5-3, this decision for permit denial is effective immediately.

If you wish to challenge this decision, IC 4-21.5-3-7 and IC 13-15-6-1 require that you file a petition for administrative review. This petition describing your intent must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, Government Center North, Suite N 501E, Indianapolis, IN 46204, **within eighteen (18) calendar days from the date of 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 consideration 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-DN.dot 12/3/07



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David Fisher
Exel, Inc.
6400 William Keck Bypass
Mount Vernon, IN 47620

July 19, 2011

Re: Interim MSOP Petition Denial
129-306511-00056

Dear David Fisher:

On June 24, 2011, the Office of Air Quality (OAQ) received an interim Minor Source Operating Permit (MSOP) petition from Exel, Inc., located at 6400 William Keck Bypass, Mount Vernon, Indiana 47620, to construct a new diesel-fired emergency generator at an existing warehousing and storage operation for finished goods and products. Based on the data and information submitted in the petition and the provisions in 326 IAC 2-13-1, it has been determined that the interim MSOP is denied because of the following reasons:

- (a) Pursuant to 326 IAC 2-13-1(a) (Interim Operating Permit Revision Approvals), "this section applies to any person who operates an existing source under valid operating permits issued by the commissioner and who proposes to modify a source or construct a new emission unit at the existing source and such modification or construction requires an operating permit revision...". Since Exel, Inc., has not yet been issued its own valid operating permit (i.e., the equipment that is owned and operated by Exel, Inc., is permitted under the Federally Enforceable State Operating Permit (FESOP) No. F129-23109-00021 for Bristol-Myers Squibb), the applicability requirements of subsection (a) are not met and, pursuant to 326 IAC 2-13-1(h)(3), the commissioner may deny the petition for an interim approval.

If you have any questions regarding this interim permit denial, please contact Nathan Bell, OAQ, 100 North Senate Avenue, MC 61-53, Room 1003, Indianapolis, Indiana, 46204-2251, or call at (800) 451-6027, and ask for Nathan Bell or extension 3-5670, or dial (317) 233-5670.

Sincerely,

Matthew Stuckey, Branch Chief
Permits Branch
Office of Air Quality

MS/ncb

cc: File - Posey County
Posey County Health Department
U.S. EPA, Region V
Compliance and Enforcement Branch

Scott E. Cubbler
Exel, Inc.
260 Salem Church Road
Mechanicsburg, PA 17050

Exel, Inc.
Mount Vernon, Indiana
Permit Reviewer: Nathan C. Bell

Page 2 of 2
Denial of Interim Permit Petition No. 129-306511-00056

Mike Daniel
Warehouse Services No. 5B, LLC
2101 Highway 69 South
Mount Vernon, IN 47620

Jeff Slayback
TRC Environmental Corporation
300 E Business Way, Suite 200
Cincinnati, OH 45241



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

TO: David Fisher
Exel, Inc
6400 William Keck Bypass
Mount Vernon, IN 47620

DATE: July 19, 2011

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

SUBJECT: Final Decision
Interim Permit
129-306511-00056

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:
Scott Cubbler (VP-Life Sciences)
Jeff Slayback (TRC Environmental Corporation)
Mike Daniel (Warehouse Services No. 5B, LLC)
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	MIDENNEY 7/19/2011 Exel Inc 129-306511-00056 (final)		Type of Mail: CERTIFICATE OF MAILING ONLY	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		David Fisher Exel Inc 6400 William Keck Bypass Mount Vernon IN 47620 (Source CAATS) via confirm delivery										
2		Scott E Cubbler VP - Life Sciences Exel Inc 260 Salem Church Rd Mechanicsburg PA 17050 (RO CAATS)										
3		Mr. Charles L. Berger Berger & Berger, Attorneys at Law 313 Main Street Evansville IN 47700 (Affected Party)										
4		Mr. Wendell Hibdon Plumbers & Steam Fitters Union, Local 136 2300 St. Joe Industrial Park Dr Evansville IN 47720 (Affected Party)										
5		Posey County Commissioners County Courthouse, 126 E. 3rd Street Mount Vernon IN 47620 (Local Official)										
6		Posey County Health Department 126 E. 3rd St, Coliseum Bldg Mount Vernon IN 47620-1811 (Health Department)										
7		Dr. Jeff Seyler Univ. of So Ind., 8600 Univ. Blvd. Evansville IN 47712 (Affected Party)										
8		Mr. Don Mottley Save Our Rivers 6222 Yankeetown Hwy Boonville IN 47601 (Affected Party)										
9		Mrs. Connie Parkinson 510 Western Hills Dr. Mt. Vernon IN 47620 (Affected Party)										
10		Robert Hess c/o Mellon Corporation 830 Post Road East, Suite 105 Westport CT 06880 (Affected Party)										
11		Juanita Burton 7911 W. Franklin Road Evansville IN 47712 (Affected Party)										
12		Mr. John Blair 800 Adams Ave Evansville IN 47713 (Affected Party)										
13		Jeff Slayback TRC Environmental Corporation 300 E. Business Way, Sutie 200 Cincinnati OH 45241 (Consultant)										
14		Mr. Mike Daniel Warehouse Serrvices No. 5B, LLC 2101 Highway 69 South Mount Vernon IN 47620 (Source – addl contact)										
15												

Total number of pieces Listed by Sender 13	Total number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving employee)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstructing insurance is \$50,000 per piece subject to a limit of \$50, 000 per occurrence. The maximum indemnity payable on Express mil merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual R900, S913, and S921 for limitations of coverage on inured and COD mail. See International Mail Manual for limitations o coverage on international mail. Special handling charges apply only to Standard Mail (A) and Standard Mail (B) parcels.
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