INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We Protect Hoosiers and Our Environment.
100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

To:	Interested Parties
Date:	April 10, 2019
From:	Jenny Acker, Chief Permits Branch Office of Air Quality
Source Name:	MGPI of Indiana, LLC
Permit Level:	MSOP – New Source Construction
Permit Number:	137-40667-00051
Source Location:	924 South Meridian Street Sunman, IN 47041
Type of Action Taken:	Initial Permit

Notice of Decision: Approval - Effective Immediately

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the matter referenced above.

The final decision is available on the IDEM website at: http://www.in.gov/apps/idem/caats/
To view the document, choose Search Option **by Permit Number**, then enter permit 40667.

The final decision is also available via IDEM's Virtual File Cabinet (VFC). Please go to: http://www.IN.idem/gov and enter VFC in the search box. You will then have the option to search for permit documents using a variety of criteria.

(continues on next page)

If you would like to request a paper copy of the permit document, please contact IDEM's Office of Records Management:

IDEM - Office of Records Management
Indiana Government Center North, Room 1207
100 North Senate Avenue
Indianapolis, IN 46204
Phone: (317) 232-8667
Fax: (317) 233-6647
Email: IDEMFILEROOM@idem.in.gov

Pursuant to IC 13-15-5-3, this permit is effective immediately, unless a petition for stay of effectiveness is filed and granted according to IC 13-15-6-3, and may be revoked or modified in accordance with the provisions of IC 13-15-7-1.

If you wish to challenge this decision, IC 4-21.5-3 and IC 13-15-6-1 require 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, Room N103, Indianapolis, IN 46204, **within eighteen (18) calendar days of 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.

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Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

New Source Construction and Minor Source Operating Permit
OFFICE OF AIR QUALITY

MGPI of Indiana, LLC
924 South Meridian Street
Sunman, Indiana 47041

(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.

This permit is issued to the above mentioned company under the provisions of 326 IAC 2-1.1, 326 IAC 2-5.1, 326 IAC 2-6.1 and 40 CFR 52.780, with conditions listed on the attached pages.

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 MSOP under 326 IAC 2-6.1.

Operation Permit No.: M137-40667-00051 Master Agency Interest ID.: 61699	
Issued by: Iryo Calilung for BW Brian Willams, Section Chief Permits Branch Office of Air Quality	Issuance Date: April 10, 2019 Expiration Date: April 10, 2024

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SECTION A SOURCE SUMMARY

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 and A.2 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 2-5.1-3(c)][326 IAC 2-6.1-4(a)]

The Permittee owns and operates a stationary distilled spirits production source.

Source Address:	924 South Meridian Street, Sunman, Indiana 47041
General Source Phone Number:	(812) 532-4100
SIC Code:	2085 (Distilled and Blended Liquors)
County Location:	Ripley
Source Location Status:	Attainment for all criteria pollutants
Source Status:	Minor Source 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

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

(a) One (1) Sunman #1 Warehouse, identified as WH-1, the structure for which was constructed in 2000 by the prior facility owner and approved in 2019 to store distilled spirits, and exhausting through the building's louvers and other openings.

(b) One (1) Sunman #2 Warehouse, identified as WH-2, the structure for which was constructed in 1998 by the prior facility owner and approved in 2019 to store distilled spirits, and exhausting through the building's louvers and other openings.

(c) One (1) diesel-fired emergency fire pump engine, previously in operation under former site ownership and constructed prior to July 11, 2005, with a maximum capacity of 251 hp.

Under 40 CFR 63, Subpart ZZZZ, this unit is considered as an existing affected source.

(d) One (1) diesel-fired emergency fire pump engine, approved in 2019 for construction, with a maximum capacity of 376 hp.

Under 40 CFR 60, Subpart IIII, this unit is considered as an affected facility.
Under 40 CFR 63, Subpart ZZZZ, this unit is considered as a new affected source.

(e) One (1) diesel fuel storage tank, identified as AST-1, constructed prior to 2005, with a maximum capacity of 300 gallons.

(f) One (1) diesel fuel storage tank, identified DWST-1, approved in 2019 for construction, with a maximum capacity of 500 gallons.

(g) Paved roads and parking lots with public access.

SECTION B GENERAL CONDITIONS

B.1 Definitions [326 IAC 2-1.1-1]

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 2-1.1-1) 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]

This document shall also become the approval to operate pursuant to 326 IAC 2-5.1-4 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 2-6.1-7(a)][326 IAC 2-1.1-9.5][IC 13-15-3-6(a)]

(a) This permit, M137-40667-00051, 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

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

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

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

B.9 Duty to Provide Information

(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 Annual Notification [326 IAC 2-6.1-5(a)(5)]

(a) An annual notification shall be submitted by an authorized individual to the Office of Air Quality stating whether or not the source is in operation and in compliance with the terms and conditions contained in this permit.

(b) The annual notice shall be submitted in the format attached no later than March 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

(c) The notification 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.

B.11 Preventive Maintenance Plan [326 IAC 1-6-3]

(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 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.

(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.12 Prior Permits Superseded [326 IAC 2-1.1-9.5]

(a) All terms and conditions of permits established prior to M137-40667-00051 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.13 Termination of Right to Operate [326 IAC 2-6.1-7(a)]

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 one hundred twenty (120) days prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-6.1-7.

B.14 Permit Renewal [326 IAC 2-6.1-7]

(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 2-6.1-7. Such information shall be included in the application for each emission unit at this source. The renewal application does require an affirmation that the statements in the application are true and complete 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 one hundred twenty (120) days 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 2-6.1 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 2-6.1-4(b), in writing by IDEM, OAQ any additional information identified as being needed to process the application.

B.15 Permit Amendment or Revision [326 IAC 2-5.1-3(e)(3)][326 IAC 2-6.1-6]

(a) Permit amendments and revisions are governed by the requirements of 326 IAC 2-6.1-6 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

(c) The Permittee shall notify the OAQ no later than thirty (30) calendar days of implementing a notice-only change. [326 IAC 2-6.1-6(d)]

B.16 Source Modification Requirement

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

B.17 Inspection and Entry
[326 IAC 2-5.1-3(e)(4)(B)][326 IAC 2-6.1-5(a)(4)][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 permitted 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.18 Transfer of Ownership or Operational Control [326 IAC 2-6.1-6]

(a) The Permittee must comply with the requirements of 326 IAC 2-6.1-6 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

The application which shall be submitted by the Permittee does require an affirmation that the statements in the application are true and complete by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

(c) The Permittee may implement notice-only changes addressed in the request for a notice-only change immediately upon submittal of the request. [326 IAC 2-6.1-6(d)(3)]

B.19 Annual Fee Payment [326 IAC 2-1.1-7]

(a) The Permittee shall pay annual fees due no later than thirty (30) calendar days of receipt of a bill from IDEM, OAQ.

(b) 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.20 Credible Evidence [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 2-6.1-5(a)(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 Permit Revocation [326 IAC 2-1.1-9]

Pursuant to 326 IAC 2-1.1-9 (Revocation of Permits), this permit to construct and operate may be revoked for any of the following causes:

(a) Violation of any conditions of this permit.

(b) Failure to disclose all the relevant facts, or misrepresentation in obtaining this permit.

(c) Changes in regulatory requirements that mandate either a temporary or permanent reduction of discharge of contaminants. However, the amendment of appropriate sections of this permit shall not require revocation of this permit.

(d) Noncompliance with orders issued pursuant to 326 IAC 1-5 (Episode Alert Levels) to reduce emissions during an air pollution episode.

(e) For any cause which establishes in the judgment of IDEM, the fact that continuance of this permit is not consistent with purposes of this article.

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.

(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. The requirement to use an Indiana Licensed Asbestos inspector is not federally enforceable.

Testing Requirements [326 IAC 2-6.1-5(a)(2)]

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.

(b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date.

(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 2-6.1-5(a)(2)]

C.10 Compliance Monitoring [326 IAC 2-1.1-11]

Compliance with applicable requirements shall be documented as required by this permit. The Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment. All monitoring and record keeping requirements not already legally required shall be implemented when operation begins.

C.11 Instrument Specifications [326 IAC 2-1.1-11]

(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. The analog instrument shall be capable of measuring values outside of the normal range.

(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

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 maintain the most recently submitted written emergency reduction plans (ERPs) consistent with safe operating procedures.

(b) 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 Response to Excursions or Exceedances

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.14 Actions Related to Noncompliance Demonstrated by a Stack Test

(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.

Record Keeping and Reporting Requirements [326 IAC 2-6.1-5(a)(2)]

C.15 Malfunctions Report [326 IAC 1-6-2]

Pursuant to 326 IAC 1-6-2 (Records; Notice of Malfunction):

(a) A record of all malfunctions, startups or shutdowns of any emission unit or emission control equipment, that results in violations of applicable air pollution control regulations or applicable emission limitations must be kept and retained for a period of three (3) years and be made available to the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ) or appointed representative upon request.

(b) When a malfunction of any emission unit or emission control equipment occurs that lasts more than one (1) hour, the condition shall be reported to OAQ, using the Malfunction Report Forms (2 pages). Notification must be made by telephone or other electronic means, as soon as practicable, but in no event later than four (4) daytime business hours after the beginning of the occurrence.

(c) Failure to report a malfunction of any emission unit or emission control equipment shall constitute a violation of 326 IAC 1-6, and any other applicable rules. Information on the scope and expected duration of the malfunction must be provided, including the items specified in 326 IAC 1-6-2(c)(3)(A) through (E).

(d) Malfunction is defined as any sudden, unavoidable failure of any air pollution control equipment, process, or combustion or process equipment to operate in a normal and usual manner. [326 IAC 1-2-39]

C.16 General Record Keeping Requirements [326 IAC 2-6.1-5]

(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, for all record keeping requirements not already legally required, the Permittee shall be allowed up to ninety (90) days from the date of permit issuance or the date of initial start-up, whichever is later, to begin such record keeping.

C.17 General Reporting Requirements [326 IAC 2-1.1-11] [326 IAC 2-6.1-2] [IC 13-14-1-13]

(a) 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

(b) 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.

(c) 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.

SECTION D.1 NSPS

Emissions Unit Description:

(d) One (1) diesel-fired emergency fire pump engine, approved in 2019 for construction, with a maximum capacity of 376 hp.

Under 40 CFR 60, Subpart IIII, this unit is considered as an affected facility.
Under 40 CFR 63, Subpart ZZZZ, this unit is considered as a new affected source.

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

New Source Performance Standards (NSPS) Requirements [326 IAC 2-6.1-5(a)(1)]

D.1.1 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 emission unit(s) listed above, except as otherwise specified in 40 CFR Part 60, Subpart IIII.

(b) Pursuant to 40 CFR 60.4, 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
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

and

United States Environmental Protection Agency, Region 5
Air and Radiation Division, Air Enforcement Branch - Indiana (AE-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

D.1.2 Stationary Compression Ignition Internal Combustion Engines NSPS [326 IAC 12] [40 CFR Part 60, Subpart IIII]

The Permittee shall comply with the following provisions of 40 CFR Part 60, Subpart IIII (included as Attachment A to the operating permit), which are incorporated by reference as 326 IAC 12, for the emission unit(s) listed above:

(1) 40 CFR 60.4200(a)(2)(ii) and (c)
(2) 40 CFR 60.4205(c)
(3) 40 CFR 60.4206
(4) 40 CFR 60.4207(b)
(5) 40 CFR 60.4208(h) and (i)
(6) 40 CFR 60.4209(a)
(7) 40 CFR 60.4211(a), (c), (f)(1), (f)(2)(i), (f)(3), and (g)(2)
(8) 40 CFR 60.4214(b)
(9) 40 CFR 60.4218
(10) 40 CFR 60.4219
(11) Tables 3 and 4

Emission Limitations and Standards [326 IAC 2-6.1-5(a)(1)]

D.1.3 Preventive Maintenance Plan [326 IAC 1-6-3]

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

SECTION D.2 NESHAP

Emissions Unit Description:

(c) One (1) diesel-fired emergency fire pump engine, previously in operation under former site ownership and constructed prior to July 11, 2005, with a maximum capacity of 251 hp.

Under 40 CFR 63, Subpart ZZZZ, this unit is considered as an existing affected source.

(d) One (1) diesel-fired emergency fire pump engine, approved in 2019 for construction, with a maximum capacity of 376 hp.

Under 40 CFR 60, Subpart IIII, this unit is considered as an affected facility.
Under 40 CFR 63, Subpart ZZZZ, this unit is considered as a new affected source.

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

National Emission Standards for Hazardous Air Pollutants (NESHAP) Requirements [326 IAC 2-6.1-5(a)(1)]

D.2.1 General Provisions Relating to National Emission Standards for Hazardous Air Pollutants under 40 CFR Part 63 [326 IAC 20-1] [40 CFR Part 63, Subpart A]

(a) Pursuant to 40 CFR 63.1 the Permittee shall comply with the provisions of 40 CFR Part 63, Subpart A – General Provisions, which are incorporated by reference as 326 IAC 20-1, for the emission unit(s) listed above, except as otherwise specified in 40 CFR Part 63, Subpart ZZZZ.

(b) Pursuant to 40 CFR 63.10, 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
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

and

United States Environmental Protection Agency, Region 5
Air and Radiation Division, Air Enforcement Branch - Indiana (AE-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

D.2.2 Stationary Reciprocating Internal Combustion Engines NESHAP [40 CFR Part 63, Subpart ZZZZ] [326 IAC 20-82]

The Permittee shall comply with the following provisions of 40 CFR Part 63, Subpart ZZZZ (included as Attachment B to the operating permit), which are incorporated by reference as 326 IAC 20-82.

(a) 251 hp diesel-fired emergency fire pump engine

(1) 40 CFR 63.6580
(2) 40 CFR 63.6585(c) and (d)
(3) 40 CFR 63.6590(a)(1)(iii) and (iv)

(4) 40 CFR 63.6595(a)(1), (b), and (c)
(5) 40 CFR 63.6603(a)
(6) 40 CFR 63.6604(b)
(7) 40 CFR 63.6605
(8) 40 CFR 63.6625(e)(3), (f), (h), and (i)
(9) 40 CFR 63.6640(a), (b), (e), (f)(1), (f)(2)(i), and (f)(4)
(10) 40 CFR 63.6645(a)(5)
(11) 40 CFR 63.6650
(12) 40 CFR 63.6655(a), (d), (e)(2), and (f)(2)
(13) 40 CFR 63.6660
(14) 40 CFR 63.6665
(15) 40 CFR 63.6670
(16) 40 CFR 63.6675
(17) Table 2d (item 4)
(18) Table 6 (item 9)
(19) Table 7 (item 4)
(20) Table 8

(b) 376 hp diesel-fired emergency fire pump engine

(1) 40 CFR 63.6580
(2) 40 CFR 63.6585(c) and (d)
(3) 40 CFR 63.6590(a)(2)(iii) and (c)(1)
(4) 40 CFR 63.6595(a)(7)
(5) 40 CFR 63.6665
(6) 40 CFR 63.6670
(7) 40 CFR 63.6675

Emission Limitations and Standards [326 IAC 2-6.1-5(a)(1)]

D.2.3 Preventive Maintenance Plan [326 IAC 1-6-3]

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

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE AND ENFORCEMENT BRANCH

MINOR SOURCE OPERATING PERMIT
ANNUAL NOTIFICATION

This form should be used to comply with the notification requirements under 326 IAC 2-6.1-5(a)(5).

Company Name:	MGPI of Indiana, LLC
Address:	924 South Meridian Street
City:	Sunman, Indiana 47041
Phone #:	(812) 532-4100
MSOP #:	M137-40667-00051

I hereby certify that MGPI of Indiana, LLC is :

□ still in operation.
□ no longer in operation.

I hereby certify that MGPI of Indiana, LLC is :

□ in compliance with the requirements of MSOP M137-40667-00051.
□ not in compliance with the requirements of MSOP M137-40667-00051.

Authorized Individual (typed):
Title:
Signature:
Date:

If there are any conditions or requirements for which the source is not in compliance, provide a narrative description of how the source did or will achieve compliance and the date compliance was, or will be achieved.

Noncompliance:

MALFUNCTION REPORT

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE AND ENFORCEMENT BRANCH
FAX NUMBER: (317) 233-6865

This form should only be used to report malfunctions applicable to Rule 326 IAC 1-6 and to qualify for the exemption under 326 IAC 1-6-4.

THIS FACILITY MEETS THE APPLICABILITY REQUIREMENTS BECAUSE IT HAS POTENTIAL TO EMIT 25 TONS/YEAR PARTICULATE MATTER ?_____, 25 TONS/YEAR SULFUR DIOXIDE ?_____, 25 TONS/YEAR NITROGEN OXIDES?_____, 25 TONS/YEAR VOC ?_____, 25 TONS/YEAR HYDROGEN SULFIDE ?_____, 25 TONS/YEAR TOTAL REDUCED SULFUR ?_____, 25 TONS/YEAR REDUCED SULFUR COMPOUNDS ?_____, 25 TONS/YEAR FLUORIDES ?_____, 100 TONS/YEAR CARBON MONOXIDE ?_____, 10 TONS/YEAR ANY SINGLE HAZARDOUS AIR POLLUTANT ?_____, 25 TONS/YEAR ANY COMBINATION HAZARDOUS AIR POLLUTANT ?_____, 1 TON/YEAR LEAD OR LEAD COMPOUNDS MEASURED AS ELEMENTAL LEAD ?_____, OR IS A SOURCE LISTED UNDER 326 IAC 2-5.1-3(2) ?_____. EMISSIONS FROM MALFUNCTIONING CONTROL EQUIPMENT OR PROCESS EQUIPMENT CAUSED EMISSIONS IN EXCESS OF APPLICABLE LIMITATION _____.

THIS MALFUNCTION RESULTED IN A VIOLATION OF: 326 IAC _____ OR, PERMIT CONDITION # _____ AND/OR PERMIT LIMIT OF _____

THIS INCIDENT MEETS THE DEFINITION OF "MALFUNCTION" AS LISTED ON REVERSE SIDE ? Y N

THIS MALFUNCTION IS OR WILL BE LONGER THAN THE ONE (1) HOUR REPORTING REQUIREMENT ? Y N

COMPANY:_____PHONE NO. ( )_____
LOCATION: (CITY AND COUNTY)_____
PERMIT NO. _____ AFS PLANT ID: _____ AFS POINT ID: _____ INSP:_____
CONTROL/PROCESS DEVICE WHICH MALFUNCTIONED AND REASON:_____
_____

DATE/TIME MALFUNCTION STARTED: _____/_____/ 20____ _____ AM / PM

ESTIMATED HOURS OF OPERATION WITH MALFUNCTION CONDITION: _____

DATE/TIME CONTROL EQUIPMENT BACK-IN SERVICE_____/_____/ 20____ _____ AM/PM

TYPE OF POLLUTANTS EMITTED: TSP, PM-10, SO2, VOC, OTHER:_____

ESTIMATED AMOUNT OF POLLUTANT EMITTED DURING MALFUNCTION: _____
_____

MEASURES TAKEN TO MINIMIZE EMISSIONS:_____
_____

REASONS WHY FACILITY CANNOT BE SHUTDOWN DURING REPAIRS:

CONTINUED OPERATION REQUIRED TO PROVIDE ESSENTIAL* SERVICES:_____
CONTINUED OPERATION NECESSARY TO PREVENT INJURY TO PERSONS:_____
CONTINUED OPERATION NECESSARY TO PREVENT SEVERE DAMAGE TO EQUIPMENT:_____
INTERIM CONTROL MEASURES: (IF APPLICABLE)_____
_____
_____

MALFUNCTION REPORTED BY:_____TITLE:_____
(SIGNATURE IF FAXED)

MALFUNCTION RECORDED BY:_____DATE:_____TIME:_____
*SEE PAGE 2

Please note - This form should only be used to report malfunctions applicable to Rule 326 IAC 1-6 and to qualify for the exemption under 326 IAC 1-6-4.

326 IAC 1-6-1 Applicability of rule

Sec. 1. This rule applies to the owner or operator of any facility required to obtain a permit under 326 IAC 2-5.1 or 326 IAC 2-6.1.

326 IAC 1-2-39 "Malfunction" definition

Sec. 39. Any sudden, unavoidable failure of any air pollution control equipment, process, or combustion or process equipment to operate in a normal and usual manner.

***Essential services** are interpreted to mean those operations, such as, the providing of electricity by power plants. Continued operation solely for the economic benefit of the owner or operator shall not be sufficient reason why a facility cannot be shutdown during a control equipment shutdown.

If this item is checked on the front, please explain rationale:

_____
_____

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

MGPI of Indiana, LLC
924 South Meridian Street
Sunman, Indiana 47041

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 _____.
(Title) (Company Name)

3. By virtue of my position with _____, I have personal
(Company Name)
knowledge of the representations contained in this affidavit and am authorized to make these representations on behalf of _____.
(Company Name)

4. I hereby certify that MGPI of Indiana, LLC 924 South Meridian Street, Sunman, Indiana 47041, completed construction of the distilled spirits production source on _____in conformity with the requirements and intent of the construction permit application received by the Office of Air Quality on November 5, 2018 and as permitted pursuant to New Source Construction Permit and Minor Source Operating Permit No. M137-40667-00051, Plant ID No. 137-00051 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)

Attachment A

Minor Source Operating Permit (MSOP) No: M137-40667-00051

[Downloaded from the eCFR on September 6, 2016]

Electronic Code of Federal Regulations

Title 40: Protection of Environment

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

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

Source: 71 FR 39172, July 11, 2006, unless otherwise noted.

What This Subpart Covers

§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) and other persons as specified in paragraphs (a)(1) through (4) 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.

(1) Manufacturers of stationary CI ICE with a displacement of less than 30 liters per cylinder where the model year is:

(i) 2007 or later, for engines that are not fire pump engines;

(ii) The model year listed in Table 3 to this subpart or later model year, for fire pump engines.

(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.

(3) Owners and operators of any stationary CI ICE that are modified or reconstructed after July 11, 2005 and any person that modifies or reconstructs any stationary CI ICE after July 11, 2005.

(4) The provisions of §60.4208 of this subpart are applicable to all owners and operators of stationary CI ICE that commence construction after July 11, 2005.

(b) The provisions of this subpart are not applicable to stationary CI ICE being tested at a stationary CI ICE test cell/stand.

(c) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 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 applicable to area sources.

(d) Stationary CI ICE may be eligible for exemption from the requirements of this subpart as described in 40 CFR part 1068, subpart C (or the exemptions described in 40 CFR part 89, subpart J and 40 CFR part 94, subpart J, for engines that would need to be certified to standards in those parts), except that owners and operators, as well as manufacturers, may be eligible to request an exemption for national security.

(e) Owners and operators of facilities with CI ICE that are acting as temporary replacement units and that are located at a stationary source for less than 1 year and that have been properly certified as meeting the standards that would be applicable to such engine under the appropriate nonroad engine provisions, are not required to meet any other provisions under this subpart with regard to such engines.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37967, June 28, 2011]

Emission Standards for Manufacturers

§60.4201 What emission standards must I meet for non-emergency engines if I am a stationary CI internal combustion engine manufacturer?

(a) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later non-emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 kilowatt (KW) (3,000 horsepower (HP)) and a displacement of less than 10 liters per cylinder to the certification emission standards for new nonroad CI engines in 40 CFR 89.112, 40 CFR 89.113, 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same model year and maximum engine power.

(b) Stationary CI internal combustion engine manufacturers must certify their 2007 through 2010 model year non-emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder to the emission standards in table 1 to this subpart, for all pollutants, for the same maximum engine power.

(c) Stationary CI internal combustion engine manufacturers must certify their 2011 model year and later non-emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder to the certification emission standards for new nonroad CI engines in 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same maximum engine power.

(d) Stationary CI internal combustion engine manufacturers must certify the following non-emergency stationary CI ICE to the certification emission standards for new marine CI engines in 40 CFR 94.8, as applicable, for all pollutants, for the same displacement and maximum engine power:

(1) Their 2007 model year through 2012 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;

(2) Their 2013 model year non-emergency stationary CI ICE with a maximum engine power greater than or equal to 3,700 KW (4,958 HP) and a displacement of greater than or equal to 10 liters per cylinder and less than 15 liters per cylinder; and

(3) Their 2013 model year non-emergency stationary CI ICE with a displacement of greater than or equal to 15 liters per cylinder and less than 30 liters per cylinder.

(e) Stationary CI internal combustion engine manufacturers must certify the following non-emergency stationary CI ICE to the certification emission standards and other requirements for new marine CI engines in 40 CFR 1042.101, 40 CFR 1042.107, 40 CFR 1042.110, 40 CFR 1042.115, 40 CFR 1042.120, and 40 CFR 1042.145, as applicable, for all pollutants, for the same displacement and maximum engine power:

(1) Their 2013 model year non-emergency stationary CI ICE with a maximum engine power less than 3,700 KW (4,958 HP) and a displacement of greater than or equal to 10 liters per cylinder and less than 15 liters per cylinder; and

(2) Their 2014 model year and later 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.

(f) Notwithstanding the requirements in paragraphs (a) through (c) of this section, stationary non-emergency CI ICE identified in paragraphs (a) and (c) may be certified to the provisions of 40 CFR part 94 or, if Table 1 to 40 CFR 1042.1 identifies 40 CFR part 1042 as being applicable, 40 CFR part 1042, if the engines will be used solely in either or both of the following locations:

(1) Remote areas of Alaska; and

(2) Marine offshore installations.

(g) Notwithstanding the requirements in paragraphs (a) through (f) of this section, stationary CI internal combustion engine manufacturers are not required to certify reconstructed engines; however manufacturers may elect to do so. The reconstructed engine must be certified to the emission standards specified in paragraphs (a) through (e) of this section that are applicable to the model year, maximum engine power, and displacement of the reconstructed stationary CI ICE.

(h) Stationary CI ICE certified to the standards in 40 CFR part 1039 and equipped with auxiliary emission control devices (AECDs) as specified in 40 CFR 1039.665 must meet the Tier 1 certification emission standards for new nonroad CI engines in 40 CFR 89.112 while the AECD is activated during a qualified emergency situation. A qualified emergency situation is defined in 40 CFR 1039.665. When the qualified emergency situation has ended and the AECD is deactivated, the engine must resume meeting the otherwise applicable emission standard specified in this section.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37967, June 28, 2011; 81 FR 44219, July 7, 2016]

§60.4202 What emission standards must I meet for emergency engines if I am a stationary CI internal combustion engine manufacturer?

(a) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (a)(1) through (2) of this section.

(1) For engines with a maximum engine power less than 37 KW (50 HP):

(i) The certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants for model year 2007 engines, and

(ii) The certification emission standards for new nonroad CI engines in 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, 40 CFR 1039.115, and table 2 to this subpart, for 2008 model year and later engines.

(2) For engines with a maximum engine power greater than or equal to 37 KW (50 HP), the certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants beginning in model year 2007.

(b) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (b)(1) through (2) of this section.

(1) For 2007 through 2010 model years, the emission standards in table 1 to this subpart, for all pollutants, for the same maximum engine power.

(2) For 2011 model year and later, the certification emission standards for new nonroad CI engines for engines of the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants.

(c) [Reserved]

(d) Beginning with the model years in table 3 to this subpart, stationary CI internal combustion engine manufacturers must certify their fire pump stationary CI ICE to the emission standards in table 4 to this subpart, for all pollutants, for the same model year and NFPA nameplate power.

(e) Stationary CI internal combustion engine manufacturers must certify the following emergency stationary CI ICE that are not fire pump engines to the certification emission standards for new marine CI engines in 40 CFR 94.8, as applicable, for all pollutants, for the same displacement and maximum engine power:

(1) Their 2007 model year through 2012 emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder;

(2) Their 2013 model year and later emergency stationary CI ICE with a maximum engine power greater than or equal to 3,700 KW (4,958 HP) and a displacement of greater than or equal to 10 liters per cylinder and less than 15 liters per cylinder;

(3) Their 2013 model year emergency stationary CI ICE with a displacement of greater than or equal to 15 liters per cylinder and less than 30 liters per cylinder; and

(4) Their 2014 model year and later emergency stationary CI ICE with a maximum engine power greater than or equal to 2,000 KW (2,682 HP) and a displacement of greater than or equal to 15 liters per cylinder and less than 30 liters per cylinder.

(f) Stationary CI internal combustion engine manufacturers must certify the following emergency stationary CI ICE to the certification emission standards and other requirements applicable to Tier 3 new marine CI engines in 40 CFR 1042.101, 40 CFR 1042.107, 40 CFR 1042.115, 40 CFR 1042.120, and 40 CFR 1042.145, for all pollutants, for the same displacement and maximum engine power:

(1) Their 2013 model year and later emergency stationary CI ICE with a maximum engine power less than 3,700 KW (4,958 HP) and a displacement of greater than or equal to 10 liters per cylinder and less than 15 liters per cylinder; and

(2) Their 2014 model year and later emergency stationary CI ICE with a maximum engine power less than 2,000 KW (2,682 HP) and a displacement of greater than or equal to 15 liters per cylinder and less than 30 liters per cylinder.

(g) Notwithstanding the requirements in paragraphs (a) through (d) of this section, stationary emergency CI internal combustion engines identified in paragraphs (a) and (c) may be certified to the provisions of 40 CFR part 94 or, if Table 2 to 40 CFR 1042.101 identifies Tier 3 standards as being applicable, the requirements applicable to Tier 3 engines in 40 CFR part 1042, if the engines will be used solely in either or both of the following locations:

(1) Remote areas of Alaska; and

(2) Marine offshore installations.

(h) Notwithstanding the requirements in paragraphs (a) through (f) of this section, stationary CI internal combustion engine manufacturers are not required to certify reconstructed engines; however manufacturers may elect to do so. The reconstructed engine must be certified to the emission standards specified in paragraphs (a) through (f) of this section that are applicable to the model year, maximum engine power and displacement of the reconstructed emergency stationary CI ICE.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37968, June 28, 2011; 81 FR 44219, July 7, 2016]

§60.4203 How long must my engines meet the emission standards if I am a manufacturer of stationary CI internal combustion engines?

Engines manufactured by stationary CI internal combustion engine manufacturers must meet the emission standards as required in §§60.4201 and 60.4202 during the certified emissions life of the engines.

[76 FR 37968, June 28, 2011]

Emission Standards for Owners and Operators

§60.4204 What emission standards must I meet for non-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 non-emergency stationary CI ICE with a displacement of less than 10 liters per cylinder 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 must comply with the emission standards in 40 CFR 94.8(a)(1).

(b) Owners and operators of 2007 model year and later non-emergency stationary CI ICE with a displacement of less than 30 liters per cylinder must comply with the emission standards for new CI engines in §60.4201 for their 2007 model year and later stationary CI ICE, as applicable.

(c) Owners and operators of non-emergency stationary CI engines with a displacement of greater than or equal to 30 liters per cylinder must meet the following requirements:

(1) For engines installed prior to January 1, 2012, limit the emissions of NO_X in the stationary CI internal combustion engine exhaust to the following:

(i) 17.0 grams per kilowatt-hour (g/KW-hr) (12.7 grams per horsepower-hr (g/HP-hr)) when maximum engine speed is less than 130 revolutions per minute (rpm);

(ii) $45 \cdot n^{-0.2}$ g/KW-hr ($34 \cdot n^{-0.2}$ g/HP-hr) when maximum engine speed is 130 or more but less than 2,000 rpm, where n is maximum engine speed; and

(iii) 9.8 g/KW-hr (7.3 g/HP-hr) when maximum engine speed is 2,000 rpm or more.

(2) For engines installed on or after January 1, 2012 and before January 1, 2016, limit the emissions of NO_X in the stationary CI internal combustion engine exhaust to the following:

(i) 14.4 g/KW-hr (10.7 g/HP-hr) when maximum engine speed is less than 130 rpm;

(ii) $44 \cdot n^{-0.23}$ g/KW-hr ($33 \cdot n^{-0.23}$ g/HP-hr) when maximum engine speed is greater than or equal to 130 but less than 2,000 rpm and where n is maximum engine speed; and

(iii) 7.7 g/KW-hr (5.7 g/HP-hr) when maximum engine speed is greater than or equal to 2,000 rpm.

(3) For engines installed on or after January 1, 2016, limit the emissions of NO_X in the stationary CI internal combustion engine exhaust to the following:

(i) 3.4 g/KW-hr (2.5 g/HP-hr) when maximum engine speed is less than 130 rpm;

(ii) $9.0 \cdot n^{-0.20}$ g/KW-hr ($6.7 \cdot n^{-0.20}$ g/HP-hr) where n (maximum engine speed) is 130 or more but less than 2,000 rpm; and

(iii) 2.0 g/KW-hr (1.5 g/HP-hr) where maximum engine speed is greater than or equal to 2,000 rpm.

(4) Reduce particulate matter (PM) emissions by 60 percent or more, or limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.15 g/KW-hr (0.11 g/HP-hr).

(d) Owners and operators of non-emergency stationary CI ICE with a displacement of less than 30 liters per cylinder who conduct performance tests in-use must meet the not-to-exceed (NTE) standards as indicated in §60.4212.

(e) Owners and operators of any modified or reconstructed non-emergency stationary CI ICE subject to this subpart must meet the emission standards applicable to the model year, maximum engine power, and displacement of the modified or reconstructed non-emergency stationary CI ICE that are specified in paragraphs (a) through (d) of this section.

(f) Owners and operators of stationary CI ICE certified to the standards in 40 CFR part 1039 and equipped with AECDs as specified in 40 CFR 1039.665 must meet the Tier 1 certification emission standards for new nonroad CI engines in 40 CFR 89.112 while the AECD is activated during a qualified emergency situation. A qualified emergency situation is defined in 40 CFR 1039.665. When the qualified emergency situation has ended and the AECD is deactivated, the engine must resume meeting the otherwise applicable emission standard specified in this section.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37968, June 28, 2011; 81 FR 44219, July 7, 2016]

§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 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.

(d) Owners and operators of emergency stationary CI engines with a displacement of greater than or equal to 30 liters per cylinder must meet the requirements in this section.

(1) For engines installed prior to January 1, 2012, limit the emissions of NO_X in the stationary CI internal combustion engine exhaust to the following:

(i) 17.0 g/KW-hr (12.7 g/HP-hr) when maximum engine speed is less than 130 rpm;

(ii) $45 \cdot n^{-0.2}$ g/KW-hr ($34 \cdot n^{-0.2}$ g/HP-hr) when maximum engine speed is 130 or more but less than 2,000 rpm, where n is maximum engine speed; and

(iii) 9.8 g/kW-hr (7.3 g/HP-hr) when maximum engine speed is 2,000 rpm or more.

(2) For engines installed on or after January 1, 2012, limit the emissions of NO_X in the stationary CI internal combustion engine exhaust to the following:

(i) 14.4 g/KW-hr (10.7 g/HP-hr) when maximum engine speed is less than 130 rpm;

(ii) $44 \cdot n^{-0.23}$ g/KW-hr ($33 \cdot n^{-0.23}$ g/HP-hr) when maximum engine speed is greater than or equal to 130 but less than 2,000 rpm and where n is maximum engine speed; and

(iii) 7.7 g/KW-hr (5.7 g/HP-hr) when maximum engine speed is greater than or equal to 2,000 rpm.

(3) Limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.40 g/KW-hr (0.30 g/HP-hr).

(e) Owners and operators of emergency stationary CI ICE with a displacement of less than 30 liters per cylinder who conduct performance tests in-use must meet the NTE standards as indicated in §60.4212.

(f) Owners and operators of any modified or reconstructed emergency stationary CI ICE subject to this subpart must meet the emission standards applicable to the model year, maximum engine power, and displacement of the modified or reconstructed CI ICE that are specified in paragraphs (a) through (e) of this section.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37969, June 28, 2011]

§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 over the entire life of the engine.

[76 FR 37969, June 28, 2011]

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, except that any existing diesel fuel purchased (or otherwise obtained) prior to October 1, 2010, may be used until depleted.

(c) [Reserved]

(d) Beginning June 1, 2012, owners and operators of stationary CI ICE subject to this subpart with a displacement of greater than or equal to 30 liters per cylinder are no longer subject to the requirements of paragraph (a) of this section, and must use fuel that meets a maximum per-gallon sulfur content of 1,000 parts per million (ppm).

(e) Stationary CI ICE that have a national security exemption under §60.4200(d) are also exempt from the fuel requirements in this section.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37969, June 28, 2011; 78 FR 6695, Jan. 30, 2013]

Other Requirements for Owners and Operators

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

(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) After December 31, 2018, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power greater than or equal to 600 KW (804 HP) and less than 2,000 KW (2,680 HP) and a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that do not meet the applicable requirements for 2017 model year non-emergency engines.

(h) 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 (g) of this section after the dates specified in paragraphs (a) through (g) of this section.

(i) 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.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37969, June 28, 2011]

§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 that does not meet the standards applicable to non-emergency engines, you must install a non-resettable hour meter prior to startup of the engine.

(b) If you are an owner or operator of a stationary CI internal combustion engine equipped with a diesel particulate filter to comply with the emission standards in §60.4204, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37969, June 28, 2011]

Compliance Requirements

§60.4210 What are my compliance requirements if I am a stationary CI internal combustion engine manufacturer?

(a) Stationary CI internal combustion engine manufacturers must certify their stationary CI ICE with a displacement of less than 10 liters per cylinder to the emission standards specified in §60.4201(a) through (c) and §60.4202(a), (b) and (d) using the certification procedures required in 40 CFR part 89, subpart B, or 40 CFR part 1039, subpart C, as applicable, and must test their engines as specified in those parts. For the purposes of this subpart, engines certified to the standards in table 1 to this subpart shall be subject to the same requirements as engines certified to the standards in 40 CFR part 89. For the purposes of this subpart, engines certified to the standards in table 4 to this subpart shall be subject to the same requirements as engines certified to the standards in 40 CFR part 89, except that engines with NFPA nameplate power of less than 37 KW (50 HP) certified to model year 2011 or later standards shall be subject to the same requirements as engines certified to the standards in 40 CFR part 1039.

(b) Stationary CI internal combustion engine manufacturers must certify their stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder to the emission standards specified in §60.4201(d) and (e) and §60.4202(e) and (f) using the certification procedures required in 40 CFR part 94, subpart C, or 40 CFR part 1042, subpart C, as applicable, and must test their engines as specified in 40 CFR part 94 or 1042, as applicable.

(c) Stationary CI internal combustion engine manufacturers must meet the requirements of 40 CFR 1039.120, 1039.125, 1039.130, and 1039.135, and 40 CFR part 1068 for engines that are certified to the emission standards in 40 CFR part 1039. Stationary CI internal combustion engine manufacturers must meet the corresponding provisions of 40 CFR part 89, 40 CFR part 94 or 40 CFR part 1042 for engines that would be covered by that part if they were nonroad (including marine) engines. Labels on such engines must refer to stationary engines, rather than or in addition to nonroad or marine engines, as appropriate. Stationary CI internal combustion engine manufacturers must label their engines according to paragraphs (c)(1) through (3) of this section.

(1) Stationary CI internal combustion engines manufactured from January 1, 2006 to March 31, 2006 (January 1, 2006 to June 30, 2006 for fire pump engines), other than those that are part of certified engine families under the nonroad CI engine regulations, must be labeled according to 40 CFR 1039.20.

(2) Stationary CI internal combustion engines manufactured from April 1, 2006 to December 31, 2006 (or, for fire pump engines, July 1, 2006 to December 31 of the year preceding the year listed in table 3 to this subpart) must be labeled according to paragraphs (c)(2)(i) through (iii) of this section:

(i) Stationary CI internal combustion engines that are part of certified engine families under the nonroad regulations must meet the labeling requirements for nonroad CI engines, but do not have to meet the labeling requirements in 40 CFR 1039.20.

(ii) Stationary CI internal combustion engines that meet Tier 1 requirements (or requirements for fire pumps) under this subpart, but do not meet the requirements applicable to nonroad CI engines must be labeled according to 40 CFR 1039.20. The engine manufacturer may add language to the label clarifying that the engine meets Tier 1 requirements (or requirements for fire pumps) of this subpart.

(iii) Stationary CI internal combustion engines manufactured after April 1, 2006 that do not meet Tier 1 requirements of this subpart, or fire pumps engines manufactured after July 1, 2006 that do not meet the requirements for fire pumps under this subpart, may not be used in the U.S. If any such engines are manufactured in the U.S. after April 1, 2006 (July 1, 2006 for fire pump engines), they must be exported or must be brought into compliance with the appropriate standards prior to initial operation. The export provisions of 40 CFR 1068.230 would apply to engines for export and the manufacturers must label such engines according to 40 CFR 1068.230.

(3) Stationary CI internal combustion engines manufactured after January 1, 2007 (for fire pump engines, after January 1 of the year listed in table 3 to this subpart, as applicable) must be labeled according to paragraphs (c)(3)(i) through (iii) of this section.

(i) Stationary CI internal combustion engines that meet the requirements of this subpart and the corresponding requirements for nonroad (including marine) engines of the same model year and HP must be labeled according to the provisions in 40 CFR parts 89, 94, 1039 or 1042, as appropriate.

(ii) Stationary CI internal combustion engines that meet the requirements of this subpart, but are not certified to the standards applicable to nonroad (including marine) engines of the same model year and HP must be labeled according to the provisions in 40 CFR parts 89, 94, 1039 or 1042, as appropriate, but the words “stationary” must be included instead of “nonroad” or “marine” on the label. In addition, such engines must be labeled according to 40 CFR 1039.20.

(iii) Stationary CI internal combustion engines that do not meet the requirements of this subpart must be labeled according to 40 CFR 1068.230 and must be exported under the provisions of 40 CFR 1068.230.

(d) An engine manufacturer certifying an engine family or families to standards under this subpart that are identical to standards applicable under 40 CFR parts 89, 94, 1039 or 1042 for that model year may certify any such family that contains both nonroad (including marine) and stationary engines as a single engine family and/or may include any such family containing stationary engines in the averaging, banking and trading provisions applicable for such engines under those parts.

(e) Manufacturers of engine families discussed in paragraph (d) of this section may meet the labeling requirements referred to in paragraph (c) of this section for stationary CI ICE by either adding a separate label containing the information required in paragraph (c) of this section or by adding the words “and stationary” after the word “nonroad” or “marine,” as appropriate, to the label.

(f) Starting with the model years shown in table 5 to this subpart, stationary CI internal combustion engine manufacturers must add a permanent label stating that the engine is for stationary emergency use only to each new emergency stationary CI internal combustion engine greater than or equal to 19 KW (25 HP) that meets all the emission standards for emergency engines in §60.4202 but does not meet all the emission standards for non-emergency engines in §60.4201. The label must be added according to the labeling requirements specified in 40 CFR 1039.135(b). Engine manufacturers must specify in the owner's manual that operation of emergency engines is limited to emergency operations and required maintenance and testing.

(g) Manufacturers of fire pump engines may use the test cycle in table 6 to this subpart for testing fire pump engines and may test at the NFPA certified nameplate HP, provided that the engine is labeled as “Fire Pump Applications Only”.

(h) Engine manufacturers, including importers, may introduce into commerce uncertified engines or engines certified to earlier standards that were manufactured before the new or changed standards took effect until inventories are depleted, as long as such engines are part of normal inventory. For example, if the engine manufacturers' normal industry practice is to keep on hand a one-month supply of engines based on its projected sales, and a new tier of standards starts to apply for the 2009 model year, the engine manufacturer may manufacture engines based on the normal inventory requirements late in the 2008 model year, and sell those engines for installation. The engine manufacturer may not circumvent the provisions of §60.4201 or §60.4202 by stockpiling engines that are built before new or changed standards take effect. Stockpiling of such engines beyond normal industry practice is a violation of this subpart.

(i) The replacement engine provisions of 40 CFR 89.1003(b)(7), 40 CFR 94.1103(b)(3), 40 CFR 94.1103(b)(4) and 40 CFR 1068.240 are applicable to stationary CI engines replacing existing equipment that is less than 15 years old.

(j) Stationary CI ICE manufacturers may equip their stationary CI internal combustion engines certified to the emission standards in 40 CFR part 1039 with AECDs for qualified emergency situations according to the requirements of 40 CFR 1039.665. Manufacturers of stationary CI ICE equipped with AECDs as allowed by 40 CFR 1039.665 must meet all of the requirements in 40 CFR 1039.665 that apply to manufacturers. Manufacturers must document that the engine complies with the Tier 1 standard in 40 CFR 89.112 when the AECD is activated. Manufacturers must provide any relevant testing, engineering analysis, or other information in sufficient detail to support such statement when applying for certification (including amending an existing certificate) of an engine equipped with an AECD as allowed by 40 CFR 1039.665.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37969, June 28, 2011; 81 FR 44219, July 7, 2016]

§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 do all of the following, except as permitted under paragraph (g) of this section:

(1) Operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's emission-related written instructions;

(2) Change only those emission-related settings that are permitted by the manufacturer; and

(3) 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 emission-related specifications, except as permitted in paragraph (g) of this section.

(d) If you are an owner or operator and must comply with the emission standards specified in §60.4204(c) or §60.4205(d), you must demonstrate compliance according to the requirements specified in paragraphs (d)(1) through (3) of this section.

(1) Conducting an initial performance test to demonstrate initial compliance with the emission standards as specified in §60.4213.

(2) Establishing operating parameters to be monitored continuously to ensure the stationary internal combustion engine continues to meet the emission standards. The owner or operator must petition the Administrator for approval of operating parameters to be monitored continuously. The petition must include the information described in paragraphs (d)(2)(i) through (v) of this section.

(i) Identification of the specific parameters you propose to monitor continuously;

(ii) A discussion of the relationship between these parameters and NO_X and PM emissions, identifying how the emissions of these pollutants change with changes in these parameters, and how limitations on these parameters will serve to limit NO_X and PM emissions;

(iii) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the limits on these parameters in the operating limitations;

(iv) A discussion identifying the methods and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments; and

(v) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

(3) For non-emergency engines with a displacement of greater than or equal to 30 liters per cylinder, conducting annual performance tests to demonstrate continuous compliance with the emission standards as specified in §60.4213.

(e) If you are an owner or operator of a modified or reconstructed stationary CI internal combustion engine and must comply with the emission standards specified in §60.4204(e) or §60.4205(f), you must demonstrate compliance according to one of the methods specified in paragraphs (e)(1) or (2) of this section.

(1) Purchasing, or otherwise owning or operating, an engine certified to the emission standards in §60.4204(e) or §60.4205(f), as applicable.

(2) Conducting a performance test to demonstrate initial compliance with the emission standards according to the requirements specified in §60.4212 or §60.4213, as appropriate. The test must be conducted within 60 days after the engine commences operation after the modification or reconstruction.

(f) If you own or operate an emergency stationary ICE, you must operate the emergency stationary ICE according to the requirements in paragraphs (f)(1) through (3) of this section. In order for the engine to be considered an emergency stationary ICE under this subpart, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1) through (3) of this section, is prohibited. If you do not operate the engine according to the requirements in paragraphs (f)(1) through (3) of this section, the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines.

(1) There is no time limit on the use of emergency stationary ICE in emergency situations.

(2) You may operate your emergency stationary ICE for any combination of the purposes specified in paragraphs (f)(2)(i) through (iii) of this section for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph (f)(3) of this section counts as part of the 100 hours per calendar year allowed by this paragraph (f)(2).

(i) Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator 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 calendar year.

(ii) Emergency stationary ICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see §60.17), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.

(iii) Emergency stationary ICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.

(3) Emergency stationary ICE may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (f)(2) of this section. Except as provided in paragraph (f)(3)(i) of this section, the 50 hours per calendar year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

(i) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:

(A) The engine is dispatched by the local balancing authority or local transmission and distribution system operator;

(B) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.

(C) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.

(D) The power is provided only to the facility itself or to support the local transmission and distribution system.

(E) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

(ii) [Reserved]

(g) If you do not install, configure, operate, and maintain your engine and control device according to the manufacturer's emission-related written instructions, or you change emission-related settings in a way that is not permitted by the manufacturer, you must demonstrate compliance as follows:

(1) If you are an owner or operator of a stationary CI internal combustion engine with maximum engine power less than 100 HP, you must keep a maintenance plan and records of conducted maintenance to demonstrate compliance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, if you do not install and configure the engine and control device according to the manufacturer's emission-related written instructions, or you change the emission-related settings in a way that is not permitted by the manufacturer, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of such action.

(2) If you are an owner or operator of a stationary CI internal combustion engine greater than or equal to 100 HP and less than or equal to 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after you change emission-related settings in a way that is not permitted by the manufacturer.

(3) If you are an owner or operator of a stationary CI internal combustion engine greater than 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after you change emission-related settings in a way that is not permitted by the manufacturer. You must conduct subsequent

performance testing every 8,760 hours of engine operation or 3 years, whichever comes first, thereafter to demonstrate compliance with the applicable emission standards.

(h) The requirements for operators and prohibited acts specified in 40 CFR 1039.665 apply to owners or operators of stationary CI ICE equipped with AECDs for qualified emergency situations as allowed by 40 CFR 1039.665.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37970, June 28, 2011; 78 FR 6695, Jan. 30, 2013; 81 FR 44219, July 7, 2016]

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 (e) of this section.

(a) The performance test must be conducted according to the in-use testing procedures in 40 CFR part 1039, subpart F, for stationary CI ICE with a displacement of less than 10 liters per cylinder, and according to 40 CFR part 1042, subpart F, for stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder.

(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:

$$\text{NTE requirement for each pollutant} = (1.25) \times (\text{STD}) \qquad \text{(Eq. 1)}$$

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.

(e) Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR part 1042 must not exceed the NTE standards for the same model year and maximum engine power as required in 40 CFR 1042.101(c).

[71 FR 39172, July 11, 2006, as amended at 76 FR 37971, June 28, 2011]

§60.4213 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 greater than or equal to 30 liters per cylinder?

Owners and operators of stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must conduct performance tests according to paragraphs (a) through (f) of this section.

(a) Each performance test must be conducted according to the requirements in §60.8 and under the specific conditions that this subpart specifies in table 7. The test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load.

(b) You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in §60.8(c).

(c) You must conduct three separate test runs for each performance test required in this section, as specified in §60.8(f). Each test run must last at least 1 hour.

(d) To determine compliance with the percent reduction requirement, you must follow the requirements as specified in paragraphs (d)(1) through (3) of this section.

(1) You must use Equation 2 of this section to determine compliance with the percent reduction requirement:

$$\frac{C_i - C_o}{C_i} \times 100 = R \qquad \text{(Eq. 2)}$$

Where:

C_i = concentration of NO_X or PM at the control device inlet,

C_o = concentration of NO_X or PM at the control device outlet, and

R = percent reduction of NO_X or PM emissions.

(2) You must normalize the NO_X or PM concentrations at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen (O_2) using Equation 3 of this section, or an equivalent percent carbon dioxide (CO_2) using the procedures described in paragraph (d)(3) of this section.

$$C_{adj} = C_d \frac{5.9}{20.9 - \%\ O_2} \qquad \text{(Eq. 3)}$$

Where:

C_{adj} = Calculated NO_X or PM concentration adjusted to 15 percent O_2.

C_d = Measured concentration of NO_X or PM, uncorrected.

5.9 = 20.9 percent O_2−15 percent O_2, the defined O_2 correction value, percent.

$\%O_2$ = Measured O_2 concentration, dry basis, percent.

(3) If pollutant concentrations are to be corrected to 15 percent O_2 and CO_2 concentration is measured in lieu of O_2 concentration measurement, a CO_2 correction factor is needed. Calculate the CO_2 correction factor as described in paragraphs (d)(3)(i) through (iii) of this section.

(i) Calculate the fuel-specific F_o value for the fuel burned during the test using values obtained from Method 19, Section 5.2, and the following equation:

$$F_o = \frac{0.209_{F_d}}{F_c} \qquad \text{(Eq. 4)}$$

Where:

F_o = Fuel factor based on the ratio of O_2 volume to the ultimate CO_2 volume produced by the fuel at zero percent excess air.

0.209 = Fraction of air that is O_2, percent/100.

F_d = Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, dsm^3/J ($dscf/10^6$ Btu).

F_c = Ratio of the volume of CO_2 produced to the gross calorific value of the fuel from Method 19, dsm^3/J ($dscf/10^6$ Btu).

(ii) Calculate the CO_2 correction factor for correcting measurement data to 15 percent O_2, as follows:

$$X_{CO_2} = \frac{5.9}{F_o} \qquad \text{(Eq. 5)}$$

Where:

X_{CO2} = CO_2 correction factor, percent.

5.9 = 20.9 percent O_2−15 percent O_2, the defined O_2 correction value, percent.

(iii) Calculate the NO_X and PM gas concentrations adjusted to 15 percent O_2 using CO_2 as follows:

$$C_{adj} = C_d \frac{X_{CO_2}}{\%CO_2} \qquad \text{(Eq. 6)}$$

Where:

C_{adj} = Calculated NO_X or PM concentration adjusted to 15 percent O_2.

C_d = Measured concentration of NO_X or PM, uncorrected.

$\%CO_2$ = Measured CO_2 concentration, dry basis, percent.

(e) To determine compliance with the NO_X mass per unit output emission limitation, convert the concentration of NO_X in the engine exhaust using Equation 7 of this section:

$$ER = \frac{C_d \times 1.912 \times 10^{-3} \times Q \times T}{\text{KW-hour}} \qquad \text{(Eq. 7)}$$

Where:

ER = Emission rate in grams per KW-hour.

C_d = Measured NO_X concentration in ppm.

$1.912x10^{-3}$ = Conversion constant for ppm NO_X to grams per standard cubic meter at 25 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meter per hour.

T = Time of test run, in hours.

KW-hour = Brake work of the engine, in KW-hour.

(f) To determine compliance with the PM mass per unit output emission limitation, convert the concentration of PM in the engine exhaust using Equation 8 of this section:

$$ER = \frac{C_{adj} \times Q \times T}{\text{KW-hour}} \qquad \text{(Eq. 8)}$$

Where:

ER = Emission rate in grams per KW-hour.

C_{adj} = Calculated PM concentration in grams per standard cubic meter.

Q = Stack gas volumetric flow rate, in standard cubic meter per hour.

T = Time of test run, in hours.

KW-hour = Energy output of the engine, in KW.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37971, June 28, 2011]

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?

(a) Owners and operators of non-emergency stationary CI ICE that are greater than 2,237 KW (3,000 HP), or have a displacement of greater than or equal to 10 liters per cylinder, or are pre-2007 model year engines that are greater than 130 KW (175 HP) and not certified, must meet the requirements of paragraphs (a)(1) and (2) of this section.

(1) Submit an initial notification as required in §60.7(a)(1). The notification must include the information in paragraphs (a)(1)(i) through (v) of this section.

(i) Name and address of the owner or operator;

(ii) The address of the affected source;

(iii) Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;

(iv) Emission control equipment; and

(v) Fuel used.

(2) Keep records of the information in paragraphs (a)(2)(i) through (iv) of this section.

(i) All notifications submitted to comply with this subpart and all documentation supporting any notification.

(ii) Maintenance conducted on the engine.

(iii) If the stationary CI internal combustion is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards.

(iv) If the stationary CI internal combustion is not a certified engine, documentation that the engine meets the emission standards.

(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.

(c) If the stationary CI internal combustion engine is equipped with a diesel particulate filter, the owner or operator must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached.

(d) If you own or operate an emergency stationary CI ICE with a maximum engine power more than 100 HP that operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §60.4211(f)(2)(ii) and (iii) or that operates for the purposes specified in §60.4211(f)(3)(i), you must submit an annual report according to the requirements in paragraphs (d)(1) through (3) of this section.

(1) The report must contain the following information:

(i) Company name and address where the engine is located.

(ii) Date of the report and beginning and ending dates of the reporting period.

(iii) Engine site rating and model year.

(iv) Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place.

(v) Hours operated for the purposes specified in §60.4211(f)(2)(ii) and (iii), including the date, start time, and end time for engine operation for the purposes specified in §60.4211(f)(2)(ii) and (iii).

(vi) Number of hours the engine is contractually obligated to be available for the purposes specified in §60.4211(f)(2)(ii) and (iii).

(vii) Hours spent for operation for the purposes specified in §60.4211(f)(3)(i), including the date, start time, and end time for engine operation for the purposes specified in §60.4211(f)(3)(i). The report must also identify the entity that dispatched the engine and the situation that necessitated the dispatch of the engine.

(2) The first annual report must cover the calendar year 2015 and must be submitted no later than March 31, 2016. Subsequent annual reports for each calendar year must be submitted no later than March 31 of the following calendar year.

(3) The annual report must be submitted electronically using the subpart specific reporting form in the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (*www.epa.gov/cdx*). However, if the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the written report must be submitted to the Administrator at the appropriate address listed in §60.4.

(e) Owners or operators of stationary CI ICE equipped with AECDs pursuant to the requirements of 40 CFR 1039.665 must report the use of AECDs as required by 40 CFR 1039.665(e).

[71 FR 39172, July 11, 2006, as amended at 78 FR 6696, Jan. 30, 2013; 81 FR 44219, July 7, 2016]

Special Requirements

§60.4215 What requirements must I meet for engines used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?

(a) Stationary CI ICE with a displacement of less than 30 liters per cylinder that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are required to meet the applicable emission standards in §§60.4202 and 60.4205.

(b) Stationary CI ICE that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are not required to meet the fuel requirements in §60.4207.

(c) Stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are required to meet the following emission standards:

(1) For engines installed prior to January 1, 2012, limit the emissions of NO_X in the stationary CI internal combustion engine exhaust to the following:

(i) 17.0 g/KW-hr (12.7 g/HP-hr) when maximum engine speed is less than 130 rpm;

(ii) $45 \cdot n^{-0.2}$ g/KW-hr ($34 \cdot n^{-0.2}$ g/HP-hr) when maximum engine speed is 130 or more but less than 2,000 rpm, where n is maximum engine speed; and

(iii) 9.8 g/KW-hr (7.3 g/HP-hr) when maximum engine speed is 2,000 rpm or more.

(2) For engines installed on or after January 1, 2012, limit the emissions of NO_X in the stationary CI internal combustion engine exhaust to the following:

(i) 14.4 g/KW-hr (10.7 g/HP-hr) when maximum engine speed is less than 130 rpm;

(ii) $44 \cdot n^{-0.23}$ g/KW-hr ($33 \cdot n^{-0.23}$ g/HP-hr) when maximum engine speed is greater than or equal to 130 but less than 2,000 rpm and where n is maximum engine speed; and

(iii) 7.7 g/KW-hr (5.7 g/HP-hr) when maximum engine speed is greater than or equal to 2,000 rpm.

(3) Limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.40 g/KW-hr (0.30 g/HP-hr).

[71 FR 39172, July 11, 2006, as amended at 76 FR 37971, June 28, 2011]

§60.4216 What requirements must I meet for engines used in Alaska?

(a) Prior to December 1, 2010, owners and operators of stationary CI ICE with a displacement of less than 30 liters per cylinder located in areas of Alaska not accessible by the FAHS should refer to 40 CFR part 69 to determine the diesel fuel requirements applicable to such engines.

(b) Except as indicated in paragraph (c) of this section, manufacturers, owners and operators of stationary CI ICE with a displacement of less than 10 liters per cylinder located in remote areas of Alaska may meet the requirements of this subpart by manufacturing and installing engines meeting the requirements of 40 CFR parts 94 or 1042, as appropriate, rather than the otherwise applicable requirements of 40 CFR parts 89 and 1039, as indicated in §§60.4201(f) and 60.4202(g).

(c) Manufacturers, owners and operators of stationary CI ICE that are located in remote areas of Alaska may choose to meet the applicable emission standards for emergency engines in §§60.4202 and 60.4205, and not those for non-emergency engines in §§60.4201 and 60.4204, except that for 2014 model year and later non-emergency CI ICE, the owner or operator of any such engine that was not certified as meeting Tier 4 PM standards, must meet the applicable requirements for PM in §§60.4201 and 60.4204 or install a PM emission control device that achieves PM emission reductions of 85 percent, or 60 percent for engines with a displacement of greater than or equal to 30 liters per cylinder, compared to engine-out emissions.

(d) The provisions of §60.4207 do not apply to owners and operators of pre-2014 model year stationary CI ICE subject to this subpart that are located in remote areas of Alaska.

(e) The provisions of §60.4208(a) do not apply to owners and operators of stationary CI ICE subject to this subpart that are located in areas of Alaska not accessible by the FAHS until after December 31, 2009.

(f) The provisions of this section and §60.4207 do not prevent owners and operators of stationary CI ICE subject to this subpart that are located in remote areas of Alaska from using fuels mixed with used lubricating oil, in volumes of up to 1.75 percent of the total fuel. The sulfur content of the used lubricating oil must be less than 200 parts per million. The used lubricating oil must meet the on-specification levels and properties for used oil in 40 CFR 279.11.

[76 FR 37971, June 28, 2011, as amended at 81 FR 44219, July 7, 2016]

§60.4217 What emission standards must I meet if I am an owner or operator of a stationary internal combustion engine using special fuels?

Owners and operators of stationary CI ICE that do not use diesel fuel may petition the Administrator for approval of alternative emission standards, if they can demonstrate that they use a fuel that is not the fuel on which the manufacturer of the engine certified the engine and that the engine cannot meet the applicable standards required in §60.4204 or §60.4205 using such fuels and that use of such fuel is appropriate and reasonably necessary, considering cost, energy, technical feasibility, human health and environmental, and other factors, for the operation of the engine.

[76 FR 37972, June 28, 2011]

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.

Alaska Railbelt Grid means the service areas of the six regulated public utilities that extend from Fairbanks to Anchorage and the Kenai Peninsula. These utilities are Golden Valley Electric Association; Chugach Electric Association; Matanuska Electric Association; Homer Electric Association; Anchorage Municipal Light & Power; and the City of Seward Electric System.

Certified emissions 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 certified emissions 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 certified emissions 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).

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.

Date of manufacture means one of the following things:

(1) For freshly manufactured engines and modified engines, date of manufacture means the date the engine is originally produced.

(2) For reconstructed engines, date of manufacture means the date the engine was originally produced, except as specified in paragraph (3) of this definition.

(3) Reconstructed engines are assigned a new date of manufacture if the fixed capital cost of the new and refurbished components exceeds 75 percent of the fixed capital cost of a comparable entirely new facility. An engine that is produced from a previously used engine block does not retain the date of manufacture of the engine in which the engine block was previously used if the engine is produced using all new components except for the engine block. In these cases, the date of manufacture is the date of reconstruction or the date the new engine is produced.

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 reciprocating internal combustion engine that meets all of the criteria in paragraphs (1) through (3) of this definition. All emergency stationary ICE must comply with the requirements specified in §60.4211(f) in order to be considered emergency stationary ICE. If the engine does not comply with the requirements specified in §60.4211(f), then it is not considered to be an emergency stationary ICE under this subpart.

(1) The stationary ICE is operated to provide electrical power or mechanical work during an emergency situation. 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.

(2) The stationary ICE is operated under limited circumstances for situations not included in paragraph (1) of this definition, as specified in §60.4211(f).

(3) The stationary ICE operates as part of a financial arrangement with another entity in situations not included in paragraph (1) of this definition only as allowed in §60.4211(f)(2)(ii) or (iii) and §60.4211(f)(3)(i).

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.

Freshly manufactured engine means an engine that has not been placed into service. An engine becomes freshly manufactured when it is originally produced.

Installed means the engine is placed and secured at the location where it is intended to be operated.

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 the calendar year in which an engine is manufactured (see "date of manufacture"), except as follows:

(1) Model year means the annual new model production period of the engine manufacturer in which an engine is manufactured (see "date of manufacture"), if the annual new model production period is different than the calendar year and includes 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.

(2) 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 manufactured (see "date of manufacture").

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.

Remote areas of Alaska means areas of Alaska that meet either paragraph (1) or (2) of this definition.

(1) Areas of Alaska that are not accessible by the Federal Aid Highway System (FAHS).

(2) Areas of Alaska that meet all of the following criteria:

(i) The only connection to the FAHS is through the Alaska Marine Highway System, or the stationary CI ICE operation is within an isolated grid in Alaska that is not connected to the statewide electrical grid referred to as the Alaska Railbelt Grid.

(ii) At least 10 percent of the power generated by the stationary CI ICE on an annual basis is used for residential purposes.

(iii) The generating capacity of the source is less than 12 megawatts, or the stationary CI ICE is used exclusively for backup power for renewable energy.

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, aircraft, 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.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37972, June 28, 2011; 78 FR 6696, Jan. 30, 2013; 81 FR 44219, July 7, 2016]

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]

Maximum engine power	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 in g/KW-hr (g/HP-hr)				
	NMHC + NO_X	HC	NO_X	CO	PM
KW<8 (HP<11)	10.5 (7.8)			8.0 (6.0)	1.0 (0.75)
8≤KW<19 (11≤HP<25)	9.5 (7.1)			6.6 (4.9)	0.80 (0.60)
19≤KW<37 (25≤HP<50)	9.5 (7.1)			5.5 (4.1)	0.80 (0.60)
37≤KW<56 (50≤HP<75)			9.2 (6.9)		
56≤KW<75 (75≤HP<100)			9.2 (6.9)		
75≤KW<130 (100≤HP<175)			9.2 (6.9)		
130≤KW<225 (175≤HP<300)		1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)
225≤KW<450 (300≤HP<600)		1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)

Maximum engine power	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 in g/KW-hr (g/HP-hr)				
	NMHC + NO_X	HC	NO_X	CO	PM
450≤KW≤560 (600≤HP≤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 2 to Subpart IIII of Part 60—Emission Standards for 2008 Model Year and Later Emergency Stationary CI ICE <37 KW (50 HP) With a Displacement of <10 Liters per Cylinder

[As stated in §60.4202(a)(1), you must comply with the following emission standards]

Engine power	Emission standards for 2008 model year and later emergency stationary CI ICE <37 KW (50 HP) with a displacement of <10 liters per cylinder in g/KW-hr (g/HP-hr)			
	Model year(s)	NO_X + NMHC	CO	PM
KW<8 (HP<11)	2008 +	7.5 (5.6)	8.0 (6.0)	0.40 (0.30)
8≤KW<19 (11≤HP<25)	2008 +	7.5 (5.6)	6.6 (4.9)	0.40 (0.30)
19≤KW<37 (25≤HP<50)	2008 +	7.5 (5.6)	5.5 (4.1)	0.30 (0.22)

Table 3 to Subpart IIII of Part 60—Certification Requirements for Stationary Fire Pump Engines

As stated in §60.4202(d), you must certify new stationary fire pump engines beginning with the following model years:

Engine power	Starting model year engine manufacturers must certify new stationary fire pump engines according to §60.4202(d)[1]
KW<75 (HP<100)	2011
75≤KW<130 (100≤HP<175)	2010
130≤KW≤560 (175≤HP≤750)	2009
KW>560 (HP>750)	2008

[1]Manufacturers of fire pump stationary CI ICE with a maximum engine power greater than or equal to 37 kW (50 HP) and less than 450 KW (600 HP) and a rated speed of greater than 2,650 revolutions per minute (rpm) are not required to certify such engines until three model years following the model year indicated in this Table 3 for engines in the applicable engine power category.

[71 FR 39172, July 11, 2006, as amended at 76 FR 37972, June 28, 2011]

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 + NO_X	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≤KW<19 (11≤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≤KW<37 (25≤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≤KW<56 (50≤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≤KW<75 (75≤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≤KW<130 (100≤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≤KW<225 (175≤HP<300)	2008 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009 +[3]	4.0 (3.0)		0.20 (0.15)
225≤KW<450 (300≤HP<600)	2008 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009 +[3]	4.0 (3.0)		0.20 (0.15)
450≤KW≤560 (600≤HP≤750)	2008 and earlier	10.5 (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	10.5 (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≤KW<56 (25≤HP<75)	2013
56≤KW<130 (75≤HP<175)	2012
KW≥130 (HP≥175)	2011

Table 6 to Subpart IIII of Part 60—Optional 3-Mode Test Cycle for Stationary Fire Pump Engines

[As stated in §60.4210(g), manufacturers of fire pump engines may use the following test cycle for testing fire pump engines:]

Mode No.	Engine speed[1]	Torque (percent)[2]	Weighting factors
1	Rated	100	0.30
2	Rated	75	0.50
3	Rated	50	0.20

[1]Engine speed: ±2 percent of point.

[2]Torque: NFPA certified nameplate HP for 100 percent point. All points should be ±2 percent of engine percent load value.

Table 7 to Subpart IIII of Part 60—Requirements for Performance Tests for Stationary CI ICE With a Displacement of ≥30 Liters per Cylinder

As stated in §60.4213, you must comply with the following requirements for performance tests for stationary CI ICE with a displacement of ≥30 liters per cylinder:

Each	Complying with the requirement to	You must	Using	According to the following requirements
1. Stationary CI internal combustion engine with a displacement of ≥ 30 liters per cylinder	a. Reduce NO_X emissions by 90 percent or more;	i. Select the sampling port location and number/location of traverse points at the inlet and outlet of the control device;		(a) For NO_X, O_2, and moisture measurement, ducts ≤6 inches in diameter may be sampled at a single point located at the duct centroid and ducts >6 and ≤12 inches in diameter may be sampled at 3 traverse points located at 16.7, 50.0, and 83.3% of the measurement line ('3-point long line'). If the duct is >12 inches in diameter *and* the sampling port location meets the two and half-diameter criterion of Section 11.1.1 of Method 1 of 40 CFR part 60, appendix A-1, the duct may be sampled at '3-point long line'; otherwise, conduct the stratification testing and select sampling points according to Section 8.1.2 of Method 7E of 40 CFR part 60, appendix A-4.
		ii. Measure O_2 at the inlet and outlet of the control device;	(1) Method 3, 3A, or 3B of 40 CFR part 60, appendix A-2	(b) Measurements to determine O_2 concentration must be made at the same time as the measurements for NO_X concentration.
		iii. If necessary, measure moisture content at the inlet and outlet of the control device; and	(2) Method 4 of 40 CFR part 60, appendix A-3, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348-03 (incorporated by reference, see §60.17)	(c) Measurements to determine moisture content must be made at the same time as the measurements for NO_X concentration.
		iv. Measure NO_X at the inlet and outlet of the control device.	(3) Method 7E of 40 CFR part 60, appendix A-4, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348-03 (incorporated by reference, see §60.17)	(d) NO_X concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.

Each	Complying with the requirement to	You must	Using	According to the following requirements
	b. Limit the concentration of NO_X in the stationary CI internal combustion engine exhaust.	i. Select the sampling port location and number/location of traverse points at the exhaust of the stationary internal combustion engine;		(a) For NO_X, O_2, and moisture measurement, ducts ≤6 inches in diameter may be sampled at a single point located at the duct centroid and ducts >6 and ≤12 inches in diameter may be sampled at 3 traverse points located at 16.7, 50.0, and 83.3% of the measurement line ('3-point long line'). If the duct is >12 inches in diameter *and* the sampling port location meets the two and half-diameter criterion of Section 11.1.1 of Method 1 of 40 CFR part 60, appendix A-1, the duct may be sampled at '3-point long line'; otherwise, conduct the stratification testing and select sampling points according to Section 8.1.2 of Method 7E of 40 CFR part 60, appendix A-4.
		ii. Determine the O_2 concentration of the stationary internal combustion engine exhaust at the sampling port location;	(1) Method 3, 3A, or 3B of 40 CFR part 60, appendix A-2	(b) Measurements to determine O_2 concentration must be made at the same time as the measurement for NO_X concentration.
		iii. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and	(2) Method 4 of 40 CFR part 60, appendix A-3, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348-03 (incorporated by reference, see §60.17)	(c) Measurements to determine moisture content must be made at the same time as the measurement for NO_X concentration.
		iv. Measure NO_X at the exhaust of the stationary internal combustion engine; if using a control device, the sampling site must be located at the outlet of the control device.	(3) Method 7E of 40 CFR part 60, appendix A-4, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348-03 (incorporated by reference, see §60.17)	(d) NO_X concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
	c. Reduce PM emissions by 60 percent or more	i. Select the sampling port location and the number of traverse points;	(1) Method 1 or 1A of 40 CFR part 60, appendix A-1	(a) Sampling sites must be located at the inlet and outlet of the control device.

Each	Complying with the requirement to	You must	Using	According to the following requirements
		ii. Measure O_2 at the inlet and outlet of the control device;	(2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A-2	(b) Measurements to determine O_2 concentration must be made at the same time as the measurements for PM concentration.
		iii. If necessary, measure moisture content at the inlet and outlet of the control device; and	(3) Method 4 of 40 CFR part 60, appendix A-3	(c) Measurements to determine and moisture content must be made at the same time as the measurements for PM concentration.
		iv. Measure PM at the inlet and outlet of the control device.	(4) Method 5 of 40 CFR part 60, appendix A-3	(d) PM concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
	d. Limit the concentration of PM in the stationary CI internal combustion engine exhaust	i. Select the sampling port location and the number of traverse points;	(1) Method 1 or 1A of 40 CFR part 60, appendix A-1	(a) If using a control device, the sampling site must be located at the outlet of the control device.
		ii. Determine the O_2 concentration of the stationary internal combustion engine exhaust at the sampling port location;	(2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A-2	(b) Measurements to determine O_2 concentration must be made at the same time as the measurements for PM concentration.
		iii. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and	(3) Method 4 of 40 CFR part 60, appendix A-3	(c) Measurements to determine moisture content must be made at the same time as the measurements for PM concentration.
		iv. Measure PM at the exhaust of the stationary internal combustion engine.	(4) Method 5 of 40 CFR part 60, appendix A-3	(d) PM concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.

[79 FR 11251, Feb. 27, 2014]

Table 8 to Subpart IIII of Part 60—Applicability of General Provisions to Subpart IIII

[As stated in §60.4218, you must comply with the following applicable General Provisions:]

General Provisions citation	Subject of citation	Applies to subpart	Explanation
§60.1	General applicability of the General Provisions	Yes	
§60.2	Definitions	Yes	Additional terms defined in §60.4219.

General Provisions citation	Subject of citation	Applies to subpart	Explanation
§60.3	Units and abbreviations	Yes	
§60.4	Address	Yes	
§60.5	Determination of construction or modification	Yes	
§60.6	Review of plans	Yes	
§60.7	Notification and Recordkeeping	Yes	Except that §60.7 only applies as specified in §60.4214(a).
§60.8	Performance tests	Yes	Except that §60.8 only applies to stationary CI ICE with a displacement of (≥30 liters per cylinder and engines that are not certified.
§60.9	Availability of information	Yes	
§60.10	State Authority	Yes	
§60.11	Compliance with standards and maintenance requirements	No	Requirements are specified in subpart IIII.
§60.12	Circumvention	Yes	
§60.13	Monitoring requirements	Yes	Except that §60.13 only applies to stationary CI ICE with a displacement of (≥30 liters per cylinder.
§60.14	Modification	Yes	
§60.15	Reconstruction	Yes	
§60.16	Priority list	Yes	
§60.17	Incorporations by reference	Yes	
§60.18	General control device requirements	No	
§60.19	General notification and reporting requirements	Yes	

Attachment B

Minor Source Operating Permit (MSOP) No: M137-40667-00051

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Title 40: Protection of Environment

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

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.

(f) The emergency stationary RICE listed in paragraphs (f)(1) through (3) of this section are not subject to this subpart. The stationary RICE must meet the definition of an emergency stationary RICE in §63.6675, which includes operating according to the provisions specified in §63.6640(f).

(1) Existing residential emergency stationary RICE located at an area source of HAP emissions that do not operate or are not contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii) and that do not operate for the purpose specified in §63.6640(f)(4)(ii).

(2) Existing commercial emergency stationary RICE located at an area source of HAP emissions that do not operate or are not contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii) and that do not operate for the purpose specified in §63.6640(f)(4)(ii).

(3) Existing institutional emergency stationary RICE located at an area source of HAP emissions that do not operate or are not contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii) and that do not operate for the purpose specified in §63.6640(f)(4)(ii).

[69 FR 33506, June 15, 2004, as amended at 73 FR 3603, Jan. 18, 2008; 78 FR 6700, Jan. 30, 2013]

§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.

(1) *Existing stationary RICE.*

(i) For stationary RICE with a site rating of more than 500 brake horsepower (HP) located at a major source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before December 19, 2002.

(ii) For stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before June 12, 2006.

(iii) For stationary RICE located at an area source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before June 12, 2006.

(iv) A change in ownership of an existing stationary RICE does not make that stationary RICE a new or reconstructed stationary RICE.

(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.

(ii) A stationary RICE with a site rating of equal to or less 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 June 12, 2006.

(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.

(3) *Reconstructed 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 reconstructed if you meet the definition of reconstruction in §63.2 and reconstruction is commenced on or after December 19, 2002.

(ii) A stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions is reconstructed if you meet the definition of reconstruction in §63.2 and reconstruction is commenced on or after June 12, 2006.

(iii) A stationary RICE located at an area source of HAP emissions is reconstructed if you meet the definition of reconstruction in §63.2 and reconstruction is commenced on or after June 12, 2006.

(b) *Stationary RICE subject to limited requirements.* (1) An affected source which meets either of the criteria in paragraphs (b)(1)(i) through (ii) of this section does not have to meet the requirements of this subpart and of subpart A of this part except for the initial notification requirements of §63.6645(f).

(i) The stationary RICE is a new or reconstructed emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions that does not operate or is not contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii).

(ii) The stationary RICE is a new or reconstructed limited use stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

(2) A new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis must meet the initial notification requirements of §63.6645(f) and the requirements of §§63.6625(c), 63.6650(g), and 63.6655(c). These stationary RICE do not have to meet the emission limitations and operating limitations of this subpart.

(3) The following stationary RICE do not have to meet the requirements of this subpart and of subpart A of this part, including initial notification requirements:

(i) Existing spark ignition 2 stroke lean burn (2SLB) stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;

(ii) Existing spark ignition 4 stroke lean burn (4SLB) stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;

(iii) Existing emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions that does not operate or is not contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii).

(iv) Existing limited use stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;

(v) Existing stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis;

(c) *Stationary RICE subject to Regulations under 40 CFR Part 60.* An affected source that meets any of the criteria in paragraphs (c)(1) through (7) of this section 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.

(1) A new or reconstructed stationary RICE located at an area source;

(2) A new or reconstructed 2SLB stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;

(3) A new or reconstructed 4SLB stationary RICE with a site rating of less than 250 brake HP located at a major source of HAP emissions;

(4) A new or reconstructed spark ignition 4 stroke rich burn (4SRB) stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;

(5) A new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis;

(6) A new or reconstructed emergency or limited use stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;

(7) A new or reconstructed compression ignition (CI) stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3604, Jan. 18, 2008; 75 FR 9674, Mar. 3, 2010; 75 FR 37733, June 30, 2010; 75 FR 51588, Aug. 20, 2010; 78 FR 6700, Jan. 30, 2013]

§63.6595 When do I have to comply with this subpart?

(a) *Affected sources.* (1) If you have an existing stationary RICE, excluding existing non-emergency CI stationary RICE, with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the applicable emission limitations, operating limitations and other requirements no later than June 15, 2007. If you have an existing non-emergency CI stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, an existing stationary CI RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, or an existing stationary CI RICE located at an area source of HAP emissions, you must comply with the applicable emission limitations, operating limitations, and other requirements no later than May 3, 2013. If you have an existing stationary SI RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, or an existing stationary SI RICE located at an area source of HAP emissions, you must comply with the applicable emission limitations, operating limitations, and other requirements no later than October 19, 2013.

(2) If you start up your new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions before August 16, 2004, you must comply with the applicable emission limitations and operating limitations in this subpart no later than August 16, 2004.

(3) If you start up your new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions after August 16, 2004, you must comply with the applicable emission limitations and operating limitations in this subpart upon startup of your affected source.

(4) If you start up your new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions before January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this subpart no later than January 18, 2008.

(5) If you start up your new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions after January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this subpart upon startup of your affected source.

(6) If you start up your new or reconstructed stationary RICE located at an area source of HAP emissions before January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this subpart no later than January 18, 2008.

(7) If you start up your new or reconstructed stationary RICE located at an area source of HAP emissions after January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this subpart upon startup of your affected source.

(b) *Area sources that become major sources.* If you have an area source that increases its emissions or its potential to emit such that it becomes a major source of HAP, the compliance dates in paragraphs (b)(1) and (2) of this section apply to you.

(1) Any stationary RICE for which construction or reconstruction is commenced after the date when your area source becomes a major source of HAP must be in compliance with this subpart upon startup of your affected source.

(2) Any stationary RICE for which construction or reconstruction is commenced before your area source becomes a major source of HAP must be in compliance with the provisions of this subpart that are applicable to RICE located at major sources within 3 years after your area source becomes a major source of HAP.

(c) If you own or operate an affected source, you must meet the applicable notification requirements in §63.6645 and in 40 CFR part 63, subpart A.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3604, Jan. 18, 2008; 75 FR 9675, Mar. 3, 2010; 75 FR 51589, Aug. 20, 2010; 78 FR 6701, Jan. 30, 2013]

Emission and Operating Limitations

§63.6600 What emission limitations and operating limitations must I meet if I own or operate a stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions?

Compliance with the numerical emission limitations established in this subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in §63.6620 and Table 4 to this subpart.

(a) If you own or operate an existing, new, or reconstructed spark ignition 4SRB stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations in Table 1a to this subpart and the operating limitations in Table 1b to this subpart which apply to you.

(b) If you own or operate a new or reconstructed 2SLB stationary RICE with a site rating of more than 500 brake HP located at major source of HAP emissions, a new or reconstructed 4SLB stationary RICE with a site rating of more than 500 brake HP located at major source of HAP emissions, or a new or reconstructed CI stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations in Table 2a to this subpart and the operating limitations in Table 2b to this subpart which apply to you.

(c) If you own or operate any of the following stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the emission limitations in Tables 1a, 2a, 2c, and 2d to this subpart or operating limitations in Tables 1b and 2b to this subpart: an existing 2SLB stationary RICE; an existing 4SLB stationary RICE; a stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis; an emergency stationary RICE; or a limited use stationary RICE.

(d) If you own or operate an existing non-emergency stationary CI RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations in Table 2c to this subpart and the operating limitations in Table 2b to this subpart which apply to you.

[73 FR 3605, Jan. 18, 2008, as amended at 75 FR 9675, Mar. 3, 2010]

§63.6601 What emission limitations must I meet if I own or operate a new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 brake HP and less than or equal to 500 brake HP located at a major source of HAP emissions?

Compliance with the numerical emission limitations established in this subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in §63.6620 and Table 4 to this subpart. If you own or operate a new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at major source of HAP emissions manufactured on or after January 1, 2008, you must comply with the emission limitations in Table 2a to this subpart and the operating limitations in Table 2b to this subpart which apply to you.

[73 FR 3605, Jan. 18, 2008, as amended at 75 FR 9675, Mar. 3, 2010; 75 FR 51589, Aug. 20, 2010]

§63.6602 What emission limitations and other requirements must I meet if I own or operate an existing stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions?

If you own or operate an existing stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations and other requirements in Table 2c to this subpart which apply to you. Compliance with the numerical emission limitations established in this subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in §63.6620 and Table 4 to this subpart.

[78 FR 6701, Jan. 30, 2013]

§63.6603 What emission limitations, operating limitations, and other requirements must I meet if I own or operate an existing stationary RICE located at an area source of HAP emissions?

Compliance with the numerical emission limitations established in this subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in §63.6620 and Table 4 to this subpart.

(a) If you own or operate an existing stationary RICE located at an area source of HAP emissions, you must comply with the requirements in Table 2d to this subpart and the operating limitations in Table 2b to this subpart that apply to you.

(b) If you own or operate an existing stationary non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP that meets either paragraph (b)(1) or (2) of this section, you do not have to meet the numerical CO emission limitations specified in Table 2d of this subpart. Existing stationary non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP that meet either paragraph (b)(1) or (2) of this section must meet the management practices that are shown for stationary non-emergency CI RICE with a site rating of less than or equal to 300 HP in Table 2d of this subpart.

(1) The area source is located in an area of Alaska that is not accessible by the Federal Aid Highway System (FAHS).

(2) The stationary RICE is located at an area source that meets paragraphs (b)(2)(i), (ii), and (iii) of this section.

(i) The only connection to the FAHS is through the Alaska Marine Highway System (AMHS), or the stationary RICE operation is within an isolated grid in Alaska that is not connected to the statewide electrical grid referred to as the Alaska Railbelt Grid.

(ii) At least 10 percent of the power generated by the stationary RICE on an annual basis is used for residential purposes.

(iii) The generating capacity of the area source is less than 12 megawatts, or the stationary RICE is used exclusively for backup power for renewable energy.

(c) If you own or operate an existing stationary non-emergency CI RICE with a site rating of more than 300 HP located on an offshore vessel that is an area source of HAP and is a nonroad vehicle that is an Outer Continental Shelf (OCS) source as defined in 40 CFR 55.2, you do not have to meet the numerical CO emission limitations specified in Table 2d of this subpart. You must meet all of the following management practices:

(1) Change oil every 1,000 hours of operation or annually, whichever comes first. Sources have the option to utilize an oil analysis program as described in §63.6625(i) in order to extend the specified oil change requirement.

(2) Inspect and clean air filters every 750 hours of operation or annually, whichever comes first, and replace as necessary.

(3) Inspect fuel filters and belts, if installed, every 750 hours of operation or annually, whichever comes first, and replace as necessary.

(4) Inspect all flexible hoses every 1,000 hours of operation or annually, whichever comes first, and replace as necessary.

(d) If you own or operate an existing non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP emissions that is certified to the Tier 1 or Tier 2 emission standards in Table 1 of 40 CFR 89.112 and that is subject to an enforceable state or local standard that requires the engine to be replaced no later than June 1, 2018, you may until January 1, 2015, or 12 years after the installation date of the engine (whichever is later), but not later than June 1, 2018, choose to comply with the management practices that are shown for stationary non-emergency CI RICE with a site rating of less than or equal to 300 HP in Table 2d of this subpart instead of the applicable emission limitations in Table 2d, operating limitations in Table 2b, and crankcase ventilation system requirements in §63.6625(g). You must comply with the emission limitations in Table 2d and operating limitations in Table 2b that apply for non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP emissions by January 1, 2015, or 12 years after the installation date of the engine (whichever is later), but not later than June 1, 2018. You must also comply with the crankcase ventilation system requirements in §63.6625(g) by January 1, 2015, or 12 years after the installation date of the engine (whichever is later), but not later than June 1, 2018.

(e) If you own or operate an existing non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP emissions that is certified to the Tier 3 (Tier 2 for engines above 560 kilowatt (kW)) emission standards in Table 1 of 40 CFR 89.112, you may comply with the requirements under this part by meeting the requirements for Tier 3 engines (Tier 2 for engines above 560 kW) in 40 CFR part 60 subpart IIII instead of the emission limitations and other requirements that would otherwise apply under this part for existing non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP emissions.

(f) An existing non-emergency SI 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at area sources of HAP must meet the definition of remote stationary RICE in §63.6675 on the initial compliance date for the engine, October 19, 2013, in order to be considered a remote stationary RICE under this subpart. Owners and operators of existing non-emergency SI 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at area sources of HAP that meet the definition of remote stationary RICE in §63.6675 of this subpart as of October 19, 2013 must evaluate the status of their stationary RICE every 12 months. Owners and operators must keep records of the initial and annual evaluation of the status of the engine. If the evaluation indicates that the stationary RICE no longer meets the definition of remote stationary RICE in §63.6675 of this subpart, the owner or operator must comply with all of the requirements for existing non-emergency SI 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at area sources of HAP that are not remote stationary RICE within 1 year of the evaluation.

[75 FR 9675, Mar. 3, 2010, as amended at 75 FR 51589, Aug. 20, 2010; 76 FR 12866, Mar. 9, 2011; 78 FR 6701, Jan. 30, 2013]

§63.6604 What fuel requirements must I meet if I own or operate a stationary CI RICE?

(a) If you own or operate an existing non-emergency, non-black start CI stationary RICE with a site rating of more than 300 brake HP with a displacement of less than 30 liters per cylinder that uses diesel fuel, you must use diesel fuel that meets the requirements in 40 CFR 80.510(b) for nonroad diesel fuel.

(b) Beginning January 1, 2015, if you own or operate an existing emergency CI stationary RICE with a site rating of more than 100 brake HP and a displacement of less than 30 liters per cylinder that uses diesel fuel and operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii) or that operates for the purpose specified in §63.6640(f)(4)(ii), you must use diesel fuel that meets the requirements in 40 CFR 80.510(b) for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to January 1, 2015, may be used until depleted.

(c) Beginning January 1, 2015, if you own or operate a new emergency CI stationary RICE with a site rating of more than 500 brake HP and a displacement of less than 30 liters per cylinder located at a major source of HAP that uses diesel fuel and operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii), you must use diesel fuel that meets the requirements in 40 CFR 80.510(b) for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to January 1, 2015, may be used until depleted.

(d) Existing CI stationary RICE located in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, at area sources in areas of Alaska that meet either §63.6603(b)(1) or §63.6603(b)(2), or are on offshore vessels that meet §63.6603(c) are exempt from the requirements of this section.

[78 FR 6702, Jan. 30, 2013]

General Compliance Requirements

§63.6605 What are my general requirements for complying with this subpart?

(a) You must be in compliance with the emission limitations, operating limitations, and other requirements in this subpart that apply to you at all times.

(b) At all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

[75 FR 9675, Mar. 3, 2010, as amended at 78 FR 6702, Jan. 30, 2013]

Testing and Initial Compliance Requirements

§63.6610 By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate a stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions?

If you own or operate a stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions you are subject to the requirements of this section.

(a) You must conduct the initial performance test or other initial compliance demonstrations in Table 4 to this subpart that apply to you within 180 days after the compliance date that is specified for your stationary RICE in §63.6595 and according to the provisions in §63.7(a)(2).

(b) If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004 and own or operate stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must demonstrate initial compliance with either the proposed emission limitations or the promulgated emission limitations no later than February 10, 2005 or no later than 180 days after startup of the source, whichever is later, according to §63.7(a)(2)(ix).

(c) If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004 and own or operate stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, and you chose to comply with the proposed emission limitations when demonstrating initial compliance, you must conduct a second performance test to demonstrate compliance with the promulgated emission limitations by December 13, 2007 or after startup of the source, whichever is later, according to §63.7(a)(2)(ix).

(d) An owner or operator is not required to conduct an initial performance test on units for which a performance test has been previously conducted, but the test must meet all of the conditions described in paragraphs (d)(1) through (5) of this section.

(1) The test must have been conducted using the same methods specified in this subpart, and these methods must have been followed correctly.

(2) The test must not be older than 2 years.

(3) The test must be reviewed and accepted by the Administrator.

(4) Either no process or equipment changes must have been made since the test was performed, or the owner or operator must be able to demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process or equipment changes.

(5) The test must be conducted at any load condition within plus or minus 10 percent of 100 percent load.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3605, Jan. 18, 2008]

§63.6611 By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate a new or reconstructed 4SLB SI stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source of HAP emissions?

If you own or operate a new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source of HAP emissions, you must conduct an initial performance test within 240 days after the compliance date that is specified for your stationary RICE in §63.6595 and according to the provisions specified in Table 4 to this subpart, as appropriate.

[73 FR 3605, Jan. 18, 2008, as amended at 75 FR 51589, Aug. 20, 2010]

§63.6612 By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate an existing stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing stationary RICE located at an area source of HAP emissions?

If you own or operate an existing stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing stationary RICE located at an area source of HAP emissions you are subject to the requirements of this section.

(a) You must conduct any initial performance test or other initial compliance demonstration according to Tables 4 and 5 to this subpart that apply to you within 180 days after the compliance date that is specified for your stationary RICE in §63.6595 and according to the provisions in §63.7(a)(2).

(b) An owner or operator is not required to conduct an initial performance test on a unit for which a performance test has been previously conducted, but the test must meet all of the conditions described in paragraphs (b)(1) through (4) of this section.

(1) The test must have been conducted using the same methods specified in this subpart, and these methods must have been followed correctly.

(2) The test must not be older than 2 years.

(3) The test must be reviewed and accepted by the Administrator.

(4) Either no process or equipment changes must have been made since the test was performed, or the owner or operator must be able to demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process or equipment changes.

[75 FR 9676, Mar. 3, 2010, as amended at 75 FR 51589, Aug. 20, 2010]

§63.6615 When must I conduct subsequent performance tests?

If you must comply with the emission limitations and operating limitations, you must conduct subsequent performance tests as specified in Table 3 of this subpart.

§63.6620 What performance tests and other procedures must I use?

(a) You must conduct each performance test in Tables 3 and 4 of this subpart that applies to you.

(b) Each performance test must be conducted according to the requirements that this subpart specifies in Table 4 to this subpart. If you own or operate a non-operational stationary RICE that is subject to performance testing, you do not need to start up the engine solely to conduct the performance test. Owners and operators of a non-operational engine can conduct the performance test when the engine is started up again. The test must be conducted at any load condition within plus or minus 10 percent of 100 percent load for the stationary RICE listed in paragraphs (b)(1) through (4) of this section.

(1) Non-emergency 4SRB stationary RICE with a site rating of greater than 500 brake HP located at a major source of HAP emissions.

(2) New non-emergency 4SLB stationary RICE with a site rating of greater than or equal to 250 brake HP located at a major source of HAP emissions.

(3) New non-emergency 2SLB stationary RICE with a site rating of greater than 500 brake HP located at a major source of HAP emissions.

(4) New non-emergency CI stationary RICE with a site rating of greater than 500 brake HP located at a major source of HAP emissions.

(c) [Reserved]

(d) You must conduct three separate test runs for each performance test required in this section, as specified in §63.7(e)(3). Each test run must last at least 1 hour, unless otherwise specified in this subpart.

(e)(1) You must use Equation 1 of this section to determine compliance with the percent reduction requirement:

$$\frac{C_i - C_o}{C_i} \times 100 = R \quad (Eq.\ 1)$$

Where:

C_i = concentration of carbon monoxide (CO), total hydrocarbons (THC), or formaldehyde at the control device inlet,

C_o = concentration of CO, THC, or formaldehyde at the control device outlet, and

R = percent reduction of CO, THC, or formaldehyde emissions.

(2) You must normalize the CO, THC, or formaldehyde concentrations at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen, or an equivalent percent carbon dioxide (CO_2). If pollutant concentrations are to be corrected to 15 percent oxygen and CO_2 concentration is measured in lieu of oxygen concentration measurement, a CO_2 correction factor is needed. Calculate the CO_2 correction factor as described in paragraphs (e)(2)(i) through (iii) of this section.

(i) Calculate the fuel-specific F_o value for the fuel burned during the test using values obtained from Method 19, Section 5.2, and the following equation:

$$F_o = \frac{0.209\ F_d}{F_c} \quad (Eq.\ 2)$$

Where:

F_o = Fuel factor based on the ratio of oxygen volume to the ultimate CO_2 volume produced by the fuel at zero percent excess air.

0.209 = Fraction of air that is oxygen, percent/100.

F_d = Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, dsm3/J (dscf/106 Btu).

F_c = Ratio of the volume of CO_2 produced to the gross calorific value of the fuel from Method 19, dsm3/J (dscf/106 Btu)

(ii) Calculate the CO_2 correction factor for correcting measurement data to 15 percent O_2, as follows:

$$X_{CO2} = \frac{5.9}{F_o} \quad (Eq. 3)$$

Where:

X_{CO2} = CO_2 correction factor, percent.

5.9 = 20.9 percent O_2—15 percent O_2, the defined O_2 correction value, percent.

(iii) Calculate the CO, THC, and formaldehyde gas concentrations adjusted to 15 percent O_2 using CO_2 as follows:

$$C_{adj} = C_d \frac{X_{CO2}}{\%CO_2} \quad (Eq. 4)$$

Where:

C_{adj} = Calculated concentration of CO, THC, or formaldehyde adjusted to 15 percent O_2.

C_d = Measured concentration of CO, THC, or formaldehyde, uncorrected.

X_{CO2} = CO_2 correction factor, percent.

$\%CO_2$ = Measured CO_2 concentration measured, dry basis, percent.

(f) If you comply with the emission limitation to reduce CO and you are not using an oxidation catalyst, if you comply with the emission limitation to reduce formaldehyde and you are not using NSCR, or if you comply with the emission limitation to limit the concentration of formaldehyde in the stationary RICE exhaust and you are not using an oxidation catalyst or NSCR, you must petition the Administrator for operating limitations to be established during the initial performance test and continuously monitored thereafter; or for approval of no operating limitations. You must not conduct the initial performance test until after the petition has been approved by the Administrator.

(g) If you petition the Administrator for approval of operating limitations, your petition must include the information described in paragraphs (g)(1) through (5) of this section.

(1) Identification of the specific parameters you propose to use as operating limitations;

(2) A discussion of the relationship between these parameters and HAP emissions, identifying how HAP emissions change with changes in these parameters, and how limitations on these parameters will serve to limit HAP emissions;

(3) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the limits on these parameters in the operating limitations;

(4) A discussion identifying the methods you will use to measure and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments; and

(5) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

(h) If you petition the Administrator for approval of no operating limitations, your petition must include the information described in paragraphs (h)(1) through (7) of this section.

(1) Identification of the parameters associated with operation of the stationary RICE and any emission control device which could change intentionally (*e.g.,* operator adjustment, automatic controller adjustment, etc.) or unintentionally (*e.g.,* wear and tear, error, etc.) on a routine basis or over time;

(2) A discussion of the relationship, if any, between changes in the parameters and changes in HAP emissions;

(3) For the parameters which could change in such a way as to increase HAP emissions, a discussion of whether establishing limitations on the parameters would serve to limit HAP emissions;

(4) For the parameters which could change in such a way as to increase HAP emissions, a discussion of how you could establish upper and/or lower values for the parameters which would establish limits on the parameters in operating limitations;

(5) For the parameters, a discussion identifying the methods you could use to measure them and the instruments you could use to monitor them, as well as the relative accuracy and precision of the methods and instruments;

(6) For the parameters, a discussion identifying the frequency and methods for recalibrating the instruments you could use to monitor them; and

(7) A discussion of why, from your point of view, it is infeasible or unreasonable to adopt the parameters as operating limitations.

(i) The engine percent load during a performance test must be determined by documenting the calculations, assumptions, and measurement devices used to measure or estimate the percent load in a specific application. A written report of the average percent load determination must be included in the notification of compliance status. The following information must be included in the written report: the engine model number, the engine manufacturer, the year of purchase, the manufacturer's site-rated brake horsepower, the ambient temperature, pressure, and humidity during the performance test, and all assumptions that were made to estimate or calculate percent load during the performance test must be clearly explained. If measurement devices such as flow meters, kilowatt meters, beta analyzers, stain gauges, etc. are used, the model number of the measurement device, and an estimate of its accurate in percentage of true value must be provided.

[69 FR 33506, June 15, 2004, as amended at 75 FR 9676, Mar. 3, 2010; 78 FR 6702, Jan. 30, 2013]

§63.6625 What are my monitoring, installation, collection, operation, and maintenance requirements?

(a) If you elect to install a CEMS as specified in Table 5 of this subpart, you must install, operate, and maintain a CEMS to monitor CO and either O_2 or CO_2 according to the requirements in paragraphs (a)(1) through (4) of this section. If you are meeting a requirement to reduce CO emissions, the CEMS must be installed at both the inlet and outlet of the control device. If you are meeting a requirement to limit the concentration of CO, the CEMS must be installed at the outlet of the control device.

(1) Each CEMS must be installed, operated, and maintained according to the applicable performance specifications of 40 CFR part 60, appendix B.

(2) You must conduct an initial performance evaluation and an annual relative accuracy test audit (RATA) of each CEMS according to the requirements in §63.8 and according to the applicable performance specifications of 40 CFR

part 60, appendix B as well as daily and periodic data quality checks in accordance with 40 CFR part 60, appendix F, procedure 1.

(3) As specified in §63.8(c)(4)(ii), each CEMS must complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. You must have at least two data points, with each representing a different 15-minute period, to have a valid hour of data.

(4) The CEMS data must be reduced as specified in §63.8(g)(2) and recorded in parts per million or parts per billion (as appropriate for the applicable limitation) at 15 percent oxygen or the equivalent CO_2 concentration.

(b) If you are required to install a continuous parameter monitoring system (CPMS) as specified in Table 5 of this subpart, you must install, operate, and maintain each CPMS according to the requirements in paragraphs (b)(1) through (6) of this section. For an affected source that is complying with the emission limitations and operating limitations on March 9, 2011, the requirements in paragraph (b) of this section are applicable September 6, 2011.

(1) You must prepare a site-specific monitoring plan that addresses the monitoring system design, data collection, and the quality assurance and quality control elements outlined in paragraphs (b)(1)(i) through (v) of this section and in §63.8(d). As specified in §63.8(f)(4), you may request approval of monitoring system quality assurance and quality control procedures alternative to those specified in paragraphs (b)(1) through (5) of this section in your site-specific monitoring plan.

(i) The performance criteria and design specifications for the monitoring system equipment, including the sample interface, detector signal analyzer, and data acquisition and calculations;

(ii) Sampling interface (*e.g.,* thermocouple) location such that the monitoring system will provide representative measurements;

(iii) Equipment performance evaluations, system accuracy audits, or other audit procedures;

(iv) Ongoing operation and maintenance procedures in accordance with provisions in §63.8(c)(1)(ii) and (c)(3); and

(v) Ongoing reporting and recordkeeping procedures in accordance with provisions in §63.10(c), (e)(1), and (e)(2)(i).

(2) You must install, operate, and maintain each CPMS in continuous operation according to the procedures in your site-specific monitoring plan.

(3) The CPMS must collect data at least once every 15 minutes (see also §63.6635).

(4) For a CPMS for measuring temperature range, the temperature sensor must have a minimum tolerance of 2.8 degrees Celsius (5 degrees Fahrenheit) or 1 percent of the measurement range, whichever is larger.

(5) You must conduct the CPMS equipment performance evaluation, system accuracy audits, or other audit procedures specified in your site-specific monitoring plan at least annually.

(6) You must conduct a performance evaluation of each CPMS in accordance with your site-specific monitoring plan.

(c) If you are operating a new or reconstructed stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, you must monitor and record your fuel usage daily with separate fuel meters to measure the volumetric flow rate of each fuel. In addition, you must operate your stationary RICE in a manner which reasonably minimizes HAP emissions.

(d) If you are operating a new or reconstructed emergency 4SLB stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source of HAP emissions, you must install a non-resettable hour meter prior to the startup of the engine.

(e) If you own or operate any of the following stationary RICE, you must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions:

(1) An existing stationary RICE with a site rating of less than 100 HP located at a major source of HAP emissions;

(2) An existing emergency or black start stationary RICE with a site rating of less than or equal to 500 HP located at a major source of HAP emissions;

(3) An existing emergency or black start stationary RICE located at an area source of HAP emissions;

(4) An existing non-emergency, non-black start stationary CI RICE with a site rating less than or equal to 300 HP located at an area source of HAP emissions;

(5) An existing non-emergency, non-black start 2SLB stationary RICE located at an area source of HAP emissions;

(6) An existing non-emergency, non-black start stationary RICE located at an area source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis.

(7) An existing non-emergency, non-black start 4SLB stationary RICE with a site rating less than or equal to 500 HP located at an area source of HAP emissions;

(8) An existing non-emergency, non-black start 4SRB stationary RICE with a site rating less than or equal to 500 HP located at an area source of HAP emissions;

(9) An existing, non-emergency, non-black start 4SLB stationary RICE with a site rating greater than 500 HP located at an area source of HAP emissions that is operated 24 hours or less per calendar year; and

(10) An existing, non-emergency, non-black start 4SRB stationary RICE with a site rating greater than 500 HP located at an area source of HAP emissions that is operated 24 hours or less per calendar year.

(f) If you own or operate an existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing emergency stationary RICE located at an area source of HAP emissions, you must install a non-resettable hour meter if one is not already installed.

(g) If you own or operate an existing non-emergency, non-black start CI engine greater than or equal to 300 HP that is not equipped with a closed crankcase ventilation system, you must comply with either paragraph (g)(1) or paragraph (2) of this section. Owners and operators must follow the manufacturer's specified maintenance requirements for operating and maintaining the open or closed crankcase ventilation systems and replacing the crankcase filters, or can request the Administrator to approve different maintenance requirements that are as protective as manufacturer requirements. Existing CI engines located at area sources in areas of Alaska that meet either §63.6603(b)(1) or §63.6603(b)(2) do not have to meet the requirements of this paragraph (g). Existing CI engines located on offshore vessels that meet §63.6603(c) do not have to meet the requirements of this paragraph (g).

(1) Install a closed crankcase ventilation system that prevents crankcase emissions from being emitted to the atmosphere, or

(2) Install an open crankcase filtration emission control system that reduces emissions from the crankcase by filtering the exhaust stream to remove oil mist, particulates and metals.

(h) If you operate a new, reconstructed, or existing stationary engine, you must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Tables 1a, 2a, 2c, and 2d to this subpart apply.

(i) If you own or operate a stationary CI engine that is subject to the work, operation or management practices in items 1 or 2 of Table 2c to this subpart or in items 1 or 4 of Table 2d to this subpart, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Tables 2c and 2d to this subpart. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2c or 2d to this subpart. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 business days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

(j) If you own or operate a stationary SI engine that is subject to the work, operation or management practices in items 6, 7, or 8 of Table 2c to this subpart or in items 5, 6, 7, 9, or 11 of Table 2d to this subpart, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Tables 2c and 2d to this subpart. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2c or 2d to this subpart. The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Acid Number increases by more than 3.0 milligrams of potassium hydroxide (KOH) per gram from Total Acid Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 business days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3606, Jan. 18, 2008; 75 FR 9676, Mar. 3, 2010; 75 FR 51589, Aug. 20, 2010; 76 FR 12866, Mar. 9, 2011; 78 FR 6703, Jan. 30, 2013]

§63.6630 How do I demonstrate initial compliance with the emission limitations, operating limitations, and other requirements?

(a) You must demonstrate initial compliance with each emission limitation, operating limitation, and other requirement that applies to you according to Table 5 of this subpart.

(b) During the initial performance test, you must establish each operating limitation in Tables 1b and 2b of this subpart that applies to you.

(c) You must submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in §63.6645.

(d) Non-emergency 4SRB stationary RICE complying with the requirement to reduce formaldehyde emissions by 76 percent or more can demonstrate initial compliance with the formaldehyde emission limit by testing for THC instead of formaldehyde. The testing must be conducted according to the requirements in Table 4 of this subpart. The average reduction of emissions of THC determined from the performance test must be equal to or greater than 30 percent.

(e) The initial compliance demonstration required for existing non-emergency 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year must be conducted according to the following requirements:

(1) The compliance demonstration must consist of at least three test runs.

(2) Each test run must be of at least 15 minute duration, except that each test conducted using the method in appendix A to this subpart must consist of at least one measurement cycle and include at least 2 minutes of test data phase measurement.

(3) If you are demonstrating compliance with the CO concentration or CO percent reduction requirement, you must measure CO emissions using one of the CO measurement methods specified in Table 4 of this subpart, or using appendix A to this subpart.

(4) If you are demonstrating compliance with the THC percent reduction requirement, you must measure THC emissions using Method 25A, reported as propane, of 40 CFR part 60, appendix A.

(5) You must measure O_2 using one of the O_2 measurement methods specified in Table 4 of this subpart. Measurements to determine O_2 concentration must be made at the same time as the measurements for CO or THC concentration.

(6) If you are demonstrating compliance with the CO or THC percent reduction requirement, you must measure CO or THC emissions and O_2 emissions simultaneously at the inlet and outlet of the control device.

[69 FR 33506, June 15, 2004, as amended at 78 FR 6704, Jan. 30, 2013]

Continuous Compliance Requirements

§63.6635 How do I monitor and collect data to demonstrate continuous compliance?

(a) If you must comply with emission and operating limitations, you must monitor and collect data according to this section.

(b) Except for monitor malfunctions, associated repairs, required performance evaluations, and required quality assurance or control activities, you must monitor continuously at all times that the stationary RICE is operating. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(c) You may not use data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities in data averages and calculations used to report emission or operating levels. You must, however, use all the valid data collected during all other periods.

[69 FR 33506, June 15, 2004, as amended at 76 FR 12867, Mar. 9, 2011]

§63.6640 How do I demonstrate continuous compliance with the emission limitations, operating limitations, and other requirements?

(a) You must demonstrate continuous compliance with each emission limitation, operating limitation, and other requirements in Tables 1a and 1b, Tables 2a and 2b, Table 2c, and Table 2d to this subpart that apply to you according to methods specified in Table 6 to this subpart.

(b) You must report each instance in which you did not meet each emission limitation or operating limitation in Tables 1a and 1b, Tables 2a and 2b, Table 2c, and Table 2d to this subpart that apply to you. These instances are deviations from the emission and operating limitations in this subpart. These deviations must be reported according to the requirements in §63.6650. If you change your catalyst, you must reestablish the values of the operating parameters measured during the initial performance test. When you reestablish the values of your operating parameters, you must also conduct a performance test to demonstrate that you are meeting the required emission limitation applicable to your stationary RICE.

(c) The annual compliance demonstration required for existing non-emergency 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year must be conducted according to the following requirements:

(1) The compliance demonstration must consist of at least one test run.

(2) Each test run must be of at least 15 minute duration, except that each test conducted using the method in appendix A to this subpart must consist of at least one measurement cycle and include at least 2 minutes of test data phase measurement.

(3) If you are demonstrating compliance with the CO concentration or CO percent reduction requirement, you must measure CO emissions using one of the CO measurement methods specified in Table 4 of this subpart, or using appendix A to this subpart.

(4) If you are demonstrating compliance with the THC percent reduction requirement, you must measure THC emissions using Method 25A, reported as propane, of 40 CFR part 60, appendix A.

(5) You must measure O_2 using one of the O_2 measurement methods specified in Table 4 of this subpart. Measurements to determine O_2 concentration must be made at the same time as the measurements for CO or THC concentration.

(6) If you are demonstrating compliance with the CO or THC percent reduction requirement, you must measure CO or THC emissions and O_2 emissions simultaneously at the inlet and outlet of the control device.

(7) If the results of the annual compliance demonstration show that the emissions exceed the levels specified in Table 6 of this subpart, the stationary RICE must be shut down as soon as safely possible, and appropriate corrective action must be taken (e.g., repairs, catalyst cleaning, catalyst replacement). The stationary RICE must be retested within 7 days of being restarted and the emissions must meet the levels specified in Table 6 of this subpart. If the retest shows that the emissions continue to exceed the specified levels, the stationary RICE must again be shut down as soon as safely possible, and the stationary RICE may not operate, except for purposes of startup and testing, until the owner/operator demonstrates through testing that the emissions do not exceed the levels specified in Table 6 of this subpart.

(d) For new, reconstructed, and rebuilt stationary RICE, deviations from the emission or operating limitations that occur during the first 200 hours of operation from engine startup (engine burn-in period) are not violations. Rebuilt stationary RICE means a stationary RICE that has been rebuilt as that term is defined in 40 CFR 94.11(a).

(e) You must also report each instance in which you did not meet the requirements in Table 8 to this subpart that apply to you. If you own or operate a new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions (except new or reconstructed 4SLB engines greater than or equal to 250 and less than or equal to 500 brake HP), a new or reconstructed stationary RICE located at an area source of HAP emissions, or any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in Table 8 to this subpart: An existing 2SLB stationary RICE, an existing 4SLB stationary RICE, an existing emergency stationary RICE, an existing limited use stationary RICE, or an existing stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis. If you own or operate any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in Table 8 to this subpart, except for the initial notification requirements: a new or reconstructed stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, a new or reconstructed emergency stationary RICE, or a new or reconstructed limited use stationary RICE.

(f) If you own or operate an emergency stationary RICE, you must operate the emergency stationary RICE according to the requirements in paragraphs (f)(1) through (4) of this section. In order for the engine to be considered an emergency stationary RICE under this subpart, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1) through (4) of this section, is prohibited. If you do not operate the engine according to the requirements in paragraphs (f)(1) through (4) of this section, the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines.

(1) There is no time limit on the use of emergency stationary RICE in emergency situations.

(2) You may operate your emergency stationary RICE for any combination of the purposes specified in paragraphs (f)(2)(i) through (iii) of this section for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraphs (f)(3) and (4) of this section counts as part of the 100 hours per calendar year allowed by this paragraph (f)(2).

(i) Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator 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 RICE beyond 100 hours per calendar year.

(ii) Emergency stationary RICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see §63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.

(iii) Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.

(3) Emergency stationary RICE located at major sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (f)(2) of this section. The 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

(4) Emergency stationary RICE located at area sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (f)(2) of this section. Except as provided in paragraphs (f)(4)(i) and (ii) of this section, the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

(i) Prior to May 3, 2014, the 50 hours per year for non-emergency situations can be used for peak shaving or non-emergency demand response to generate income for a facility, or to otherwise supply power as part of a financial arrangement with another entity if the engine is operated as part of a peak shaving (load management program) with the local distribution system operator and the power is provided only to the facility itself or to support the local distribution system.

(ii) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:

(A) The engine is dispatched by the local balancing authority or local transmission and distribution system operator.

(B) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.

(C) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.

(D) The power is provided only to the facility itself or to support the local transmission and distribution system.

(E) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the

engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

[69 FR 33506, June 15, 2004, as amended at 71 FR 20467, Apr. 20, 2006; 73 FR 3606, Jan. 18, 2008; 75 FR 9676, Mar. 3, 2010; 75 FR 51591, Aug. 20, 2010; 78 FR 6704, Jan. 30, 2013]

Notifications, Reports, and Records

§63.6645 What notifications must I submit and when?

(a) You must submit all of the notifications in §§63.7(b) and (c), 63.8(e), (f)(4) and (f)(6), 63.9(b) through (e), and (g) and (h) that apply to you by the dates specified if you own or operate any of the following;

(1) An existing stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions.

(2) An existing stationary RICE located at an area source of HAP emissions.

(3) A stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

(4) A new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 HP located at a major source of HAP emissions.

(5) This requirement does not apply if you own or operate an existing stationary RICE less than 100 HP, an existing stationary emergency RICE, or an existing stationary RICE that is not subject to any numerical emission standards.

(b) As specified in §63.9(b)(2), if you start up your stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions before the effective date of this subpart, you must submit an Initial Notification not later than December 13, 2004.

(c) If you start up your new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions on or after August 16, 2004, you must submit an Initial Notification not later than 120 days after you become subject to this subpart.

(d) As specified in §63.9(b)(2), if you start up your stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions before the effective date of this subpart and you are required to submit an initial notification, you must submit an Initial Notification not later than July 16, 2008.

(e) If you start up your new or reconstructed stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions on or after March 18, 2008 and you are required to submit an initial notification, you must submit an Initial Notification not later than 120 days after you become subject to this subpart.

(f) If you are required to submit an Initial Notification but are otherwise not affected by the requirements of this subpart, in accordance with §63.6590(b), your notification should include the information in §63.9(b)(2)(i) through (v), and a statement that your stationary RICE has no additional requirements and explain the basis of the exclusion (for example, that it operates exclusively as an emergency stationary RICE if it has a site rating of more than 500 brake HP located at a major source of HAP emissions).

(g) If you are required to conduct a performance test, you must submit a Notification of Intent to conduct a performance test at least 60 days before the performance test is scheduled to begin as required in §63.7(b)(1).

(h) If you are required to conduct a performance test or other initial compliance demonstration as specified in Tables 4 and 5 to this subpart, you must submit a Notification of Compliance Status according to §63.9(h)(2)(ii).

(1) For each initial compliance demonstration required in Table 5 to this subpart that does not include a performance test, you must submit the Notification of Compliance Status before the close of business on the 30th day following the completion of the initial compliance demonstration.

(2) For each initial compliance demonstration required in Table 5 to this subpart that includes a performance test conducted according to the requirements in Table 3 to this subpart, you must submit the Notification of Compliance Status, including the performance test results, before the close of business on the 60th day following the completion of the performance test according to §63.10(d)(2).

(i) If you own or operate an existing non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP emissions that is certified to the Tier 1 or Tier 2 emission standards in Table 1 of 40 CFR 89.112 and subject to an enforceable state or local standard requiring engine replacement and you intend to meet management practices rather than emission limits, as specified in §63.6603(d), you must submit a notification by March 3, 2013, stating that you intend to use the provision in §63.6603(d) and identifying the state or local regulation that the engine is subject to.

[73 FR 3606, Jan. 18, 2008, as amended at 75 FR 9677, Mar. 3, 2010; 75 FR 51591, Aug. 20, 2010; 78 FR 6705, Jan. 30, 2013]

§63.6650 What reports must I submit and when?

(a) You must submit each report in Table 7 of this subpart that applies to you.

(b) Unless the Administrator has approved a different schedule for submission of reports under §63.10(a), you must submit each report by the date in Table 7 of this subpart and according to the requirements in paragraphs (b)(1) through (b)(9) of this section.

(1) For semiannual Compliance reports, the first Compliance report must cover the period beginning on the compliance date that is specified for your affected source in §63.6595 and ending on June 30 or December 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for your source in §63.6595.

(2) For semiannual Compliance reports, the first Compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date follows the end of the first calendar half after the compliance date that is specified for your affected source in §63.6595.

(3) For semiannual Compliance reports, each subsequent Compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(4) For semiannual Compliance reports, each subsequent Compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.

(5) For each stationary RICE that is subject to permitting regulations pursuant to 40 CFR part 70 or 71, and if the permitting authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6 (a)(3)(iii)(A), you may submit the first and subsequent Compliance reports according to the dates the permitting authority has established instead of according to the dates in paragraphs (b)(1) through (b)(4) of this section.

(6) For annual Compliance reports, the first Compliance report must cover the period beginning on the compliance date that is specified for your affected source in §63.6595 and ending on December 31.

(7) For annual Compliance reports, the first Compliance report must be postmarked or delivered no later than January 31 following the end of the first calendar year after the compliance date that is specified for your affected source in §63.6595.

(8) For annual Compliance reports, each subsequent Compliance report must cover the annual reporting period from January 1 through December 31.

(9) For annual Compliance reports, each subsequent Compliance report must be postmarked or delivered no later than January 31.

(c) The Compliance report must contain the information in paragraphs (c)(1) through (6) of this section.

(1) Company name and address.

(2) Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.

(3) Date of report and beginning and ending dates of the reporting period.

(4) If you had a malfunction during the reporting period, the compliance report must include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with §63.6605(b), including actions taken to correct a malfunction.

(5) If there are no deviations from any emission or operating limitations that apply to you, a statement that there were no deviations from the emission or operating limitations during the reporting period.

(6) If there were no periods during which the continuous monitoring system (CMS), including CEMS and CPMS, was out-of-control, as specified in §63.8(c)(7), a statement that there were no periods during which the CMS was out-of-control during the reporting period.

(d) For each deviation from an emission or operating limitation that occurs for a stationary RICE where you are not using a CMS to comply with the emission or operating limitations in this subpart, the Compliance report must contain the information in paragraphs (c)(1) through (4) of this section and the information in paragraphs (d)(1) and (2) of this section.

(1) The total operating time of the stationary RICE at which the deviation occurred during the reporting period.

(2) Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.

(e) For each deviation from an emission or operating limitation occurring for a stationary RICE where you are using a CMS to comply with the emission and operating limitations in this subpart, you must include information in paragraphs (c)(1) through (4) and (e)(1) through (12) of this section.

(1) The date and time that each malfunction started and stopped.

(2) The date, time, and duration that each CMS was inoperative, except for zero (low-level) and high-level checks.

(3) The date, time, and duration that each CMS was out-of-control, including the information in §63.8(c)(8).

(4) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction or during another period.

(5) A summary of the total duration of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.

(6) A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.

(7) A summary of the total duration of CMS downtime during the reporting period, and the total duration of CMS downtime as a percent of the total operating time of the stationary RICE at which the CMS downtime occurred during that reporting period.

(8) An identification of each parameter and pollutant (CO or formaldehyde) that was monitored at the stationary RICE.

(9) A brief description of the stationary RICE.

(10) A brief description of the CMS.

(11) The date of the latest CMS certification or audit.

(12) A description of any changes in CMS, processes, or controls since the last reporting period.

(f) Each affected source that has obtained a title V operating permit pursuant to 40 CFR part 70 or 71 must report all deviations as defined in this subpart in the semiannual monitoring report required by 40 CFR 70.6 (a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A). If an affected source submits a Compliance report pursuant to Table 7 of this subpart along with, or as part of, the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), and the Compliance report includes all required information concerning deviations from any emission or operating limitation in this subpart, submission of the Compliance report shall be deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report. However, submission of a Compliance report shall not otherwise affect any obligation the affected source may have to report deviations from permit requirements to the permit authority.

(g) If you are operating as a new or reconstructed stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, you must submit an annual report according to Table 7 of this subpart by the date specified unless the Administrator has approved a different schedule, according to the information described in paragraphs (b)(1) through (b)(5) of this section. You must report the data specified in (g)(1) through (g)(3) of this section.

(1) Fuel flow rate of each fuel and the heating values that were used in your calculations. You must also demonstrate that the percentage of heat input provided by landfill gas or digester gas is equivalent to 10 percent or more of the total fuel consumption on an annual basis.

(2) The operating limits provided in your federally enforceable permit, and any deviations from these limits.

(3) Any problems or errors suspected with the meters.

(h) If you own or operate an emergency stationary RICE with a site rating of more than 100 brake HP that operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii) or that operates for the purpose specified in §63.6640(f)(4)(ii), you must submit an annual report according to the requirements in paragraphs (h)(1) through (3) of this section.

(1) The report must contain the following information:

(i) Company name and address where the engine is located.

(ii) Date of the report and beginning and ending dates of the reporting period.

(iii) Engine site rating and model year.

(iv) Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place.

(v) Hours operated for the purposes specified in §63.6640(f)(2)(ii) and (iii), including the date, start time, and end time for engine operation for the purposes specified in §63.6640(f)(2)(ii) and (iii).

(vi) Number of hours the engine is contractually obligated to be available for the purposes specified in §63.6640(f)(2)(ii) and (iii).

(vii) Hours spent for operation for the purpose specified in §63.6640(f)(4)(ii), including the date, start time, and end time for engine operation for the purposes specified in §63.6640(f)(4)(ii). The report must also identify the entity that dispatched the engine and the situation that necessitated the dispatch of the engine.

(viii) If there were no deviations from the fuel requirements in §63.6604 that apply to the engine (if any), a statement that there were no deviations from the fuel requirements during the reporting period.

(ix) If there were deviations from the fuel requirements in §63.6604 that apply to the engine (if any), information on the number, duration, and cause of deviations, and the corrective action taken.

(2) The first annual report must cover the calendar year 2015 and must be submitted no later than March 31, 2016. Subsequent annual reports for each calendar year must be submitted no later than March 31 of the following calendar year.

(3) The annual report must be submitted electronically using the subpart specific reporting form in the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (*www.epa.gov/cdx*). However, if the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the written report must be submitted to the Administrator at the appropriate address listed in §63.13.

[69 FR 33506, June 15, 2004, as amended at 75 FR 9677, Mar. 3, 2010; 78 FR 6705, Jan. 30, 2013]

§63.6655 What records must I keep?

(a) If you must comply with the emission and operating limitations, you must keep the records described in paragraphs (a)(1) through (a)(5), (b)(1) through (b)(3) and (c) of this section.

(1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in §63.10(b)(2)(xiv).

(2) Records of the occurrence and duration of each malfunction of operation (*i.e.,* process equipment) or the air pollution control and monitoring equipment.

(3) Records of performance tests and performance evaluations as required in §63.10(b)(2)(viii).

(4) Records of all required maintenance performed on the air pollution control and monitoring equipment.

(5) Records of actions taken during periods of malfunction to minimize emissions in accordance with §63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

(b) For each CEMS or CPMS, you must keep the records listed in paragraphs (b)(1) through (3) of this section.

(1) Records described in §63.10(b)(2)(vi) through (xi).

(2) Previous (*i.e.,* superseded) versions of the performance evaluation plan as required in §63.8(d)(3).

(3) Requests for alternatives to the relative accuracy test for CEMS or CPMS as required in §63.8(f)(6)(i), if applicable.

(c) If you are operating a new or reconstructed stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, you must keep the records of your daily fuel usage monitors.

(d) You must keep the records required in Table 6 of this subpart to show continuous compliance with each emission or operating limitation that applies to you.

(e) You must keep records of the maintenance conducted on the stationary RICE in order to demonstrate that you operated and maintained the stationary RICE and after-treatment control device (if any) according to your own maintenance plan if you own or operate any of the following stationary RICE;

(1) An existing stationary RICE with a site rating of less than 100 brake HP located at a major source of HAP emissions.

(2) An existing stationary emergency RICE.

(3) An existing stationary RICE located at an area source of HAP emissions subject to management practices as shown in Table 2d to this subpart.

(f) If you own or operate any of the stationary RICE in paragraphs (f)(1) through (2) of this section, you must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for the purposes specified in §63.6640(f)(2)(ii) or (iii) or §63.6640(f)(4)(ii), the owner or operator must keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes.

(1) An existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions that does not meet the standards applicable to non-emergency engines.

(2) An existing emergency stationary RICE located at an area source of HAP emissions that does not meet the standards applicable to non-emergency engines.

[69 FR 33506, June 15, 2004, as amended at 75 FR 9678, Mar. 3, 2010; 75 FR 51592, Aug. 20, 2010; 78 FR 6706, Jan. 30, 2013]

§63.6660 In what form and how long must I keep my records?

(a) Your records must be in a form suitable and readily available for expeditious review according to §63.10(b)(1).

(b) As specified in §63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1).

[69 FR 33506, June 15, 2004, as amended at 75 FR 9678, Mar. 3, 2010]

Other Requirements and Information

§63.6665 What parts of the General Provisions apply to me?

Table 8 to this subpart shows which parts of the General Provisions in §§63.1 through 63.15 apply to you. If you own or operate a new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions (except new or reconstructed 4SLB engines greater than or equal to 250 and less than or equal to 500 brake HP), a new or reconstructed stationary RICE located at an area source of HAP emissions, or any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with any of the requirements of the General Provisions specified in Table 8: An existing 2SLB stationary RICE, an existing 4SLB stationary RICE, an existing stationary RICE that combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, an existing emergency stationary RICE, or an existing limited use stationary RICE. If you own or operate any of the following RICE with a

site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in the General Provisions specified in Table 8 except for the initial notification requirements: A new stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, a new emergency stationary RICE, or a new limited use stationary RICE.

[75 FR 9678, Mar. 3, 2010]

§63.6670 Who implements and enforces this subpart?

(a) This subpart is implemented and enforced by the U.S. EPA, or a delegated authority such as your State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to your State, local, or tribal agency, then that agency (as well as the U.S. EPA) has the authority to implement and enforce this subpart. You should contact your U.S. EPA Regional Office to find out whether this subpart is delegated to your State, local, or tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under 40 CFR part 63, subpart E, the authorities contained in paragraph (c) of this section are retained by the Administrator of the U.S. EPA and are not transferred to the State, local, or tribal agency.

(c) The authorities that will not be delegated to State, local, or tribal agencies are:

(1) Approval of alternatives to the non-opacity emission limitations and operating limitations in §63.6600 under §63.6(g).

(2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f) and as defined in §63.90.

(3) Approval of major alternatives to monitoring under §63.8(f) and as defined in §63.90.

(4) Approval of major alternatives to recordkeeping and reporting under §63.10(f) and as defined in §63.90.

(5) Approval of a performance test which was conducted prior to the effective date of the rule, as specified in §63.6610(b).

§63.6675 What definitions apply to this subpart?

Terms used in this subpart are defined in the Clean Air Act (CAA); in 40 CFR 63.2, the General Provisions of this part; and in this section as follows:

Alaska Railbelt Grid means the service areas of the six regulated public utilities that extend from Fairbanks to Anchorage and the Kenai Peninsula. These utilities are Golden Valley Electric Association; Chugach Electric Association; Matanuska Electric Association; Homer Electric Association; Anchorage Municipal Light & Power; and the City of Seward Electric System.

Area source means any stationary source of HAP that is not a major source as defined in part 63.

Associated equipment as used in this subpart and as referred to in section 112(n)(4) of the CAA, means equipment associated with an oil or natural gas exploration or production well, and includes all equipment from the well bore to the point of custody transfer, except glycol dehydration units, storage vessels with potential for flash emissions, combustion turbines, and stationary RICE.

Backup power for renewable energy means an engine that provides backup power to a facility that generates electricity from renewable energy resources, as that term is defined in Alaska Statute 42.45.045(l)(5) (incorporated by reference, see §63.14).

Black start engine means an engine whose only purpose is to start up a combustion turbine.

CAA means the Clean Air Act (42 U.S.C. 7401 *et seq.,* as amended by Public Law 101-549, 104 Stat. 2399).

Commercial emergency stationary RICE means an emergency stationary RICE used in commercial establishments such as office buildings, hotels, stores, telecommunications facilities, restaurants, financial institutions such as banks, doctor's offices, and sports and performing arts facilities.

Compression ignition means relating to a type of stationary internal combustion engine that is not a spark ignition engine.

Custody transfer means the transfer of hydrocarbon liquids or natural gas: After processing and/or treatment in the producing operations, or from storage vessels or automatic transfer facilities or other such equipment, including product loading racks, to pipelines or any other forms of transportation. For the purposes of this subpart, the point at which such liquids or natural gas enters a natural gas processing plant is a point of custody transfer.

Deviation means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including but not limited to any emission limitation or operating limitation;

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) Fails to meet any emission limitation or operating limitation in this subpart during malfunction, regardless or whether or not such failure is permitted by this subpart.

(4) Fails to satisfy the general duty to minimize emissions established by §63.6(e)(1)(i).

Diesel engine means any stationary RICE in which a high boiling point liquid fuel injected into the combustion chamber ignites when the air charge has been compressed to a temperature sufficiently high for auto-ignition. This process is also known as compression ignition.

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 fuel oil number 2. Diesel fuel also includes any non-distillate fuel with comparable physical and chemical properties (*e.g.* biodiesel) that is suitable for use in compression ignition engines.

Digester gas means any gaseous by-product of wastewater treatment typically formed through the anaerobic decomposition of organic waste materials and composed principally of methane and CO_2.

Dual-fuel engine means any stationary RICE in which a liquid fuel (typically diesel fuel) is used for compression ignition and gaseous fuel (typically natural gas) is used as the primary fuel.

Emergency stationary RICE means any stationary reciprocating internal combustion engine that meets all of the criteria in paragraphs (1) through (3) of this definition. All emergency stationary RICE must comply with the requirements specified in §63.6640(f) in order to be considered emergency stationary RICE. If the engine does not comply with the requirements specified in §63.6640(f), then it is not considered to be an emergency stationary RICE under this subpart.

(1) The stationary RICE is operated to provide electrical power or mechanical work during an emergency situation. Examples include stationary RICE 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 RICE used to pump water in the case of fire or flood, etc.

(2) The stationary RICE is operated under limited circumstances for situations not included in paragraph (1) of this definition, as specified in §63.6640(f).

(3) The stationary RICE operates as part of a financial arrangement with another entity in situations not included in paragraph (1) of this definition only as allowed in §63.6640(f)(2)(ii) or (iii) and §63.6640(f)(4)(i) or (ii).

Engine startup means the time from initial start until applied load and engine and associated equipment reaches steady state or normal operation. For stationary engine with catalytic controls, engine startup means the time from initial start until applied load and engine and associated equipment, including the catalyst, reaches steady state or normal operation.

Four-stroke engine means any type of engine which completes the power cycle in two crankshaft revolutions, with intake and compression strokes in the first revolution and power and exhaust strokes in the second revolution.

Gaseous fuel means a material used for combustion which is in the gaseous state at standard atmospheric temperature and pressure conditions.

Gasoline means any fuel sold in any State for use in motor vehicles and motor vehicle engines, or nonroad or stationary engines, and commonly or commercially known or sold as gasoline.

Glycol dehydration unit means a device in which a liquid glycol (including, but not limited to, ethylene glycol, diethylene glycol, or triethylene glycol) absorbent directly contacts a natural gas stream and absorbs water in a contact tower or absorption column (absorber). The glycol contacts and absorbs water vapor and other gas stream constituents from the natural gas and becomes “rich” glycol. This glycol is then regenerated in the glycol dehydration unit reboiler. The “lean” glycol is then recycled.

Hazardous air pollutants (HAP) means any air pollutants listed in or pursuant to section 112(b) of the CAA.

Institutional emergency stationary RICE means an emergency stationary RICE used in institutional establishments such as medical centers, nursing homes, research centers, institutions of higher education, correctional facilities, elementary and secondary schools, libraries, religious establishments, police stations, and fire stations.

ISO standard day conditions means 288 degrees Kelvin (15 degrees Celsius), 60 percent relative humidity and 101.3 kilopascals pressure.

Landfill gas means a gaseous by-product of the land application of municipal refuse typically formed through the anaerobic decomposition of waste materials and composed principally of methane and CO_2.

Lean burn engine means any two-stroke or four-stroke spark ignited engine that does not meet the definition of a rich burn engine.

Limited use stationary RICE means any stationary RICE that operates less than 100 hours per year.

Liquefied petroleum gas means any liquefied hydrocarbon gas obtained as a by-product in petroleum refining of natural gas production.

Liquid fuel means any fuel in liquid form at standard temperature and pressure, including but not limited to diesel, residual/crude oil, kerosene/naphtha (jet fuel), and gasoline.

Major Source, as used in this subpart, shall have the same meaning as in §63.2, except that:

(1) Emissions from any oil or gas exploration or production well (with its associated equipment (as defined in this section)) and emissions from any pipeline compressor station or pump station shall not be aggregated with emissions from other similar units, to determine whether such emission points or stations are major sources, even when emission points are in a contiguous area or under common control;

(2) For oil and gas production facilities, emissions from processes, operations, or equipment that are not part of the same oil and gas production facility, as defined in §63.1271 of subpart HHH of this part, shall not be aggregated;

(3) For production field facilities, only HAP emissions from glycol dehydration units, storage vessel with the potential for flash emissions, combustion turbines and reciprocating internal combustion engines shall be aggregated for a major source determination; and

(4) Emissions from processes, operations, and equipment that are not part of the same natural gas transmission and storage facility, as defined in §63.1271 of subpart HHH of this part, shall not be aggregated.

Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

Natural gas means a naturally occurring mixture of hydrocarbon and non-hydrocarbon gases found in geologic formations beneath the Earth's surface, of which the principal constituent is methane. Natural gas may be field or pipeline quality.

Non-selective catalytic reduction (NSCR) means an add-on catalytic nitrogen oxides (NO_X) control device for rich burn engines that, in a two-step reaction, promotes the conversion of excess oxygen, NO_X, CO, and volatile organic compounds (VOC) into CO_2, nitrogen, and water.

Oil and gas production facility as used in this subpart means any grouping of equipment where hydrocarbon liquids are processed, upgraded (*i.e.,* remove impurities or other constituents to meet contract specifications), or stored prior to the point of custody transfer; or where natural gas is processed, upgraded, or stored prior to entering the natural gas transmission and storage source category. For purposes of a major source determination, facility (including a building, structure, or installation) means oil and natural gas production and processing equipment that is located within the boundaries of an individual surface site as defined in this section. Equipment that is part of a facility will typically be located within close proximity to other equipment located at the same facility. Pieces of production equipment or groupings of equipment located on different oil and gas leases, mineral fee tracts, lease tracts, subsurface or surface unit areas, surface fee tracts, surface lease tracts, or separate surface sites, whether or not connected by a road, waterway, power line or pipeline, shall not be considered part of the same facility. Examples of facilities in the oil and natural gas production source category include, but are not limited to, well sites, satellite tank batteries, central tank batteries, a compressor station that transports natural gas to a natural gas processing plant, and natural gas processing plants.

Oxidation catalyst means an add-on catalytic control device that controls CO and VOC by oxidation.

Peaking unit or engine means any standby engine intended for use during periods of high demand that are not emergencies.

Percent load means the fractional power of an engine compared to its maximum manufacturer's design capacity at engine site conditions. Percent load may range between 0 percent to above 100 percent.

Potential to emit means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. For oil and natural gas production facilities subject to subpart HH of this part, the potential to emit provisions in §63.760(a) may be used. For natural gas transmission and storage facilities subject to subpart HHH of this part, the maximum annual facility gas throughput for storage facilities may be determined according to §63.1270(a)(1) and the maximum annual throughput for transmission facilities may be determined according to §63.1270(a)(2).

Production field facility means those oil and gas production facilities located prior to the point of custody transfer.

Production well means any hole drilled in the earth from which crude oil, condensate, or field natural gas is extracted.

Propane means a colorless gas derived from petroleum and natural gas, with the molecular structure C_3H_8.

Remote stationary RICE means stationary RICE meeting any of the following criteria:

(1) Stationary RICE located in an offshore area that is beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters.

(2) Stationary RICE located on a pipeline segment that meets both of the criteria in paragraphs (2)(i) and (ii) of this definition.

(i) A pipeline segment with 10 or fewer buildings intended for human occupancy and no buildings with four or more stories within 220 yards (200 meters) on either side of the centerline of any continuous 1-mile (1.6 kilometers) length of pipeline. Each separate dwelling unit in a multiple dwelling unit building is counted as a separate building intended for human occupancy.

(ii) The pipeline segment does not lie within 100 yards (91 meters) of either a building or a small, well-defined outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by 20 or more persons on at least 5 days a week for 10 weeks in any 12-month period. The days and weeks need not be consecutive. The building or area is considered occupied for a full day if it is occupied for any portion of the day.

(iii) For purposes of this paragraph (2), the term pipeline segment means all parts of those physical facilities through which gas moves in transportation, including but not limited to pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies. Stationary RICE located within 50 yards (46 meters) of the pipeline segment providing power for equipment on a pipeline segment are part of the pipeline segment. Transportation of gas means the gathering, transmission, or distribution of gas by pipeline, or the storage of gas. A building is intended for human occupancy if its primary use is for a purpose involving the presence of humans.

(3) Stationary RICE that are not located on gas pipelines and that have 5 or fewer buildings intended for human occupancy and no buildings with four or more stories within a 0.25 mile radius around the engine. A building is intended for human occupancy if its primary use is for a purpose involving the presence of humans.

Residential emergency stationary RICE means an emergency stationary RICE used in residential establishments such as homes or apartment buildings.

Responsible official means responsible official as defined in 40 CFR 70.2.

Rich burn engine means any four-stroke spark ignited engine where the manufacturer's recommended operating air/fuel ratio divided by the stoichiometric air/fuel ratio at full load conditions is less than or equal to 1.1. Engines originally manufactured as rich burn engines, but modified prior to December 19, 2002 with passive emission control technology for NO_X (such as pre-combustion chambers) will be considered lean burn engines. Also, existing engines where there are no manufacturer's recommendations regarding air/fuel ratio will be considered a rich burn engine if the excess oxygen content of the exhaust at full load conditions is less than or equal to 2 percent.

Site-rated HP means the maximum manufacturer's design capacity at engine site conditions.

Spark ignition means relating to either: A gasoline-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 reciprocating internal combustion engine (RICE) means any reciprocating 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.

Stationary RICE test cell/stand means an engine test cell/stand, as defined in subpart PPPPP of this part, that tests stationary RICE.

Stoichiometric means the theoretical air-to-fuel ratio required for complete combustion.

Storage vessel with the potential for flash emissions means any storage vessel that contains a hydrocarbon liquid with a stock tank gas-to-oil ratio equal to or greater than 0.31 cubic meters per liter and an American Petroleum Institute gravity equal to or greater than 40 degrees and an actual annual average hydrocarbon liquid throughput equal to or greater than 79,500 liters per day. Flash emissions occur when dissolved hydrocarbons in the fluid evolve from solution when the fluid pressure is reduced.

Subpart means 40 CFR part 63, subpart ZZZZ.

Surface site means any combination of one or more graded pad sites, gravel pad sites, foundations, platforms, or the immediate physical location upon which equipment is physically affixed.

Two-stroke engine means a type of engine which completes the power cycle in single crankshaft revolution by combining the intake and compression operations into one stroke and the power and exhaust operations into a second stroke. This system requires auxiliary scavenging and inherently runs lean of stoichiometric.

[69 FR 33506, June 15, 2004, as amended at 71 FR 20467, Apr. 20, 2006; 73 FR 3607, Jan. 18, 2008; 75 FR 9679, Mar. 3, 2010; 75 FR 51592, Aug. 20, 2010; 76 FR 12867, Mar. 9, 2011; 78 FR 6706, Jan. 30, 2013]

Table 1a to Subpart ZZZZ of Part 63—Emission Limitations for Existing, New, and Reconstructed Spark Ignition, 4SRB Stationary RICE >500 HP Located at a Major Source of HAP Emissions

As stated in §§63.6600 and 63.6640, you must comply with the following emission limitations at 100 percent load plus or minus 10 percent for existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions:

For each . . .	You must meet the following emission limitation, except during periods of startup . . .	During periods of startup you must . . .
1. 4SRB stationary RICE	a. Reduce formaldehyde emissions by 76 percent or more. If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004, you may reduce formaldehyde emissions by 75 percent or more until June 15, 2007 or	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.[1]
	b. Limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent O_2	

[1] Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices.

[75 FR 9679, Mar. 3, 2010, as amended at 75 FR 51592, Aug. 20, 2010]

Table 1b to Subpart ZZZZ of Part 63—Operating Limitations for Existing, New, and Reconstructed SI 4SRB Stationary RICE >500 HP Located at a Major Source of HAP Emissions

As stated in §§63.6600, 63.6603, 63.6630 and 63.6640, you must comply with the following operating limitations for existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions:

For each . . .	You must meet the following operating limitation, except during periods of startup . . .
1. existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions complying with the requirement to reduce formaldehyde emissions by 76 percent or more (or by 75 percent or more, if applicable) and using NSCR; or existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent O_2 and using NSCR;	a. maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst measured during the initial performance test; and b. maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 750 °F and less than or equal to 1250 °F.[1]
2. existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions complying with the requirement to reduce formaldehyde emissions by 76 percent or more (or by 75 percent or more, if applicable) and not using NSCR; or	Comply with any operating limitations approved by the Administrator.
existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent O_2 and not using NSCR.	

[1]Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.8(f) for a different temperature range.

[78 FR 6706, Jan. 30, 2013]

Table 2a to Subpart ZZZZ of Part 63—Emission Limitations for New and Reconstructed 2SLB and Compression Ignition Stationary RICE >500 HP and New and Reconstructed 4SLB Stationary RICE ≥250 HP Located at a Major Source of HAP Emissions

As stated in §§63.6600 and 63.6640, you must comply with the following emission limitations for new and reconstructed lean burn and new and reconstructed compression ignition stationary RICE at 100 percent load plus or minus 10 percent:

For each . . .	You must meet the following emission limitation, except during periods of startup . . .	During periods of startup you must . . .
1. 2SLB stationary RICE	a. Reduce CO emissions by 58 percent or more; or b. Limit concentration of formaldehyde in the stationary RICE exhaust to 12 ppmvd or less at 15 percent O_2. If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004, you may limit concentration of formaldehyde to 17 ppmvd or less at 15 percent O_2 until June 15, 2007	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.[1]
2. 4SLB stationary RICE	a. Reduce CO emissions by 93 percent or more; or	
	b. Limit concentration of formaldehyde in the stationary RICE exhaust to 14 ppmvd or less at 15 percent O_2	

For each . . .	You must meet the following emission limitation, except during periods of startup . . .	During periods of startup you must . . .
3. CI stationary RICE	a. Reduce CO emissions by 70 percent or more; or	
	b. Limit concentration of formaldehyde in the stationary RICE exhaust to 580 ppbvd or less at 15 percent O_2	

[1]Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices.

[75 FR 9680, Mar. 3, 2010]

Table 2b to Subpart ZZZZ of Part 63—Operating Limitations for New and Reconstructed 2SLB and CI Stationary RICE >500 HP Located at a Major Source of HAP Emissions, New and Reconstructed 4SLB Stationary RICE ≥250 HP Located at a Major Source of HAP Emissions, Existing CI Stationary RICE >500 HP

As stated in §§63.6600, 63.6601, 63.6603, 63.6630, and 63.6640, you must comply with the following operating limitations for new and reconstructed 2SLB and CI stationary RICE >500 HP located at a major source of HAP emissions; new and reconstructed 4SLB stationary RICE ≥250 HP located at a major source of HAP emissions; and existing CI stationary RICE >500 HP:

For each . . .	You must meet the following operating limitation, except during periods of startup . . .
1. New and reconstructed 2SLB and CI stationary RICE >500 HP located at a major source of HAP emissions and new and reconstructed 4SLB stationary RICE ≥250 HP located at a major source of HAP emissions complying with the requirement to reduce CO emissions and using an oxidation catalyst; and New and reconstructed 2SLB and CI stationary RICE >500 HP located at a major source of HAP emissions and new and reconstructed 4SLB stationary RICE ≥250 HP located at a major source of HAP emissions complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust and using an oxidation catalyst.	a. maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst that was measured during the initial performance test; and b. maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450 °F and less than or equal to 1350 °F.[1]
2. Existing CI stationary RICE >500 HP complying with the requirement to limit or reduce the concentration of CO in the stationary RICE exhaust and using an oxidation catalyst	a. maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water from the pressure drop across the catalyst that was measured during the initial performance test; and
	b. maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450 °F and less than or equal to 1350 °F.[1]
3. New and reconstructed 2SLB and CI stationary RICE >500 HP located at a major source of HAP emissions and new and reconstructed 4SLB stationary RICE ≥250 HP located at a major source of HAP emissions complying with the requirement to reduce CO emissions and not using an oxidation catalyst; and	Comply with any operating limitations approved by the Administrator.
New and reconstructed 2SLB and CI stationary RICE >500 HP located at a major source of HAP emissions and new and reconstructed 4SLB stationary RICE ≥250 HP located at a major source of HAP emissions complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust and not using an oxidation catalyst; and	

For each . . .	You must meet the following operating limitation, except during periods of startup . . .
existing CI stationary RICE >500 HP complying with the requirement to limit or reduce the concentration of CO in the stationary RICE exhaust and not using an oxidation catalyst.	

[1]Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.8(f) for a different temperature range.

[78 FR 6707, Jan. 30, 2013]

Table 2c to Subpart ZZZZ of Part 63—Requirements for Existing Compression Ignition Stationary RICE Located at a Major Source of HAP Emissions and Existing Spark Ignition Stationary RICE ≤500 HP Located at a Major Source of HAP Emissions

As stated in §§63.6600, 63.6602, and 63.6640, you must comply with the following requirements for existing compression ignition stationary RICE located at a major source of HAP emissions and existing spark ignition stationary RICE ≤500 HP located at a major source of HAP emissions:

For each . . .	You must meet the following requirement, except during periods of startup . . .	During periods of startup you must . . .
1. Emergency stationary CI RICE and black start stationary CI RICE[1]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first.[2] b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.[3]	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.[3]
2. Non-Emergency, non-black start stationary CI RICE <100 HP	a. Change oil and filter every 1,000 hours of operation or annually, whichever comes first.[2] b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.[3]	
3. Non-Emergency, non-black start CI stationary RICE 100≤HP≤300 HP	Limit concentration of CO in the stationary RICE exhaust to 230 ppmvd or less at 15 percent O_2.	

For each . . .	You must meet the following requirement, except during periods of startup . . .	During periods of startup you must . . .
4. Non-Emergency, non-black start CI stationary RICE 300<HP≤500	a. Limit concentration of CO in the stationary RICE exhaust to 49 ppmvd or less at 15 percent O_2; or b. Reduce CO emissions by 70 percent or more.	
5. Non-Emergency, non-black start stationary CI RICE >500 HP	a. Limit concentration of CO in the stationary RICE exhaust to 23 ppmvd or less at 15 percent O_2; or b. Reduce CO emissions by 70 percent or more.	
6. Emergency stationary SI RICE and black start stationary SI RICE.[1]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first;[2] b. Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.[3]	
7. Non-Emergency, non-black start stationary SI RICE <100 HP that are not 2SLB stationary RICE	a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first;[2] b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first, and replace as necessary;	
	c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.[3]	
8. Non-Emergency, non-black start 2SLB stationary SI RICE <100 HP	a. Change oil and filter every 4,320 hours of operation or annually, whichever comes first;[2] b. Inspect spark plugs every 4,320 hours of operation or annually, whichever comes first, and replace as necessary;	
	c. Inspect all hoses and belts every 4,320 hours of operation or annually, whichever comes first, and replace as necessary.[3]	

For each . . .	You must meet the following requirement, except during periods of startup . . .	During periods of startup you must . . .
9. Non-emergency, non-black start 2SLB stationary RICE 100≤HP≤500	Limit concentration of CO in the stationary RICE exhaust to 225 ppmvd or less at 15 percent O_2.	
10. Non-emergency, non-black start 4SLB stationary RICE 100≤HP≤500	Limit concentration of CO in the stationary RICE exhaust to 47 ppmvd or less at 15 percent O_2.	
11. Non-emergency, non-black start 4SRB stationary RICE 100≤HP≤500	Limit concentration of formaldehyde in the stationary RICE exhaust to 10.3 ppmvd or less at 15 percent O_2.	
12. Non-emergency, non-black start stationary RICE 100≤HP≤500 which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis	Limit concentration of CO in the stationary RICE exhaust to 177 ppmvd or less at 15 percent O_2.	

[1]If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the work practice requirements on the schedule required in Table 2c of this subpart, or if performing the work practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the work practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The work practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform the work practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable.

[2]Sources have the option to utilize an oil analysis program as described in §63.6625(i) or (j) in order to extend the specified oil change requirement in Table 2c of this subpart.

[3]Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices.

[78 FR 6708, Jan. 30, 2013, as amended at 78 FR 14457, Mar. 6, 2013]

Table 2d to Subpart ZZZZ of Part 63—Requirements for Existing Stationary RICE Located at Area Sources of HAP Emissions

As stated in §§63.6603 and 63.6640, you must comply with the following requirements for existing stationary RICE located at area sources of HAP emissions:

For each . . .	You must meet the following requirement, except during periods of startup . . .	During periods of startup you must . . .
1. Non-Emergency, non-black start CI stationary RICE ≤300 HP	a. Change oil and filter every 1,000 hours of operation or annually, whichever comes first;[1] b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.
2. Non-Emergency, non-black start CI stationary RICE 300<HP≤500	a. Limit concentration of CO in the stationary RICE exhaust to 49 ppmvd at 15 percent O_2; or	
	b. Reduce CO emissions by 70 percent or more.	
3. Non-Emergency, non-black start CI stationary RICE >500 HP	a. Limit concentration of CO in the stationary RICE exhaust to 23 ppmvd at 15 percent O_2; or	
	b. Reduce CO emissions by 70 percent or more.	
4. Emergency stationary CI RICE and black start stationary CI RICE.[2]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first;[1]	
	b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and	
	c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	

For each . . .	You must meet the following requirement, except during periods of startup . . .	During periods of startup you must . . .
5. Emergency stationary SI RICE; black start stationary SI RICE; non-emergency, non-black start 4SLB stationary RICE >500 HP that operate 24 hours or less per calendar year; non-emergency, non-black start 4SRB stationary RICE >500 HP that operate 24 hours or less per calendar year.[2]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first;[1]; b. Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	
6. Non-emergency, non-black start 2SLB stationary RICE	a. Change oil and filter every 4,320 hours of operation or annually, whichever comes first;[1]	
	b. Inspect spark plugs every 4,320 hours of operation or annually, whichever comes first, and replace as necessary; and	
	c. Inspect all hoses and belts every 4,320 hours of operation or annually, whichever comes first, and replace as necessary.	
7. Non-emergency, non-black start 4SLB stationary RICE ≤500 HP	a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first;[1]	
	b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first, and replace as necessary; and	
	c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.	
8. Non-emergency, non-black start 4SLB remote stationary RICE >500 HP	a. Change oil and filter every 2,160 hours of operation or annually, whichever comes first;[1]	
	b. Inspect spark plugs every 2,160 hours of operation or annually, whichever comes first, and replace as necessary; and	

For each . . .	You must meet the following requirement, except during periods of startup . . .	During periods of startup you must . . .
	c. Inspect all hoses and belts every 2,160 hours of operation or annually, whichever comes first, and replace as necessary.	
9. Non-emergency, non-black start 4SLB stationary RICE >500 HP that are not remote stationary RICE and that operate more than 24 hours per calendar year	Install an oxidation catalyst to reduce HAP emissions from the stationary RICE.	
10. Non-emergency, non-black start 4SRB stationary RICE ≤500 HP	a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first;[1]	
	b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first, and replace as necessary; and	
	c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.	
11. Non-emergency, non-black start 4SRB remote stationary RICE >500 HP	a. Change oil and filter every 2,160 hours of operation or annually, whichever comes first;[1]	
	b. Inspect spark plugs every 2,160 hours of operation or annually, whichever comes first, and replace as necessary; and	
	c. Inspect all hoses and belts every 2,160 hours of operation or annually, whichever comes first, and replace as necessary.	
12. Non-emergency, non-black start 4SRB stationary RICE >500 HP that are not remote stationary RICE and that operate more than 24 hours per calendar year	Install NSCR to reduce HAP emissions from the stationary RICE.	
13. Non-emergency, non-black start stationary RICE which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis	a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first;[1] b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first, and replace as necessary; and	

For each . . .	You must meet the following requirement, except during periods of startup . . .	During periods of startup you must . . .
	c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.	

[1]Sources have the option to utilize an oil analysis program as described in §63.6625(i) or (j) in order to extend the specified oil change requirement in Table 2d of this subpart.

[2]If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedule required in Table 2d of this subpart, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform the management practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable.

[78 FR 6709, Jan. 30, 2013]

Table 3 to Subpart ZZZZ of Part 63—Subsequent Performance Tests

As stated in §§63.6615 and 63.6620, you must comply with the following subsequent performance test requirements:

For each . . .	Complying with the requirement to . . .	You must . . .
1. New or reconstructed 2SLB stationary RICE >500 HP located at major sources; new or reconstructed 4SLB stationary RICE ≥250 HP located at major sources; and new or reconstructed CI stationary RICE >500 HP located at major sources	Reduce CO emissions and not using a CEMS	Conduct subsequent performance tests semiannually.[1]
2. 4SRB stationary RICE ≥5,000 HP located at major sources	Reduce formaldehyde emissions	Conduct subsequent performance tests semiannually.[1]
3. Stationary RICE >500 HP located at major sources and new or reconstructed 4SLB stationary RICE 250≤HP≤500 located at major sources	Limit the concentration of formaldehyde in the stationary RICE exhaust	Conduct subsequent performance tests semiannually.[1]
4. Existing non-emergency, non-black start CI stationary RICE >500 HP that are not limited use stationary RICE	Limit or reduce CO emissions and not using a CEMS	Conduct subsequent performance tests every 8,760 hours or 3 years, whichever comes first.
5. Existing non-emergency, non-black start CI stationary RICE >500 HP that are limited use stationary RICE	Limit or reduce CO emissions and not using a CEMS	Conduct subsequent performance tests every 8,760 hours or 5 years, whichever comes first.

[1]After you have demonstrated compliance for two consecutive tests, you may reduce the frequency of subsequent performance tests to annually. If the results of any subsequent annual performance test indicate the stationary RICE is not in compliance with the CO or formaldehyde emission limitation, or you deviate from any of your operating limitations, you must resume semiannual performance tests.

[78 FR 6711, Jan. 30, 2013]

Table 4 to Subpart ZZZZ of Part 63—Requirements for Performance Tests

As stated in §§63.6610, 63.6611, 63.6620, and 63.6640, you must comply with the following requirements for performance tests for stationary RICE:

Table 4 to Subpart ZZZZ of Part 63—Requirements for Performance Tests

For each . . .	Complying with the requirement to . . .	You must . . .	Using . . .	According to the following requirements . . .
1. 2SLB, 4SLB, and CI stationary RICE	a. reduce CO emissions	i. Select the sampling port location and the number/location of traverse points at the inlet and outlet of the control device; and		(a) For CO and O_2 measurement, ducts ≤6 inches in diameter may be sampled at a single point located at the duct centroid and ducts >6 and ≤12 inches in diameter may be sampled at 3 traverse points located at 16.7, 50.0, and 83.3% of the measurement line (`3-point long line'). If the duct is >12 inches in diameter *and* the sampling port location meets the two and half-diameter criterion of Section 11.1.1 of Method 1 of 40 CFR part 60, appendix A-1, the duct may be sampled at `3-point long line'; otherwise, conduct the stratification testing and select sampling points according to Section 8.1.2 of Method 7E of 40 CFR part 60, appendix A-4.
		ii. Measure the O_2 at the inlet and outlet of the control device; and	(1) Method 3 or 3A or 3B of 40 CFR part 60, appendix A-2, or ASTM Method D6522-00 (Reapproved 2005)[ac] (heated probe not necessary)	(b) Measurements to determine O_2 must be made at the same time as the measurements for CO concentration.
		iii. Measure the CO at the inlet and the outlet of the control device	(1) ASTM D6522-00 (Reapproved 2005)[abc] (heated probe not necessary) or Method 10 of 40 CFR part 60, appendix A-4	(c) The CO concentration must be at 15 percent O_2, dry basis.

For each . . .	Complying with the requirement to . . .	You must . . .	Using . . .	According to the following requirements . . .
2. 4SRB stationary RICE	a. reduce formaldehyde emissions	i. Select the sampling port location and the number/location of traverse points at the inlet and outlet of the control device; and		(a) For formaldehyde, O_2, and moisture measurement, ducts ≤6 inches in diameter may be sampled at a single point located at the duct centroid and ducts >6 and ≤12 inches in diameter may be sampled at 3 traverse points located at 16.7, 50.0, and 83.3% of the measurement line (`3-point long line'). If the duct is >12 inches in diameter *and* the sampling port location meets the two and half-diameter criterion of Section 11.1.1 of Method 1 of 40 CFR part 60, appendix A, the duct may be sampled at `3-point long line'; otherwise, conduct the stratification testing and select sampling points according to Section 8.1.2 of Method 7E of 40 CFR part 60, appendix A.
		ii. Measure O_2 at the inlet and outlet of the control device; and	(1) Method 3 or 3A or 3B of 40 CFR part 60, appendix A-2, or ASTM Method D6522-00 (Reapproved 2005)[a] (heated probe not necessary)	(a) Measurements to determine O_2 concentration must be made at the same time as the measurements for formaldehyde or THC concentration.
		iii. Measure moisture content at the inlet and outlet of the control device; and	(1) Method 4 of 40 CFR part 60, appendix A-3, or Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348-03[a]	(a) Measurements to determine moisture content must be made at the same time and location as the measurements for formaldehyde or THC concentration.
		iv. If demonstrating compliance with the formaldehyde percent reduction requirement, measure formalde-hyde at the inlet and the outlet of the control device	(1) Method 320 or 323 of 40 CFR part 63, appendix A; or ASTM D6348-03[a], provided in ASTM D6348-03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or equal to 130	(a) Formaldehyde concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
		v. If demonstrating compliance with the THC percent reduction requirement, measure THC at the inlet and the outlet of the control device	(1) Method 25A, reported as propane, of 40 CFR part 60, appendix A-7	(a) THC concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.

For each . . .	Complying with the requirement to . . .	You must . . .	Using . . .	According to the following requirements . . .
3. Stationary RICE	a. limit the concentra-tion of formalde-hyde or CO in the stationary RICE exhaust	i. Select the sampling port location and the number/location of traverse points at the exhaust of the stationary RICE; and		(a) For formaldehyde, CO, O_2, and moisture measurement, ducts ≤6 inches in diameter may be sampled at a single point located at the duct centroid and ducts >6 and ≤12 inches in diameter may be sampled at 3 traverse points located at 16.7, 50.0, and 83.3% of the measurement line (`3-point long line'). If the duct is >12 inches in diameter *and* the sampling port location meets the two and half-diameter criterion of Section 11.1.1 of Method 1 of 40 CFR part 60, appendix A, the duct may be sampled at `3-point long line'; otherwise, conduct the stratification testing and select sampling points according to Section 8.1.2 of Method 7E of 40 CFR part 60, appendix A. If using a control device, the sampling site must be located at the outlet of the control device.
		ii. Determine the O_2 concentration of the stationary RICE exhaust at the sampling port location; and	(1) Method 3 or 3A or 3B of 40 CFR part 60, appendix A-2, or ASTM Method D6522-00 (Reapproved 2005)[a] (heated probe not necessary)	(a) Measurements to determine O_2 concentration must be made at the same time and location as the measurements for formaldehyde or CO concentration.
		iii. Measure moisture content of the station-ary RICE exhaust at the sampling port location; and	(1) Method 4 of 40 CFR part 60, appendix A-3, or Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348-03[a]	(a) Measurements to determine moisture content must be made at the same time and location as the measurements for formaldehyde or CO concentration.
		iv. Measure formalde-hyde at the exhaust of the station-ary RICE; or	(1) Method 320 or 323 of 40 CFR part 63, appendix A; or ASTM D6348-03[a], provided in ASTM D6348-03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or equal to 130	(a) Formaldehyde concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
		v. measure CO at the exhaust of the station-ary RICE	(1) Method 10 of 40 CFR part 60, appendix A-4, ASTM Method D6522-00 (2005)[ac], Method 320 of 40 CFR part 63, appendix A, or ASTM D6348-03[a]	(a) CO concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.

[a]You may also use Methods 3A and 10 as options to ASTM-D6522-00 (2005). You may obtain a copy of ASTM-D6522-00 (2005) from at least one of the following addresses: American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106.

[b]You may obtain a copy of ASTM-D6348-03 from at least one of the following addresses: American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106.

[79 FR 11290, Feb. 27, 2014]

Table 5 to Subpart ZZZZ of Part 63—Initial Compliance With Emission Limitations, Operating Limitations, and Other Requirements

As stated in §§63.6612, 63.6625 and 63.6630, you must initially comply with the emission and operating limitations as required by the following:

For each . . .	Complying with the requirement to . . .	You have demonstrated initial compliance if . . .
1. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP	a. Reduce CO emissions and using oxidation catalyst, and using a CPMS	i. The average reduction of emissions of CO determined from the initial performance test achieves the required CO percent reduction; and ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b); and iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
2. Non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP	a. Limit the concentration of CO, using oxidation catalyst, and using a CPMS	i. The average CO concentration determined from the initial performance test is less than or equal to the CO emission limitation; and
		ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b); and
		iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
3. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP	a. Reduce CO emissions and not using oxidation catalyst	i. The average reduction of emissions of CO determined from the initial performance test achieves the required CO percent reduction; and ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in §63.6625(b); and iii. You have recorded the approved operating parameters (if any) during the initial performance test.

For each . . .	Complying with the requirement to . . .	You have demonstrated initial compliance if . . .
4. Non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP	a. Limit the concentration of CO, and not using oxidation catalyst	i. The average CO concentration determined from the initial performance test is less than or equal to the CO emission limitation; and ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in §63.6625(b); and
		iii. You have recorded the approved operating parameters (if any) during the initial performance test.
5. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP	a. Reduce CO emissions, and using a CEMS	i. You have installed a CEMS to continuously monitor CO and either O_2 or CO_2 at both the inlet and outlet of the oxidation catalyst according to the requirements in §63.6625(a); and ii. You have conducted a performance evaluation of your CEMS using PS 3 and 4A of 40 CFR part 60, appendix B; and
		iii. The average reduction of CO calculated using §63.6620 equals or exceeds the required percent reduction. The initial test comprises the first 4-hour period after successful validation of the CEMS. Compliance is based on the average percent reduction achieved during the 4-hour period.
6. Non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP	a. Limit the concentration of CO, and using a CEMS	i. You have installed a CEMS to continuously monitor CO and either O_2 or CO_2 at the outlet of the oxidation catalyst according to the requirements in §63.6625(a); and
		ii. You have conducted a performance evaluation of your CEMS using PS 3 and 4A of 40 CFR part 60, appendix B; and
		iii. The average concentration of CO calculated using §63.6620 is less than or equal to the CO emission limitation. The initial test comprises the first 4-hour period after successful validation of the CEMS. Compliance is based on the average concentration measured during the 4-hour period.
7. Non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP	a. Reduce formaldehyde emissions and using NSCR	i. The average reduction of emissions of formaldehyde determined from the initial performance test is equal to or greater than the required formaldehyde percent reduction, or the average reduction of emissions of THC determined from the initial performance test is equal to or greater than 30 percent; and

For each . . .	Complying with the requirement to . . .	You have demonstrated initial compliance if . . .
		ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b); and
		iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
8. Non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP	a. Reduce formaldehyde emissions and not using NSCR	i. The average reduction of emissions of formaldehyde determined from the initial performance test is equal to or greater than the required formaldehyde percent reduction or the average reduction of emissions of THC determined from the initial performance test is equal to or greater than 30 percent; and
		ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in §63.6625(b); and
		iii. You have recorded the approved operating parameters (if any) during the initial performance test.
9. New or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP, and existing non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and using oxidation catalyst or NSCR	i. The average formaldehyde concentration, corrected to 15 percent O_2, dry basis, from the three test runs is less than or equal to the formaldehyde emission limitation; and ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b); and
		iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
10. New or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP, and existing non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and not using oxidation catalyst or NSCR	i. The average formaldehyde concentration, corrected to 15 percent O_2, dry basis, from the three test runs is less than or equal to the formaldehyde emission limitation; and ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in §63.6625(b); and
		iii. You have recorded the approved operating parameters (if any) during the initial performance test.
11. Existing non-emergency stationary RICE 100≤HP≤500 located at a major source of HAP, and existing non-emergency stationary CI RICE 300<HP≤500 located at an area source of HAP	a. Reduce CO emissions	i. The average reduction of emissions of CO or formaldehyde, as applicable determined from the initial performance test is equal to or greater than the required CO or formaldehyde, as applicable, percent reduction.

For each . . .	Complying with the requirement to . . .	You have demonstrated initial compliance if . . .
12. Existing non-emergency stationary RICE 100≤HP≤500 located at a major source of HAP, and existing non-emergency stationary CI RICE 300<HP≤500 located at an area source of HAP	a. Limit the concentration of formaldehyde or CO in the stationary RICE exhaust	i. The average formaldehyde or CO concentration, as applicable, corrected to 15 percent O_2, dry basis, from the three test runs is less than or equal to the formaldehyde or CO emission limitation, as applicable.
13. Existing non-emergency 4SLB stationary RICE >500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year	a. Install an oxidation catalyst	i. You have conducted an initial compliance demonstration as specified in §63.6630(e) to show that the average reduction of emissions of CO is 93 percent or more, or the average CO concentration is less than or equal to 47 ppmvd at 15 percent O_2;
		ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b), or you have installed equipment to automatically shut down the engine if the catalyst inlet temperature exceeds 1350 °F.
14. Existing non-emergency 4SRB stationary RICE >500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year	a. Install NSCR	i. You have conducted an initial compliance demonstration as specified in §63.6630(e) to show that the average reduction of emissions of CO is 75 percent or more, the average CO concentration is less than or equal to 270 ppmvd at 15 percent O_2, or the average reduction of emissions of THC is 30 percent or more;
		ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b), or you have installed equipment to automatically shut down the engine if the catalyst inlet temperature exceeds 1250 °F.

[78 FR 6712, Jan. 30, 2013]

Table 6 to Subpart ZZZZ of Part 63—Continuous Compliance With Emission Limitations, and Other Requirements

As stated in §63.6640, you must continuously comply with the emissions and operating limitations and work or management practices as required by the following:

For each . . .	Complying with the requirement to . . .	You must demonstrate continuous compliance by . . .
1. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, and new or reconstructed non-emergency CI stationary RICE >500 HP located at a major source of HAP	a. Reduce CO emissions and using an oxidation catalyst, and using a CPMS	i. Conducting semiannual performance tests for CO to demonstrate that the required CO percent reduction is achieved[a]; and ii. Collecting the catalyst inlet temperature data according to §63.6625(b); and iii. Reducing these data to 4-hour rolling averages; and

For each . . .	Complying with the requirement to . . .	You must demonstrate continuous compliance by . . .
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
		v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
2. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, and new or reconstructed non-emergency CI stationary RICE >500 HP located at a major source of HAP	a. Reduce CO emissions and not using an oxidation catalyst, and using a CPMS	i. Conducting semiannual performance tests for CO to demonstrate that the required CO percent reduction is achieved[a]; and ii. Collecting the approved operating parameter (if any) data according to §63.6625(b); and iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.
3. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, new or reconstructed non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP	a. Reduce CO emissions or limit the concentration of CO in the stationary RICE exhaust, and using a CEMS	i. Collecting the monitoring data according to §63.6625(a), reducing the measurements to 1-hour averages, calculating the percent reduction or concentration of CO emissions according to §63.6620; and ii. Demonstrating that the catalyst achieves the required percent reduction of CO emissions over the 4-hour averaging period, or that the emission remain at or below the CO concentration limit; and
		iii. Conducting an annual RATA of your CEMS using PS 3 and 4A of 40 CFR part 60, appendix B, as well as daily and periodic data quality checks in accordance with 40 CFR part 60, appendix F, procedure 1.
4. Non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP	a. Reduce formaldehyde emissions and using NSCR	i. Collecting the catalyst inlet temperature data according to §63.6625(b); and
		ii. Reducing these data to 4-hour rolling averages; and
		iii. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
		iv. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.

For each . . .	Complying with the requirement to . . .	You must demonstrate continuous compliance by . . .
5. Non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP	a. Reduce formaldehyde emissions and not using NSCR	i. Collecting the approved operating parameter (if any) data according to §63.6625(b); and
		ii. Reducing these data to 4-hour rolling averages; and
		iii. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.
6. Non-emergency 4SRB stationary RICE with a brake HP ≥5,000 located at a major source of HAP	a. Reduce formaldehyde emissions	Conducting semiannual performance tests for formaldehyde to demonstrate that the required formaldehyde percent reduction is achieved, or to demonstrate that the average reduction of emissions of THC determined from the performance test is equal to or greater than 30 percent.[a]
7. New or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP and new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and using oxidation catalyst or NSCR	i. Conducting semiannual performance tests for formaldehyde to demonstrate that your emissions remain at or below the formaldehyde concentration limit[a]; and ii. Collecting the catalyst inlet temperature data according to §63.6625(b); and
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
		v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
8. New or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP and new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and not using oxidation catalyst or NSCR	i. Conducting semiannual performance tests for formaldehyde to demonstrate that your emissions remain at or below the formaldehyde concentration limit[a]; and ii. Collecting the approved operating parameter (if any) data according to §63.6625(b); and
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.

For each . . .	Complying with the requirement to . . .	You must demonstrate continuous compliance by . . .
9. Existing emergency and black start stationary RICE ≤500 HP located at a major source of HAP, existing non-emergency stationary RICE <100 HP located at a major source of HAP, existing emergency and black start stationary RICE located at an area source of HAP, existing non-emergency stationary CI RICE ≤300 HP located at an area source of HAP, existing non-emergency 2SLB stationary RICE located at an area source of HAP, existing non-emergency stationary SI RICE located at an area source of HAP which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, existing non-emergency 4SLB and 4SRB stationary RICE ≤500 HP located at an area source of HAP, existing non-emergency 4SLB and 4SRB stationary RICE >500 HP located at an area source of HAP that operate 24 hours or less per calendar year, and existing non-emergency 4SLB and 4SRB stationary RICE >500 HP located at an area source of HAP that are remote stationary RICE	a. Work or Management practices	i. Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or ii. Develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.
10. Existing stationary CI RICE >500 HP that are not limited use stationary RICE	a. Reduce CO emissions, or limit the concentration of CO in the stationary RICE exhaust, and using oxidation catalyst	i. Conducting performance tests every 8,760 hours or 3 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and
		ii. Collecting the catalyst inlet temperature data according to §63.6625(b); and
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
		v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
11. Existing stationary CI RICE >500 HP that are not limited use stationary RICE	a. Reduce CO emissions, or limit the concentration of CO in the stationary RICE exhaust, and not using oxidation catalyst	i. Conducting performance tests every 8,760 hours or 3 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and
		ii. Collecting the approved operating parameter (if any) data according to §63.6625(b); and

For each . . .	Complying with the requirement to . . .	You must demonstrate continuous compliance by . . .
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.
12. Existing limited use CI stationary RICE >500 HP	a. Reduce CO emissions or limit the concentration of CO in the stationary RICE exhaust, and using an oxidation catalyst	i. Conducting performance tests every 8,760 hours or 5 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and
		ii. Collecting the catalyst inlet temperature data according to §63.6625(b); and
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
		v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
13. Existing limited use CI stationary RICE >500 HP	a. Reduce CO emissions or limit the concentration of CO in the stationary RICE exhaust, and not using an oxidation catalyst	i. Conducting performance tests every 8,760 hours or 5 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and
		ii. Collecting the approved operating parameter (if any) data according to §63.6625(b); and
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.

For each . . .	Complying with the requirement to . . .	You must demonstrate continuous compliance by . . .
14. Existing non-emergency 4SLB stationary RICE >500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year	a. Install an oxidation catalyst	i. Conducting annual compliance demonstrations as specified in §63.6640(c) to show that the average reduction of emissions of CO is 93 percent or more, or the average CO concentration is less than or equal to 47 ppmvd at 15 percent O_2; and either ii. Collecting the catalyst inlet temperature data according to §63.6625(b), reducing these data to 4-hour rolling averages; and maintaining the 4-hour rolling averages within the limitation of greater than 450 °F and less than or equal to 1350 °F for the catalyst inlet temperature; or iii. Immediately shutting down the engine if the catalyst inlet temperature exceeds 1350 °F.
15. Existing non-emergency 4SRB stationary RICE >500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year	a. Install NSCR	i. Conducting annual compliance demonstrations as specified in §63.6640(c) to show that the average reduction of emissions of CO is 75 percent or more, the average CO concentration is less than or equal to 270 ppmvd at 15 percent O_2, or the average reduction of emissions of THC is 30 percent or more; and either ii. Collecting the catalyst inlet temperature data according to §63.6625(b), reducing these data to 4-hour rolling averages; and maintaining the 4-hour rolling averages within the limitation of greater than or equal to 750 °F and less than or equal to 1250 °F for the catalyst inlet temperature; or iii. Immediately shutting down the engine if the catalyst inlet temperature exceeds 1250 °F.

[a]After you have demonstrated compliance for two consecutive tests, you may reduce the frequency of subsequent performance tests to annually. If the results of any subsequent annual performance test indicate the stationary RICE is not in compliance with the CO or formaldehyde emission limitation, or you deviate from any of your operating limitations, you must resume semiannual performance tests.

[78 FR 6715, Jan. 30, 2013]

Table 7 to Subpart ZZZZ of Part 63—Requirements for Reports

As stated in §63.6650, you must comply with the following requirements for reports:

For each . . .	You must submit a . . .	The report must contain . . .	You must submit the report . . .
1. Existing non-emergency, non-black start stationary RICE 100≤HP≤500 located at a major source of HAP; existing non-emergency, non-black start stationary CI RICE >500 HP located at a major source of HAP; existing non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP; existing non-emergency, non-black start stationary CI RICE >300 HP located at an area source of HAP; new or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP; and new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP	Compliance report	a. If there are no deviations from any emission limitations or operating limitations that apply to you, a statement that there were no deviations from the emission limitations or operating limitations during the reporting period. If there were no periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in §63.8(c)(7), a statement that there were not periods during which the CMS was out-of-control during the reporting period; or	i. Semiannually according to the requirements in §63.6650(b)(1)-(5) for engines that are not limited use stationary RICE subject to numerical emission limitations; and ii. Annually according to the requirements in §63.6650(b)(6)-(9) for engines that are limited use stationary RICE subject to numerical emission limitations.
		b. If you had a deviation from any emission limitation or operating limitation during the reporting period, the information in §63.6650(d). If there were periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in §63.8(c)(7), the information in §63.6650(e); or	i. Semiannually according to the requirements in §63.6650(b).
		c. If you had a malfunction during the reporting period, the information in §63.6650(c)(4).	i. Semiannually according to the requirements in §63.6650(b).
2. New or reconstructed non-emergency stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis	Report	a. The fuel flow rate of each fuel and the heating values that were used in your calculations, and you must demonstrate that the percentage of heat input provided by landfill gas or digester gas, is equivalent to 10 percent or more of the gross heat input on an annual basis; and	i. Annually, according to the requirements in §63.6650.
		b. The operating limits provided in your federally enforceable permit, and any deviations from these limits; and	i. See item 2.a.i.
		c. Any problems or errors suspected with the meters.	i. See item 2.a.i.
3. Existing non-emergency, non-black start 4SLB and 4SRB stationary RICE >500 HP located at an area source of HAP that are not remote stationary RICE and that operate more than 24 hours per calendar year	Compliance report	a. The results of the annual compliance demonstration, if conducted during the reporting period.	i. Semiannually according to the requirements in §63.6650(b)(1)-(5).

For each . . .	You must submit a . . .	The report must contain . . .	You must submit the report . . .
4. Emergency stationary RICE that operate or are contractually obligated to be available for more than 15 hours per year for the purposes specified in §63.6640(f)(2)(ii) and (iii) or that operate for the purposes specified in §63.6640(f)(4)(ii)	Report	a. The information in §63.6650(h)(1)	i. annually according to the requirements in §63.6650(h)(2)-(3).

[78 FR 6719, Jan. 30, 2013]

Table 8 to Subpart ZZZZ of Part 63—Applicability of General Provisions to Subpart ZZZZ.

As stated in §63.6665, you must comply with the following applicable general provisions.

General provisions citation	Subject of citation	Applies to subpart	Explanation
§63.1	General applicability of the General Provisions	Yes.	
§63.2	Definitions	Yes	Additional terms defined in §63.6675.
§63.3	Units and abbreviations	Yes.	
§63.4	Prohibited activities and circumvention	Yes.	
§63.5	Construction and reconstruction	Yes.	
§63.6(a)	Applicability	Yes.	
§63.6(b)(1)-(4)	Compliance dates for new and reconstructed sources	Yes.	
§63.6(b)(5)	Notification	Yes.	
§63.6(b)(6)	[Reserved]		
§63.6(b)(7)	Compliance dates for new and reconstructed area sources that become major sources	Yes.	
§63.6(c)(1)-(2)	Compliance dates for existing sources	Yes.	
§63.6(c)(3)-(4)	[Reserved]		
§63.6(c)(5)	Compliance dates for existing area sources that become major sources	Yes.	
§63.6(d)	[Reserved]		
§63.6(e)	Operation and maintenance	No.	
§63.6(f)(1)	Applicability of standards	No.	
§63.6(f)(2)	Methods for determining compliance	Yes.	
§63.6(f)(3)	Finding of compliance	Yes.	
§63.6(g)(1)-(3)	Use of alternate standard	Yes.	
§63.6(h)	Opacity and visible emission standards	No	Subpart ZZZZ does not contain opacity or visible emission standards.
§63.6(i)	Compliance extension procedures and criteria	Yes.	

General provisions citation	Subject of citation	Applies to subpart	Explanation
§63.6(j)	Presidential compliance exemption	Yes.	
§63.7(a)(1)-(2)	Performance test dates	Yes	Subpart ZZZZ contains performance test dates at §§63.6610, 63.6611, and 63.6612.
§63.7(a)(3)	CAA section 114 authority	Yes.	
§63.7(b)(1)	Notification of performance test	Yes	Except that §63.7(b)(1) only applies as specified in §63.6645.
§63.7(b)(2)	Notification of rescheduling	Yes	Except that §63.7(b)(2) only applies as specified in §63.6645.
§63.7(c)	Quality assurance/test plan	Yes	Except that §63.7(c) only applies as specified in §63.6645.
§63.7(d)	Testing facilities	Yes.	
§63.7(e)(1)	Conditions for conducting performance tests	No.	Subpart ZZZZ specifies conditions for conducting performance tests at §63.6620.
§63.7(e)(2)	Conduct of performance tests and reduction of data	Yes	Subpart ZZZZ specifies test methods at §63.6620.
§63.7(e)(3)	Test run duration	Yes.	
§63.7(e)(4)	Administrator may require other testing under section 114 of the CAA	Yes.	
§63.7(f)	Alternative test method provisions	Yes.	
§63.7(g)	Performance test data analysis, recordkeeping, and reporting	Yes.	
§63.7(h)	Waiver of tests	Yes.	
§63.8(a)(1)	Applicability of monitoring requirements	Yes	Subpart ZZZZ contains specific requirements for monitoring at §63.6625.
§63.8(a)(2)	Performance specifications	Yes.	
§63.8(a)(3)	[Reserved]		
§63.8(a)(4)	Monitoring for control devices	No.	
§63.8(b)(1)	Monitoring	Yes.	
§63.8(b)(2)-(3)	Multiple effluents and multiple monitoring systems	Yes.	
§63.8(c)(1)	Monitoring system operation and maintenance	Yes.	
§63.8(c)(1)(i)	Routine and predictable SSM	No	
§63.8(c)(1)(ii)	SSM not in Startup Shutdown Malfunction Plan	Yes.	
§63.8(c)(1)(iii)	Compliance with operation and maintenance requirements	No	
§63.8(c)(2)-(3)	Monitoring system installation	Yes.	
§63.8(c)(4)	Continuous monitoring system (CMS) requirements	Yes	Except that subpart ZZZZ does not require Continuous Opacity Monitoring System (COMS).
§63.8(c)(5)	COMS minimum procedures	No	Subpart ZZZZ does not require COMS.
§63.8(c)(6)-(8)	CMS requirements	Yes	Except that subpart ZZZZ does not require COMS.

General provisions citation	Subject of citation	Applies to subpart	Explanation
§63.8(d)	CMS quality control	Yes.	
§63.8(e)	CMS performance evaluation	Yes	Except for §63.8(e)(5)(ii), which applies to COMS.
		Except that §63.8(e) only applies as specified in §63.6645.	
§63.8(f)(1)-(5)	Alternative monitoring method	Yes	Except that §63.8(f)(4) only applies as specified in §63.6645.
§63.8(f)(6)	Alternative to relative accuracy test	Yes	Except that §63.8(f)(6) only applies as specified in §63.6645.
§63.8(g)	Data reduction	Yes	Except that provisions for COMS are not applicable. Averaging periods for demonstrating compliance are specified at §§63.6635 and 63.6640.
§63.9(a)	Applicability and State delegation of notification requirements	Yes.	
§63.9(b)(1)-(5)	Initial notifications	Yes	Except that §63.9(b)(3) is reserved.
		Except that §63.9(b) only applies as specified in §63.6645.	
§63.9(c)	Request for compliance extension	Yes	Except that §63.9(c) only applies as specified in §63.6645.
§63.9(d)	Notification of special compliance requirements for new sources	Yes	Except that §63.9(d) only applies as specified in §63.6645.
§63.9(e)	Notification of performance test	Yes	Except that §63.9(e) only applies as specified in §63.6645.
§63.9(f)	Notification of visible emission (VE)/opacity test	No	Subpart ZZZZ does not contain opacity or VE standards.
§63.9(g)(1)	Notification of performance evaluation	Yes	Except that §63.9(g) only applies as specified in §63.6645.
§63.9(g)(2)	Notification of use of COMS data	No	Subpart ZZZZ does not contain opacity or VE standards.
§63.9(g)(3)	Notification that criterion for alternative to RATA is exceeded	Yes	If alternative is in use.
		Except that §63.9(g) only applies as specified in §63.6645.	
§63.9(h)(1)-(6)	Notification of compliance status	Yes	Except that notifications for sources using a CEMS are due 30 days after completion of performance evaluations. §63.9(h)(4) is reserved.
			Except that §63.9(h) only applies as specified in §63.6645.
§63.9(i)	Adjustment of submittal deadlines	Yes.	
§63.9(j)	Change in previous information	Yes.	

General provisions citation	Subject of citation	Applies to subpart	Explanation
§63.10(a)	Administrative provisions for recordkeeping/reporting	Yes.	
§63.10(b)(1)	Record retention	Yes	Except that the most recent 2 years of data do not have to be retained on site.
§63.10(b)(2)(i)-(v)	Records related to SSM	No.	
§63.10(b)(2)(vi)-(xi)	Records	Yes.	
§63.10(b)(2)(xii)	Record when under waiver	Yes.	
§63.10(b)(2)(xiii)	Records when using alternative to RATA	Yes	For CO standard if using RATA alternative.
§63.10(b)(2)(xiv)	Records of supporting documentation	Yes.	
§63.10(b)(3)	Records of applicability determination	Yes.	
§63.10(c)	Additional records for sources using CEMS	Yes	Except that §63.10(c)(2)-(4) and (9) are reserved.
§63.10(d)(1)	General reporting requirements	Yes.	
§63.10(d)(2)	Report of performance test results	Yes.	
§63.10(d)(3)	Reporting opacity or VE observations	No	Subpart ZZZZ does not contain opacity or VE standards.
§63.10(d)(4)	Progress reports	Yes.	
§63.10(d)(5)	Startup, shutdown, and malfunction reports	No.	
§63.10(e)(1) and (2)(i)	Additional CMS Reports	Yes.	
§63.10(e)(2)(ii)	COMS-related report	No	Subpart ZZZZ does not require COMS.
§63.10(e)(3)	Excess emission and parameter exceedances reports	Yes.	Except that §63.10(e)(3)(i) (C) is reserved.
§63.10(e)(4)	Reporting COMS data	No	Subpart ZZZZ does not require COMS.
§63.10(f)	Waiver for recordkeeping/reporting	Yes.	
§63.11	Flares	No.	
§63.12	State authority and delegations	Yes.	
§63.13	Addresses	Yes.	
§63.14	Incorporation by reference	Yes.	
§63.15	Availability of information	Yes.	

[75 FR 9688, Mar. 3, 2010, as amended at 78 FR 6720, Jan. 30, 2013]

Appendix A—Protocol for Using an Electrochemical Analyzer to Determine Oxygen and Carbon Monoxide Concentrations From Certain Engines

1.0 Scope and Application. What is this Protocol?

This protocol is a procedure for using portable electrochemical (EC) cells for measuring carbon monoxide (CO) and oxygen (O_2) concentrations in controlled and uncontrolled emissions from existing stationary 4-stroke lean burn and 4-stroke rich burn reciprocating internal combustion engines as specified in the applicable rule.

1.1 Analytes. What does this protocol determine?

This protocol measures the engine exhaust gas concentrations of carbon monoxide (CO) and oxygen (O_2).

Analyte	CAS No.	Sensitivity
Carbon monoxide (CO)	630-08-0	Minimum detectable limit should be 2 percent of the nominal range or 1 ppm, whichever is less restrictive.
Oxygen (O_2)	*7782-44-7*	

1.2 Applicability. When is this protocol acceptable?

This protocol is applicable to 40 CFR part 63, subpart ZZZZ. Because of inherent cross sensitivities of EC cells, you must not apply this protocol to other emissions sources without specific instruction to that effect.

1.3 Data Quality Objectives. How good must my collected data be?

Refer to Section 13 to verify and document acceptable analyzer performance.

1.4 Range. What is the targeted analytical range for this protocol?

The measurement system and EC cell design(s) conforming to this protocol will determine the analytical range for each gas component. The nominal ranges are defined by choosing up-scale calibration gas concentrations near the maximum anticipated flue gas concentrations for CO and O_2, or no more than twice the permitted CO level.

1.5 Sensitivity. What minimum detectable limit will this protocol yield for a particular gas component?

The minimum detectable limit depends on the nominal range and resolution of the specific EC cell used, and the signal to noise ratio of the measurement system. The minimum detectable limit should be 2 percent of the nominal range or 1 ppm, whichever is less restrictive.

2.0 Summary of Protocol

In this protocol, a gas sample is extracted from an engine exhaust system and then conveyed to a portable EC analyzer for measurement of CO and O_2 gas concentrations. This method provides measurement system performance specifications and sampling protocols to ensure reliable data. You may use additions to, or modifications of vendor supplied measurement systems (e.g., heated or unheated sample lines, thermocouples, flow meters, selective gas scrubbers, etc.) to meet the design specifications of this protocol. Do not make changes to the measurement system from the as-verified configuration (Section 3.12).

3.0 Definitions

3.1 Measurement System. The total equipment required for the measurement of CO and O_2 concentrations. The measurement system consists of the following major subsystems:

3.1.1 Data Recorder. A strip chart recorder, computer or digital recorder for logging measurement data from the analyzer output. You may record measurement data from the digital data display manually or electronically.

3.1.2 Electrochemical (EC) Cell. A device, similar to a fuel cell, used to sense the presence of a specific analyte and generate an electrical current output proportional to the analyte concentration.

3.1.3 Interference Gas Scrubber. A device used to remove or neutralize chemical compounds that may interfere with the selective operation of an EC cell.

3.1.4 Moisture Removal System. Any device used to reduce the concentration of moisture in the sample stream so as to protect the EC cells from the damaging effects of condensation and to minimize errors in measurements caused by the scrubbing of soluble gases.

3.1.5 Sample Interface. The portion of the system used for one or more of the following: sample acquisition; sample transport; sample conditioning or protection of the EC cell from any degrading effects of the engine exhaust effluent; removal of particulate matter and condensed moisture.

3.2 Nominal Range. The range of analyte concentrations over which each EC cell is operated (normally 25 percent to 150 percent of up-scale calibration gas value). Several nominal ranges can be used for any given cell so long as the calibration and repeatability checks for that range remain within specifications.

3.3 Calibration Gas. A vendor certified concentration of a specific analyte in an appropriate balance gas.

3.4 Zero Calibration Error. The analyte concentration output exhibited by the EC cell in response to zero-level calibration gas.

3.5 Up-Scale Calibration Error. The mean of the difference between the analyte concentration exhibited by the EC cell and the certified concentration of the up-scale calibration gas.

3.6 Interference Check. A procedure for quantifying analytical interference from components in the engine exhaust gas other than the targeted analytes.

3.7 Repeatability Check. A protocol for demonstrating that an EC cell operated over a given nominal analyte concentration range provides a stable and consistent response and is not significantly affected by repeated exposure to that gas.

3.8 Sample Flow Rate. The flow rate of the gas sample as it passes through the EC cell. In some situations, EC cells can experience drift with changes in flow rate. The flow rate must be monitored and documented during all phases of a sampling run.

3.9 Sampling Run. A timed three-phase event whereby an EC cell's response rises and plateaus in a sample conditioning phase, remains relatively constant during a measurement data phase, then declines during a refresh phase. The sample conditioning phase exposes the EC cell to the gas sample for a length of time sufficient to reach a constant response. The measurement data phase is the time interval during which gas sample measurements can be made that meet the acceptance criteria of this protocol. The refresh phase then purges the EC cells with CO-free air. The refresh phase replenishes requisite O_2 and moisture in the electrolyte reserve and provides a mechanism to de-gas or desorb any interference gas scrubbers or filters so as to enable a stable CO EC cell response. There are four primary types of sampling runs: pre- sampling calibrations; stack gas sampling; post-sampling calibration checks; and measurement system repeatability checks. Stack gas sampling runs can be chained together for extended evaluations, providing all other procedural specifications are met.

3.10 Sampling Day. A time not to exceed twelve hours from the time of the pre-sampling calibration to the post-sampling calibration check. During this time, stack gas sampling runs can be repeated without repeated recalibrations, providing all other sampling specifications have been met.

3.11 Pre-Sampling Calibration/Post-Sampling Calibration Check. The protocols executed at the beginning and end of each sampling day to bracket measurement readings with controlled performance checks.

3.12 Performance-Established Configuration. The EC cell and sampling system configuration that existed at the time that it initially met the performance requirements of this protocol.

4.0 Interferences.

When present in sufficient concentrations, NO and NO_2 are two gas species that have been reported to interfere with CO concentration measurements. In the likelihood of this occurrence, it is the protocol user's responsibility to employ and properly maintain an appropriate CO EC cell filter or scrubber for removal of these gases, as described in Section 6.2.12.

5.0 Safety. [Reserved]

6.0 Equipment and Supplies.

6.1 What equipment do I need for the measurement system?

The system must maintain the gas sample at conditions that will prevent moisture condensation in the sample transport lines, both before and as the sample gas contacts the EC cells. The essential components of the measurement system are described below.

6.2 Measurement System Components.

6.2.1 Sample Probe. A single extraction-point probe constructed of glass, stainless steel or other non-reactive material, and of length sufficient to reach any designated sampling point. The sample probe must be designed to prevent plugging due to condensation or particulate matter.

6.2.2 Sample Line. Non-reactive tubing to transport the effluent from the sample probe to the EC cell.

6.2.3 Calibration Assembly (optional). A three-way valve assembly or equivalent to introduce calibration gases at ambient pressure at the exit end of the sample probe during calibration checks. The assembly must be designed such that only stack gas or calibration gas flows in the sample line and all gases flow through any gas path filters.

6.2.4 Particulate Filter (optional). Filters before the inlet of the EC cell to prevent accumulation of particulate material in the measurement system and extend the useful life of the components. All filters must be fabricated of materials that are non-reactive to the gas mixtures being sampled.

6.2.5 Sample Pump. A leak-free pump to provide undiluted sample gas to the system at a flow rate sufficient to minimize the response time of the measurement system. If located upstream of the EC cells, the pump must be constructed of a material that is non-reactive to the gas mixtures being sampled.

6.2.8 Sample Flow Rate Monitoring. An adjustable rotameter or equivalent device used to adjust and maintain the sample flow rate through the analyzer as prescribed.

6.2.9 Sample Gas Manifold (optional). A manifold to divert a portion of the sample gas stream to the analyzer and the remainder to a by-pass discharge vent. The sample gas manifold may also include provisions for introducing calibration gases directly to the analyzer. The manifold must be constructed of a material that is non-reactive to the gas mixtures being sampled.

6.2.10 EC cell. A device containing one or more EC cells to determine the CO and O_2 concentrations in the sample gas stream. The EC cell(s) must meet the applicable performance specifications of Section 13 of this protocol.

6.2.11 Data Recorder. A strip chart recorder, computer or digital recorder to make a record of analyzer output data. The data recorder resolution (i.e., readability) must be no greater than 1 ppm for CO; 0.1 percent for O_2; and one degree (either °C or °F) for temperature. Alternatively, you may use a digital or analog meter having the same resolution to observe and manually record the analyzer responses.

6.2.12 Interference Gas Filter or Scrubber. A device to remove interfering compounds upstream of the CO EC cell. Specific interference gas filters or scrubbers used in the performance-established configuration of the analyzer must continue to be used. Such a filter or scrubber must have a means to determine when the removal agent is exhausted. Periodically replace or replenish it in accordance with the manufacturer's recommendations.

7.0 Reagents and Standards. What calibration gases are needed?

7.1 Calibration Gases. CO calibration gases for the EC cell must be CO in nitrogen or CO in a mixture of nitrogen and O_2. Use CO calibration gases with labeled concentration values certified by the manufacturer to be within ±5 percent of the label value. Dry ambient air (20.9 percent O_2) is acceptable for calibration of the O_2 cell. If needed, any lower percentage O_2 calibration gas must be a mixture of O_2 in nitrogen.

7.1.1 Up-Scale CO Calibration Gas Concentration. Choose one or more up-scale gas concentrations such that the average of the stack gas measurements for each stack gas sampling run are between 25 and 150 percent of those concentrations. Alternatively, choose an up-scale gas that does not exceed twice the concentration of the applicable outlet standard. If a measured gas value exceeds 150 percent of the up-scale CO calibration gas value at any time during the stack gas sampling run, the run must be discarded and repeated.

7.1.2 Up-Scale O_2 Calibration Gas Concentration.

Select an O_2 gas concentration such that the difference between the gas concentration and the average stack gas measurement or reading for each sample run is less than 15 percent O_2. When the average exhaust gas O_2 readings are above 6 percent, you may use dry ambient air (20.9 percent O_2) for the up-scale O_2 calibration gas.

7.1.3 Zero Gas. Use an inert gas that contains less than 0.25 percent of the up-scale CO calibration gas concentration. You may use dry air that is free from ambient CO and other combustion gas products (e.g., CO_2).

8.0 Sample Collection and Analysis

8.1 Selection of Sampling Sites.

8.1.1 Control Device Inlet. Select a sampling site sufficiently downstream of the engine so that the combustion gases should be well mixed. Use a single sampling extraction point near the center of the duct (e.g., within the 10 percent centroidal area), unless instructed otherwise.

8.1.2 Exhaust Gas Outlet. Select a sampling site located at least two stack diameters downstream of any disturbance (e.g., turbocharger exhaust, crossover junction or recirculation take-off) and at least one-half stack diameter upstream of the gas discharge to the atmosphere. Use a single sampling extraction point near the center of the duct (e.g., within the 10 percent centroidal area), unless instructed otherwise.

8.2 Stack Gas Collection and Analysis. Prior to the first stack gas sampling run, conduct that the pre-sampling calibration in accordance with Section 10.1. Use Figure 1 to record all data. Zero the analyzer with zero gas. Confirm and record that the scrubber media color is correct and not exhausted. Then position the probe at the sampling point and begin the sampling run at the same flow rate used during the up-scale calibration. Record the start time. Record all EC cell output responses and the flow rate during the “sample conditioning phase” once per minute until constant readings are obtained. Then begin the “measurement data phase” and record readings every 15 seconds for at least two minutes (or eight readings), or as otherwise required to achieve two continuous minutes of data that meet the specification given in Section 13.1. Finally, perform the “refresh phase” by introducing dry air, free from CO and other combustion gases, until several minute-to-minute readings of consistent value have been obtained. For each run use the “measurement data phase” readings to calculate the average stack gas CO and O_2 concentrations.

8.3 EC Cell Rate. Maintain the EC cell sample flow rate so that it does not vary by more than ±10 percent throughout the pre-sampling calibration, stack gas sampling and post-sampling calibration check. Alternatively, the EC cell sample flow rate can be maintained within a tolerance range that does not affect the gas concentration readings by more than ±3 percent, as instructed by the EC cell manufacturer.

9.0 Quality Control (Reserved)

10.0 Calibration and Standardization

10.1 Pre-Sampling Calibration. Conduct the following protocol once for each nominal range to be used on each EC cell before performing a stack gas sampling run on each field sampling day. Repeat the calibration if you replace an EC cell before completing all of the sampling runs. There is no prescribed order for calibration of the EC cells; however, each cell must complete the measurement data phase during calibration. Assemble the measurement system by following the manufacturer's recommended protocols including for preparing and preconditioning the EC cell. Assure the measurement system has no leaks and verify the gas scrubbing agent is not depleted. Use Figure 1 to record all data.

10.1.1 Zero Calibration. For both the O_2 and CO cells, introduce zero gas to the measurement system (e.g., at the calibration assembly) and record the concentration reading every minute until readings are constant for at least two consecutive minutes. Include the time and sample flow rate. Repeat the steps in this section at least once to verify the zero calibration for each component gas.

10.1.2 Zero Calibration Tolerance. For each zero gas introduction, the zero level output must be less than or equal to ±3 percent of the up-scale gas value or ±1 ppm, whichever is less restrictive, for the CO channel and less than or equal to ±0.3 percent O_2 for the O_2 channel.

10.1.3 Up-Scale Calibration. Individually introduce each calibration gas to the measurement system (e.g., at the calibration assembly) and record the start time. Record all EC cell output responses and the flow rate during this "sample conditioning phase" once per minute until readings are constant for at least two minutes. Then begin the "measurement data phase" and record readings every 15 seconds for a total of two minutes, or as otherwise required. Finally, perform the "refresh phase" by introducing dry air, free from CO and other combustion gases, until readings are constant for at least two consecutive minutes. Then repeat the steps in this section at least once to verify the calibration for each component gas. Introduce all gases to flow through the entire sample handling system (i.e., at the exit end of the sampling probe or the calibration assembly).

10.1.4 Up-Scale Calibration Error. The mean of the difference of the "measurement data phase" readings from the reported standard gas value must be less than or equal to ±5 percent or ±1 ppm for CO or ±0.5 percent O_2, whichever is less restrictive, respectively. The maximum allowable deviation from the mean measured value of any single "measurement data phase" reading must be less than or equal to ±2 percent or ±1 ppm for CO or ±0.5 percent O_2, whichever is less restrictive, respectively.

10.2 Post-Sampling Calibration Check. Conduct a stack gas post-sampling calibration check after the stack gas sampling run or set of runs and within 12 hours of the initial calibration. Conduct up-scale and zero calibration checks using the protocol in Section 10.1. Make no changes to the sampling system or EC cell calibration until all post-sampling calibration checks have been recorded. If either the zero or up-scale calibration error exceeds the respective specification in Sections 10.1.2 and 10.1.4 then all measurement data collected since the previous successful calibrations are invalid and re-calibration and re-sampling are required. If the sampling system is disassembled or the EC cell calibration is adjusted, repeat the calibration check before conducting the next analyzer sampling run.

11.0 Analytical Procedure

The analytical procedure is fully discussed in Section 8.

12.0 Calculations and Data Analysis

Determine the CO and O_2 concentrations for each stack gas sampling run by calculating the mean gas concentrations of the data recorded during the "measurement data phase".

13.0 Protocol Performance

Use the following protocols to verify consistent analyzer performance during each field sampling day.

13.1 Measurement Data Phase Performance Check. Calculate the mean of the readings from the "measurement data phase". The maximum allowable deviation from the mean for each of the individual readings is ±2 percent, or ±1 ppm,

whichever is less restrictive. Record the mean value and maximum deviation for each gas monitored. Data must conform to Section 10.1.4. The EC cell flow rate must conform to the specification in Section 8.3.

Example: A measurement data phase is invalid if the maximum deviation of any single reading comprising that mean is greater than ±2 percent *or* ±1 ppm (the default criteria). For example, if the mean = 30 ppm, single readings of below 29 ppm and above 31 ppm are disallowed).

13.2 Interference Check. Before the initial use of the EC cell and interference gas scrubber in the field, and semi-annually thereafter, challenge the interference gas scrubber with NO and NO_2 gas standards that are generally recognized as representative of diesel-fueled engine NO and NO_2 emission values. Record the responses displayed by the CO EC cell and other pertinent data on Figure 1 or a similar form.

13.2.1 Interference Response. The combined NO and NO_2 interference response should be less than or equal to ±5 percent of the up-scale CO calibration gas concentration.

13.3 Repeatability Check. Conduct the following check once for each nominal range that is to be used on the CO EC cell within 5 days prior to each field sampling program. If a field sampling program lasts longer than 5 days, repeat this check every 5 days. Immediately repeat the check if the EC cell is replaced or if the EC cell is exposed to gas concentrations greater than 150 percent of the highest up-scale gas concentration.

13.3.1 Repeatability Check Procedure. Perform a complete EC cell sampling run (all three phases) by introducing the CO calibration gas to the measurement system and record the response. Follow Section 10.1.3. Use Figure 1 to record all data. Repeat the run three times for a total of four complete runs. During the four repeatability check runs, do not adjust the system except where necessary to achieve the correct calibration gas flow rate at the analyzer.

13.3.2 Repeatability Check Calculations. Determine the highest and lowest average “measurement data phase” CO concentrations from the four repeatability check runs and record the results on Figure 1 or a similar form. The absolute value of the difference between the maximum and minimum average values recorded must not vary more than ±3 percent or ±1 ppm of the up-scale gas value, whichever is less restrictive.

14.0 Pollution Prevention (Reserved)

15.0 Waste Management (Reserved)

16.0 Alternative Procedures (Reserved)

17.0 References

(1) “Development of an Electrochemical Cell Emission Analyzer Test Protocol”, Topical Report, Phil Juneau, Emission Monitoring, Inc., July 1997.

(2) “Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Emissions from Natural Gas-Fired Engines, Boilers, and Process Heaters Using Portable Analyzers”, EMC Conditional Test Protocol 30 (CTM-30), Gas Research Institute Protocol GRI-96/0008, Revision 7, October 13, 1997.

(3) “ICAC Test Protocol for Periodic Monitoring”, EMC Conditional Test Protocol 34 (CTM-034), The Institute of Clean Air Companies, September 8, 1999.

(4) “Code of Federal Regulations”, Protection of Environment, 40 CFR, Part 60, Appendix A, Methods 1-4; 10.

Table 1: Appendix A—Sampling Run Data.

Facility_____ Engine I.D._____ Date_____											
Run Type:	(_)		(_)		(_)		(_)				
(X)	Pre-Sample Calibration		Stack Gas Sample		Post-Sample Cal. Check		Repeatability Check				
Run #	1	1	2	2	3	3	4	4	Time	Scrub. OK	Flow- Rate
Gas	O_2	CO	O_2	CO	O_2	CO	O_2	CO			
Sample Cond. Phase											
″											
″											
″											
″											
Measurement Data Phase											
″											
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″											
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″											
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Mean											
Refresh Phase											
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[78 FR 6721, Jan. 30, 2013]

Indiana Department of Environmental Management
Office of Air Quality

Addendum to the Technical Support Document (ATSD) for a New Source Construction and Minor Source Operating Permit (MSOP)

Source Background and Description

Source Name:	**MGPI of Indiana, LLC**
Source Location:	**924 South Meridian Street, Sunman, IN 47041**
County:	**Ripley**
SIC Code:	**2085 (Distilled and Blended Liquors)**
Operation Permit No.:	**M137-40667-00051**
Permit Reviewer:	**Thomas Uher**

On December 28, 2018, the Office of Air Quality (OAQ) had a notice published in The Herald Tribune, Batesville, Indiana, stating that MGPI of Indiana, LLC had applied for a New Source Construction and Minor Source Operating Permit (MSOP) to construct and operate a new stationary distilled spirits aging warehouse facility. The notice also stated that the OAQ proposed to issue a New Source Construction and MSOP for this operation and provided information on how the public could review the proposed permit and other documentation. Finally, the notice informed interested parties that there was a period of thirty (30) days to provide comments on whether or not this permit should be issued as proposed.

On February 28, 2019, a public meeting was held at Milan High School, 609 N Warpath Drive, Milan, IN 47031 and the public comment period was extended until March 4, 2019. This addendum contains written comments received during the public comment period, including the public meeting held on February 28, 2019.

IDEM, OAQ thanks all of the commenters and attendees at the public meeting for their interest in the proposed permit and their participation in the permit review process.

The Technical Support Document (TSD) is used by IDEM, OAQ for historical purposes. IDEM, OAQ does not make any changes to the original TSD, but the Permit will have the updated changes. The comments and revised permit language are provided below with deleted language as ~~strikeouts~~ and new language **bolded**.

General Public Comments and IDEM, OAQ Responses

IDEM, OAQ received comments from many commenters that pertained to the same issues or concerns. To avoid making the same response over and over again for these similar issues and concerns, IDEM, OAQ has created the following general public comments and IDEM, OAQ's responses to them. These general responses may be referred to in the response to the specific public comments. The specific comments are set out immediately after this general public response section.

General Public Comments:

1. General Public Comment 1 – Request for Public Hearing/Meeting

IDEM, OAQ received numerous requests for IDEM, OAQ to conduct a public hearing and/or meeting regarding the MGPI of Indiana, LLC New Source Construction and Minor Source Operating Permit (MSOP).

IDEM, OAQ Response to General Public Comment 1 – Request for Public Hearing/Meeting

IDEM provided two separate public notice and comment periods for this permitting action. The first public comment period was from December 28, 2018 to January 27, 2019. IDEM, OAQ published a notice of the first public comment period in The Herald Tribune in Batesville, Indiana on December 28, 2018. Notice of the public comment period was also sent by U.S. Mail to each person on IDEM's mailing list and posted on IDEM's website. Copies of the permit application and IDEM's preliminary findings were available at the Osgood Public Library - Milan Branch, 1171 N Warpath Drive, Milan and at IDEM's Southeast Regional Office in Brownstown, as well as on IDEM's website.

The second public comment period was from February 4, 2019 to March 4, 2019. IDEM, OAQ published a notice of the second public comment period and the public meeting in The Herald Tribune in Batesville, Indiana on February 5, 2019. Notice of the second public comment period was also sent by U.S. Mail to each person on IDEM's mailing list and posted on IDEM's website. Copies of the permit application and IDEM's preliminary findings were available at the Osgood Public Library - Milan Branch, 1171 N Warpath Drive, Milan and at IDEM's Southeast Regional Office in Brownstown, as well as on IDEM's website.

In response to multiple public requests for a public hearing and/or meeting, IDEM, OAQ held a public meeting on February 28, 2019 at 5:30 PM local time, in the Milan High School Cafetorium located at 609 N Warpath Drive, Milan, Indiana 47031 to discuss air permitting for MGPI of Indiana, LLC. The meeting was well attended by the public and received coverage from local television and newspapers). IDEM, OAQ provided verbal responses to all questions asked at the public meeting. The meeting lasted approximately 2 1/2 hours and was not ended until all questions received a response. IDEM received numerous comments regarding the MGPI of Indiana, LLC draft permit and related issues.

2. General Public Comment 2 – Adequate Notice of Draft Permit

IDEM, OAQ received numerous comments expressing concern about not being provided adequate notice of the draft permit. This general public comment is intended to address the following actual verbatim comments and similar comments that IDEM received during either the first public notice, the second public notice, and the public meeting:

> No letters were sent to us. We want answers. All of our concerns are being dismissed and brushed under the rug. Told "They will TRY to be good neighbors".
>
> Town Council did not inform us that formal complaints and concerns needed to be reported by the 27th of this month.
>
> As nearby property owners in Sunman, Indiana we did not receive any notice in the mail notifying us of 30 days for public comment on the original permit back in December 2018.

IDEM, OAQ Response to General Public Comment 2 – Adequate Notice of Draft Permit

IDEM, OAQ is required to follow the applicable requirements of 326 IAC 2-6.1 (Minor Source Operating Permit Program) and 326 IAC 2-1.1-6 (Public Notice). Pursuant to 326 IAC 2-1.1-6(d), any person applying for a Minor Source Operating Permit on land that is undeveloped or does not have a valid Minor Source Operating Permit is required to make a reasonable effort to provide a written notice to all owners or occupants of land adjoining the site.

Pursuant to 326 IAC 2-1.1-6(c), every applicant for a Minor Source Operating Permit must place a copy of the permit application, permit modification application and any additional information submitted to IDEM, OAQ on display for public review at a library in the county where the source is located within ten days after submittal to IDEM, OAQ. The applicant must keep the information submitted to IDEM, OAQ on display at the library for a minimum of sixty days after the final permit is effective. The source placed all of the required information on display at the Osgood Public Library - Milan Branch located at 1171 N Warpath Drive, Milan, IN 47031 within the applicable time frames.

Pursuant to 326 IAC 2-1.1-6(a)(1), all Minor Source Operating Permit proceedings must provide adequate procedures for public notice, including offering an opportunity for public comment and a hearing. IDEM, OAQ is required to notify the public of the draft Minor Source Operating Permit by publication in a newspaper of general circulation in the area where the source is located. IDEM, OAQ is also required to send notification to all persons on the interested parties list who have requested in writing to be on the list. On February 5, 2019, IDEM, OAQ had a notice published in The Herald Tribune in Batesville, Indiana. On February 4, 2019, IDEM, OAQ sent a written notification to all persons on the interested parties list. The interested parties list included 139 names of residents in the local area.

Finally, pursuant to 326 IAC 2-1.1-6(a)(1)(A) and (C), IDEM, OAQ is required to send a copy of the notice to the appropriate local agencies, including the county executive of a county, executive of a town council of a town, offices of the local air pollution control agency, and the local health commissioner. IDEM, OAQ sent a written notification to the following organizations on December 20, 2018:

1) Sunman Town Council - P.O. Box 147, Sunman, IN 47041
2) Ripley County Commissioners - 115 North Main Street, Rm 130, Versailles, IN 47042
3) Ripley County Health Department - 102 W 1st Street, Ste 106, P.O. Box 423, Versailles, IN, 47042-0423

When the final decision regarding this permit application is made, IDEM will send a notice to each person on the mailing list. The notice will contain information on how to file a Petition for Review with the Indiana Office of Environmental Adjudication (OEA). OEA maintains information regarding filing petitions for review at http://www.IN.gov/oea/ on the Internet. OEA has a Guide to Appeals Process available at http://www.IN.gov/oea/2370.htm. Petitioners may ask OEA to reconsider its 2004 decision noted above.

3. General Public Comment 3 - Black Fungus

IDEM, OAQ received numerous comments expressing concern about the potential for black fungus and health related issues from the ethanol (VOC) emissions from MGPI. This general public comment is intended to address the following actual verbatim comments and similar comments that IDEM received during the first public notice and the second public notice:

> Is this mold or fungus harmful to our health, especially if we already suffer from asthma?
>
> The sheer amount of whiskey barrels that will be stored at this location could be the largest in the United States. It doesn't sound like any real studies have been done testing what the black fungus does to the environment, human beings, or other living animals.
>
> Is ethanol or fungus exposure known to cause cancer?

IDEM, OAQ Response to General Public Comment 3 – Black Fungus

B. compniacensis or "whiskey fungus", is commonly observed on the exteriors of buildings and other outdoor surfaces around distilleries. The fungus can use ethanol that escapes from whiskey

warehouses as a source of energy for growth. However, the fungus is not always associated with alcohol distilling and aging and can form from emissions produced by commercial bakeries. Additionally, the ethanol vapors necessary for formation of the fungus can occur in natural fermentative processes, such as seasonal fruit drops, bogs, natural composts, etc.

This fungus is not known to cause any disease in plants or animals. In fact, a Department of Energy project concerning different species of fungi found that the *B. compniacensis* fungus is a good candidate for laboratory gene splicing due to its "manifest lack of animal or plant pathogenicity" (see https://genome.jgi.doe.gov/Bauco1/Bauco1.home.html on the Department of Energy's website). This statement cites to the article Diverse lifestyles and strategies of plant pathogenesis encoded in the genomes of eighteen Dothideomycetes fungi., found in PLoS Pathog. 2012;8(12):e1003037. doi: 10.1371/journal.ppat.1003037, Epub 2012 Dec 6; with the full article available at https://www.ncbi.nlm.nih.gov/pubmed/23236275 on the National Institute of Health's website.

IDEM staff cannot consider the growth of the fungus, which can develop near whiskey warehouses, in their determination whether or not to issue the requested air permit for MGPI of Indiana, LLC. Additionally, IDEM does not have zoning jurisdiction or the ability to make decisions on where a facility is located.

Please contact the Indiana Department of Health's Mike Mettler for additional information to respond to health concerns regarding *B. compniacensis*. Mr. Mettler's email address is mmettler@isdh.IN.gov and his direct telephone number is 317-233-7183.

4. General Public Comment 4 - Fugitive VOC and Ethanol Emissions and Health Concerns

IDEM, OAQ received numerous comments expressing concern about fugitive VOC and ethanol emissions and health related issues. This general public comment is intended to address the following actual verbatim comments and similar comments that IDEM received during the first public notice and the second public notice:

> There are liquor storehouses that have installed thermal oxidizer treatment systems to capture the ethanol, which breaks ethanol down to water and carbon dioxide.
>
> I technically think that their permit should not be approved without treatment systems for the ethanol.
>
> In this day and age, when technology is so far advanced that it can approximate how much emissions can be released by the amount of barrels, why can't further studies be done to change the procedures required for filtration to capture those fugitive emissions?
>
> I have a niece that suffers from asthma and what will the air pollution do to her condition?
>
> Health issues? WHY??? What about our children and grandchildren?
>
> I am concerned for the environment in multiple ways - my children and my family's health, the impact this will have on local farmers, and how it may affect property value - all due to the air pollution.

IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

The majority of emissions from the distilled spirts aging warehouse facility will be volatile organic compounds (VOCs), principally ethanol. Ethanol and water vapor emissions result from the breathing phenomenon of the oak barrels during the aging process. The rate of extraction of

wood constituents, transfer, and reaction depend upon ambient conditions, such as temperature and humidity, and the concentrations of the various whiskey constituents. The rate of diffusion will depend upon the differences in concentrations of constituents in the wood, liquid, and air blanketing the barrel (see U.S. EPA AP-42, chapter 9, section 12, available at https://www3.epa.gov/ttnchie1/ap42/ch09/final/c9s12-3.pdf).

The rates of reaction will increase or decrease with the concentration of constituents. The equilibrium concentrations of the various whiskey components depend upon the humidity and air flow around the barrel. Distillers ensure that barrel construction is of high quality to minimize leakage, thus reducing ethanol emissions.

The federal Clean Air Act requires the U.S. EPA to set National Ambient Air Quality Standards (NAAQS) for six criteria pollutants. These standards are set at levels that protect human health, including the health of sensitive persons, such as asthmatics, children and the elderly. The NAAQS are often referred to as the federal health standards for outdoor air. These criteria pollutants are ground-level ozone, particulate matter, carbon monoxide, lead, sulfur dioxide and nitrogen dioxide. Ripley County is in attainment for all of the National Ambient Air Quality Standards.

Volatile organic compounds (VOC), such as ethanol, and nitrogen oxides (NOx) are regulated under the Clean Air Act (CAA) for the purposes of attaining and maintaining the National Ambient Air Quality Standards (NAAQS) for ozone. Ripley County has been designated as attainment or unclassifiable for ozone. Therefore, VOC and NO_x emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2.

More information about these criteria pollutants, including health effects, is available at https://www.epa.gov/criteria-air-pollutants on U.S. EPA's website. The NAAQS table can be found at https://www.epa.gov/criteria-air-pollutants/naaqs-table on the same website. IDEM samples the ambient air at monitoring stations around Indiana to measure whether the NAAQS are being met. Information about the air monitoring system and monitoring results is found at https://www.in.gov/idem/airquality/2346.htm on IDEM's website. Information about current and expected air pollution levels throughout Indiana is located on IDEM's SmogWatch site at www.smogwatch.IN.gov on the Internet.

Chronic exposure to airborne ethanol at concentrations of 2200 ug/m3 can cause non-cancer health effects. This is an extremely high concentration rate that is more than 30 times higher than any reading for ethanol emissions at any ambient air monitor. Even so, chronic exposure to airborne ethanol at 2200 ug/m3 does not mean health effects are likely but does indicate the potential for adverse health effects. There are no acute health effect levels for airborne ethanol. U.S. EPA does not list ethanol as a hazardous air pollutant. Hazardous air pollutants, also known as toxic air pollutants or air toxics, are those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects.

Whiskey aging relies on natural ventilation and does not use fans to force air in or out of the warehouse. In a 2004 decision before the Indiana Office of Environmental Adjudication (OEA), the Environmental Law Judge (ELJ) agreed with a federal district court judge who noted that "The court cannot imagine any emission in a gaseous state which could not pass through such an opening" [stack, chimney, vent, or functionally equivalent opening] and that for emissions to not be considered fugitive one must prove "that there was a reasonable system to collect and discharge, not just whether or not gases can physically pass through a hole." *See* Objection To The Issuance Of Part 70 Operating Permit No. T-137-6928-00011 for Joseph E. Seagram & Sons, Inc., (2004 OEA 58) [http://www.in.gov/oea/decisions/2004oea58.htm] The ELJ held that Seagram's "had shown by a preponderance of the evidence that the collection of ethanol emissions would negatively affect product quality, that emissions are not collected at other similar

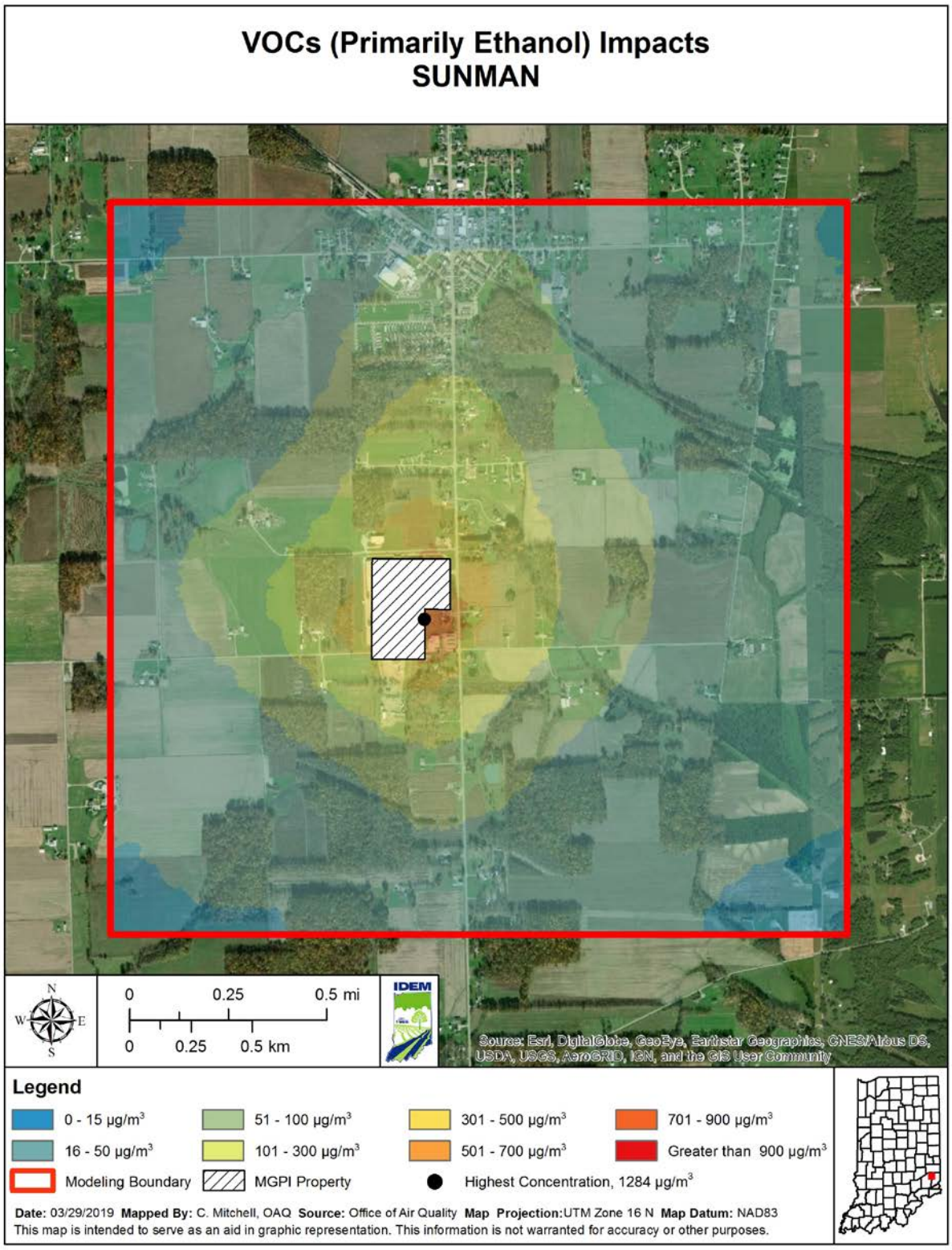
facilities and U.S. EPA has not identified any reasonably available control technology (RACT) for ethanol emissions from alcohol beverage aging warehouses." *Id*. Whiskey aging relies on natural ventilation and does not use fans to force air in or out of the warehouse.

Since this type of operation is not one of the twenty-eight (28) listed source categories under 326 IAC 2-2, 326 IAC 2-3, or 326 IAC 2-7, and there is no applicable New Source Performance Standard that was in effect on August 7, 1980, fugitive emissions are not counted toward the determination of PSD, Emission Offset, and Part 70 Permit applicability. Therefore, IDEM OAQ has no authority to require MGPI to install any add on control device or otherwise reduce the amount of ethanol emissions.

While fugitive emissions from a whiskey wareshouse are not counted towards PSD applicability, they can be subject to BACT if they are part of a PSD major source or project. This would require a source to reduce VOC emissions using best available control technology (BACT). BACT is a mass emission limitation based on the maximum degree of pollution reduction of emissions, which is achievable on a case-by-case basis. BACT analysis takes into account the energy, environmental, and economic impacts on the source. These reductions may be determined through the application of available control techniques, process design, work practices, and operational limitations.

BACT determinations are stored in the EPA's RACT/BACT/LAER Clearinghouse (RBLC). The RBLC is an EPA data base that contains case-specific information on the "Best Available" air pollution technologies that have been required to reduce the emission of air pollutants from stationary sources (e.g., power plants, steel mills, chemical plants, etc.). This information has been provided by State and local permitting agencies. The Clearinghouse contains over 3,500 determinations that can help you identify appropriate technologies to mitigate or treat most air pollutant emission streams. The RBLC was designed to help permit applicants and reviewers make pollution prevention and control technology decisions for stationary air pollution sources and includes data submitted by 50 states and territories in the U.S. on over 200 different air pollutants and 1,000 industrial processes. Furthermore, to date the RBLC (RACT BACT LAER Clearinghouse) does not have any entries for whiskey warehouse VOC control.

Finally, IDEM, OAQ has done computerized modeling of the maximum concentration of volatile organic compounds (VOCs), primarily ethanol, in the area around the MGPI warehouse. Ethanol is not a hazardous air pollutant. Ethanol does have chronic non-cancer health effects at 2,200 ug/m3. Our computerized modeling results found on the following page show that the level of ethanol in the air will be significantly less than that level at all points outside the warehouse property. The maximum level modeled is in the warehouse parking lot, at 1,284 ug/m3. That level of ethanol in the air does not pose a health threat.



MGPI's draft permit contains all the federal and state requirements that apply to MGPI. Because MGPI can comply with all federal and state requirements regarding air pollution contained in the draft permit, IDEM is required by law to issue the air permit.

5. General Public Comment 5 - Property Values and Zoning

IDEM, OAQ received numerous comments expressing concern about the impact this source will have on property values and zoning issues. This general public comment is intended to address the following actual verbatim comments and similar comments that IDEM received during either the first public notice, the second public notice, and the public meeting:

> I am concerned for the effects of this operation in regards to the black fungus, not just for our son but for our property value as well.
>
> We, as the unfortunate neighbors of this new facility, have issues because of health concerns, loss of our property value, and the general unpleasantness that always comes with this type of business.
>
> Also I am concerned with my property value depreciation.
>
> Sunman Rules - Ripley County Planning and Zoning - verbally they pass the buck and no one does anything to the violators or address the situation!
>
> In addition, according to the zoning laws, we feel that they would already be in violation of the zoning ordinances from the start.
>
> They consider the offsite black fungus a local zoning matter. Unfortunately, Sunman does not have sufficient ordinances to address this. Such industries target counties that have insufficient zoning laws.

IDEM, OAQ Response to General Public Comment 5 – Property Values and Zoning

IDEM has no authority regulate the location of the source. Zoning is determined by local government officials. IDEM understands that all of these matters are of genuine concern to the commenters. However, IDEM does not have any authority to consider impairment of property values or the reputation or tourism potential of the community in issuing air permits.

The determination of where new businesses or industry may locate is done on the local level through your community or county zoning board or zoning commission. Please contact your local zoning authority for additional information.

6. General Public Comment 6 - Water Related Issues

IDEM, OAQ received numerous comments expressing concern about groundwater and drinking water related issues. This general public comment is intended to address the following actual verbatim comments and similar comments that IDEM received during either the first public notice, the second public notice, and the public meeting:

> I am not only worried about the air quality but their main water table possibly being in a mile radius of this plant being harmful to the health of the citizens as well.
>
> What will this do to our drinking water?
>
> And what will happen to our aquifer that this building sits on top of if there is a catastrophic whiskey spill that leaks into the ground?

IDEM, OAQ Response to General Public Comment 6 – Water Related Issues

IDEM, OAQ does not have the authority to consider issues related to water pollution in issuing air permit. For questions related to groundwater and drinking water issues, please contact the IDEM, Office of Water Quality, Ground Water and Drinking Water Sections at (317) 234-7477.

7. General Public Comment 7 - Fire, Odor, and Spills

IDEM, OAQ received numerous comments expressing concern about the potential fires, odors, spills, and other safety related issues. This general public comment is intended to address the following actual verbatim comments and similar comments that IDEM received during either the first public notice, the second public notice, and the public meeting:

> What requirements does the local fire department and EMS required to provide?
>
> Will MGPI be required to have special foam housed in their facility, much like safety inspections for fire extinguishers at businesses and such? Will the on-site requirement of the foam product proportionally match the volume in case of fire?
>
> If not, what are the safety requirements needed to keep a fire from spreading? We have small, community, rural fire departments that operate on minimal budgets. Who will be responsible for keeping our community safe in case of fire?
>
> We are also concerned about the impact a spill of any significant amount would have on our environment.

IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills

IDEM understands that all of these matters are of genuine concern to the commenters. However, IDEM does not have any authority to consider fire safety, spills or odor in issuing air permits.

Fire and building safety, on the state government level, are handled the Indiana Department of Homeland Security, State Fire Marshal. More information about the State Fire Marshal can be found at http://www.in.gov/dhs/ on the Internet or by calling the State Fire Marshal at (317) 232-2222. Your local fire department and local health department are also involved in fire safety and building safety.

Although IDEM, OAQ does not regulate odor, a new or unusual odor can be a sign that the source is not operating in accordance with the applicable operating standards or emission limits. If you notice an unusual odor, or have any other environmental concern, contact the IDEM, OAQ air inspector for this source:

Amanda Dant
IDEM Southeast Regional Office
820 West Sweet Street
Brownstown, IN 47220-9557
Phone: (812) 358-2027
Email: adant@idem.IN.gov

Try to record the time, date, wind direction, and any other information that may help the inspector.

IDEM also has a 24-Hour Emergency Spill Line, toll free at (888) 233-7745 or (317) 233-7745 to respond to spills to soil or the waters of the state. IDEM's Office of Land Quality's responders work closely with local, federal, and other state responders in responding to spill emergencies.

IDEM's Complaint Coordinator is the agency's central point of contact for complaints about polluting activities and to ensure compliance with the air, land and water permits issued by IDEM. IDEM's policy is to investigate a complaint within 30 days of receipt, and to resolve each complaint within 90 days. The agency routinely works with other local, state, and federal agencies to address environmental concerns. You can file a complaint with IDEM by filing a complaint online, calling the Complaint Coordinator at (800) 451-6027 or by getting a Complaint Submission Form at http://www.in.gov/idem/5274.htm, filling it out and mailing it to the address on the form.

8. General Public Comment 7 – Vegetation

IDEM, OAQ received numerous comments expressing concern about the effect that the emissions from the plant and the possibility of whiskey fungus growth could have on crops and other vegetation. This general public comment is intended to address the following actual verbatim comments and similar comments that IDEM received during the first public notice and the second public notice:

> I am also concerned about what this will do to our crops in the fields and the popcorn in storage in our grain bins. For instance, can the mold get inside and grow on our popcorn?
>
> What will this air-borne bacteria, that causes black fungus, do to our crops and our yields?
>
> I have seen firsthand how this fungus STICKS to trees, shrubs, fences etc. Who will want to eat any vegetables, produce or crops that have a black fungus on it?
>
> Also what it will do to plants and crops growing in the area, as I work at a local greenhouse in Sunman.

IDEM, OAQ Response to General Public Comment 8 - Vegetation

The Indiana State Department of Health (IDSH) has addressed "whiskey fungus" (Baudoinia compniacensis) https://www.in.gov/isdh/files/Baudoinia%20compniacensis%20Fact%20Sheet%20Final.pdf

The fungus can grow to a thickness on trees and other surfaces due to moisture and exposure to ethanol vapor, yet it does not hinder growth rates. Research conducted by ISDH Environmental Public Health Division did not find any reports of health risks from short or long term exposure to Baudoinia compniacensis. Specifically, corn is protected by its tightly wrapped leaves and all fungus should be removed when it is shucked. Fruits and vegetables should be washed before eating or cooking.

IDEM relies on the scientific expertise of U.S. EPA and the Clean Air Scientific Advisory Committee (CASAC) which has developed the National Ambient Air Quality Standards (NAAQS) for criteria pollutants. The primary health-based standards are protective of sensitive groups, such as the elderly and children. The secondary standards take environmental and welfare impacts into account, including ecological effects and deposition of pollutants to the surface of vegetation, soils or water bodies as well as aquatic live, wildlife and endangered species. IDEM also uses reference concentrations for air toxics developed by the American Conference of Governmental Industrial Hygienists (ACGIH) to protect public health and the environment. Modeling below these thresholds established by these regulatory groups ensures that health

impacts are below what is deemed as unhealthy. Modeling results showed maximum impacts were well below the reference concentration.

Public Notice Period Comments and Responses

On January 2, 2019, Leanne Jenner of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 1:

I request IDEM to hold a public meeting in regards to the MGPI whiskey warehouses and the purchase of Kreative Kids Daycare. The concern of health issues from the black fungus to my children and my entire family are of great concern.

I as well as many others are extremely concerned about this issue and have noticed additional doors being implemented on one warehouse to help release the ethanol from the whiskey, which could release carcinogens in the air causing cancer and other serious issues for our children who are already affected with lung and asthma issues.

On top of all the health issues is the effect this will have on our home and our property values due to the fungus that will plague our homes.

This needs discussed and should be an extremely urgent and important issue that IDEM should discuss with Sunman citizens.

Response to Comment 1:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 – Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 – Property Values and Zoning

On January 3, 2019, John Loichinger of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 2:

My name is John Loichinger. I am emailing you to express my concern with what is wanting to be done at 924 and 932 South Meridian St., Sunman Indiana. I am one of seven siblings who are on the trust for my mom's property, which is right across the street from MGP Incorporated of the previously stated addresses. My mother's address is 1117 South Meridian St., Sunman, IN, which is roughly 1000 feet from this new facility. We have a serious issue with what is being proposed.

Our primary concern is that wherever a distilled aging warehouse is, there is always the issue of the black fungus (Baudoinia). We don't live far from Greendale, Indiana and still remember a former distilled aging warehouse on State Rd 350 between the towns of Milan and Delaware. They were covered with this stuff, along with every home, car, street sign, trees, etc. We, as the unfortunate neighbors of this new facility, have issues because of health concerns, loss of our property value, and the general unpleasantness that always comes with this type of business.

I strongly urge you to consider this before granting this permit. I also would like a public hearing,

so you can address these concerns we have.

Response to Comment 2:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 – Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning

On January 24, 2019, Kara Schott of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 3:

I am writing in response to the 30-day notice posted for the Minor Source Operating Permit (MSOP) for MGPI of Indiana, LLC in Ripley County. According to the Indiana General Assembly Code, Title 13, the operation of the MGPI facility in Sunman, Indiana is in direct opposition to the statements listed in the rule. The whiskey aging process releases ethanol into the atmosphere, producing *Baudoinia compniacensis* in the air, on vegetation, and personal property. I would like to request a public hearing on the matter of MGPI's future development plans.

Response to Comment 3:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 – Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

On January 24, 2019, Carol Eckstein of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 4:

It was just brought to my attention last week about the purchase of Deufol and Kreative Kids Learning Center by the Midwest grain company. I live DIRECTLY across the street from the daycare. We were told that the daycare had to sell for this transaction to go through, which causes SERIOUS concerns to the around here as to why. Safety issues? Health issues? WHY??? What about our children and grandchildren?

Obvious concerns is the black fungus that will grow on our homes, trees, landscaping and property. I am also very concerned because the run off from the retention pond behind the property goes right through my yard.

No letters were sent to us. We want answers. All of our concerns are being dismissed and brushed under the rug. Told "They will TRY to be good neighbors".

Town Council did not inform us that formal complaints and concerns needed to be reported by the 27th of this month.

Here is my formal complaint. We want a public hearing. Please do the right thing and approve this

hearing or get our concerns in the right hands so we are granted this.

Response to Comment 4:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 – Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 2 - Adequate Notice of Draft Permit
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 6 - Water Related Issues
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills

On January 24, 2019, Gerty Ammerman of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 5:

To whom it may concern, I want all to know I strongly object to Seagram's [MGPI] storing whiskey in Sunman. Growing up in Sunman, we had what was known as the tomato factory. When they were cooking, the whole town could smell it, but it was a pleasant and seasonal aroma to a lot of people. And it was a financial benefit to the town and the farmers who raised the tomatoes. I see MGPI offering no benefit to the town.

As a young woman, I lived in the Milan area for a while and, every time I passed the Seagram's warehouse near Milan, I felt sorry for the people who lived there with their property turning black. Now MGPI wants to bring that to Sunman. No thank you.

Response to Comment 5:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus

On January 24, 2019, Ashley Knueven of Lawrenceburg, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 6:

I would like to request a public hearing for permit M137-40667-00051 for the town of Sunman.

Response to Comment 6:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting

On January 24, 2019, Karl Zoller of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 7:

I would like to request a public hearing in response to MSOP No: M137-40667-00051.

Response to Comment 7:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting

On January 24, 2019, Steve Allen of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 8:

Thank you for taking my concerns. I am a resident at 1179 Brick Yard Drive in Sunman, Indiana. I just learned this morning about the purchase of the Deufol property just south of my home by a distilling company. I am greatly concerned for the negative effects this industry will likely have on my personal property.

I have struggled since moving to this area with water and storm drainage. The land stays wet much of the year. With distilled alcohol storage comes the mold that settles on surrounding homes and personal property. In an area that already has a drainage challenge, these mold issues would undoubtedly be compounded.

As with most Americans, personal property is our largest investment. I cannot see any town endangering such investments of its residents and prospering in the long run. Please reconsider the use of property on State Route 101 for alcohol storage.

There are plenty of acres in Indiana near major roadways that could be used for this industry. To jeopardize the home values of Indiana citizens is neither a wise nor a compassionate business or political strategy.

Response to Comment 8:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 - Fugitive VOC Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 – Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 6 – Water Related Issues

On January 24, 2019, Mendi Tidwell of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 9:

I am requesting a public hearing concerning the whiskey barrel storage faculty permitted in Sunman, Indiana. My family and I live and work approximately one and half miles from the old Deufol building. As a sufferer of asthma, I am highly concerned with the production of black

fungus that would be produced by those fermenting barrels and how it would affect my health as well as my property.

Response to Comment 9:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 – Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 – Property Values and Zoning

On January 24, 2019, Rebecca Stutz, Becky Brashear, Kara Kaiser, Donna and Randy Metzner, Karen Craig, and James and Milinda Middlebrooks of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 10:

I am writing in response to the Minor Source Operating Permit (MSOP) for MGPI of Indiana, LLC in Ripley County. As a local citizen and/or business leader in the town of Sunman, Indiana I would like to request a public hearing regarding the adverse air pollution impact

Response to Comment 10:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting

On January 24, 2019, Alison Knue of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 11:

I would like to make a formal request for a public hearing concerning the adverse air quality impact it will have. I do not feel the public has been properly notified of the preceding via newspaper, electronic, or mail notifications. Many in the community, myself included, are first hearing about this permit process with only a few short days to make comment about it. I expect you will receive a disproportionate amount of negative comments in the next days confirming that.

I have great concerns about the air quality and the presence of mold often associated with facilities of this type. Our local elementary school is located close to the location. The thought of their outside facilities and playground potentially being covered with mold is disturbing. I also do business with a local agricultural greenhouse and feel they and their product may be negatively impacted. My family has several species of livestock that graze on grass I'm afraid will be negatively impacted by mold caused by the excessive off gassing of ethanol from this facility.

There is also great concern of negatively impacted property values and "clean-up costs" because of the ethanol release and associated "side effects" to area homes and outbuildings, mine included.

Response to Comment 11:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response IDEM, OAQ Response to General Public Comment 1 – Request for Public Hearing/Meeting
- to General Public Comment 2 - Adequate Notice of Draft Permit
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

On January 24, 2019, Harold and Patricia Scharf of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 13:

We are concerned about what the potential impact would be on our town if Seagram's (MGP) moves a whiskey aging facility into the Deufol property on Rt. 101. We have seen what the whiskey aging process did to the area on Rt. 350, which has since been torn down. We do not want the black fungus growing in our town nor ethanol being released into the air. Small towns have enough problems in Indiana. We do not need any more issues such as this to affect our quality of life or our property values, not to mention the possible impact that this could have on our agricultural community.

Response to Comment 13:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 5 - Fugitive VOC Emissions and Health Concerns

On January 24, 2019, Richard Noel of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 14:

We need to have a public meeting for the property at 924 S Meridian St (SR101) Sunman, IN. I have 3 children that attend Sunman Elementary, and I am extremely concerned about what I am hearing.

Response to Comment 14:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting

On January 24, 2019, Nick Niehaus submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 15:

> Hello my name is Nick Niehaus. I am a new homeowner in Sunman, Indiana on Maple Drive for couple years now and moved from Lawrenceburg. I hated dealing with black fungus down there, and now we gotta deal with this again?! VERY ANGRY! We are close to the area, and they are planning to put the barrels in that place. My wife and I are not only concerned about property values but how this will impact the environment of our community in this wonderful town of Sunman. I'd like a public hearing about this situation.

Response to Comment 15:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 - Fugitive VOC Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 – Property Values and Zoning

On January 24, 2019, April and Matt Berne of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 16:

> Regarding Permit Number M137-40667-00051, as a local citizen of Sunman, IN, I am very concerned about the air pollution that will be caused by operations at the facility in Sunman. I would like to request a public hearing regarding these concerns that I and many of my neighbors have.
>
> I would rather not have this type of facility allowed in my community. As witnessed with neighboring communities, it is only a matter of time before operations at this facility cause damage to public and private properties and create health issues.
>
> As the parent of a handicapped child with extreme airway issues, a health risk on this magnitude, directly upwind from our home, would force us to move. I take this type of activity in my community very seriously.

Response to Comment 16:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 – Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 – Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 – Property Values and Zoning

On January 24, 2019, Janie White of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 17:

I would like to request a public hearing in response to MSOP No: M137-40667-00051.

Response to Comment 17:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting

On January 25, 2019, Jessica Small of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 18:

I am a concerned citizen of Sunman, IN. I would like to request a public hearing in response to MSOP No: M137-40667-00051.

Response to Comment 18:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting

On January 25, 2019, Debbie and Mark Harmon submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 19:

I am writing to request a public hearing for the permit request by MGPI of Indiana, LLC to construct a building at 924 North Meridian in Sunman that will emit air pollutants. I would like to know more about the dangers this may pose to myself, my family and my community.

Response to Comment 19:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

On January 25, 2019, William Craig, Susie Collins, Yvonne Schneider, Steven Stutz, Joseph Riesenbeck, Noah Arnold, Dan and Kris Schneider, Howard Hornberger, Jerry and Paula Reed, Amelia Short, Sandra Harmon, Marea B. Kamphaus, Shaina Reed, James and Barbara Horton, and Noah and Noelle Quick of Sunman, Indiana and Kevin and Stephanie Alexander of Cincinnati, Ohio submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 20:

> I am writing in response to the Minor Source Operating Permit (MSOP) for MGPI of Indiana, LLC in Ripley County. As a local citizen, business leader and emergency services volunteer in the town of Sunman, Indiana, I would like to request a public hearing regarding the adverse air pollution impact.

Response to Comment 20:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus

On January 25, 2019, Brad and Lissa Rullman, Angie Pflum, Amy Wettering, and Wendy Beck of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 21:

> I am concerned about MGPI using the building located at 924 South Meridian Street in Sunman, and the impact this will have on air quality in the Sunman area. I would like to request a public hearing in response to MSOP No.: M137-40667-00051.

Response to Comment 21:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus

On January 25, 2019, Chasity Willoughby submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 22:

> I am writing this with concerns of the mold the whiskey barrels put off. I have children and also a handicap sister that lives in town. This really scares me. This has to be harmful for some many people for so many reasons. Not only harmful to people, but what about the environment? When I drive through Greendale and see all the black mold houses, it is disgusting. Now it is coming to Sunman?

Response to Comment 22:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus.

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

On January 25, 2019, Andrew Jackson of St. Leon, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 23:

> I am writing in response to the Minor Source Operating Permit (MSOP) for MGPI - Indiana, LLC in Ripley County. I am not writing on behalf of the school board as they have not met to take an official stance or directed me to do so. As the school corporation superintendent that encompasses the town of Sunman, Indiana, I want to make you aware I have had several parents contact me regarding air quality concerns regarding the permit. They are hopeful you will allow a public hearing regarding the adverse air pollution impact.

Response to Comment 23:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus

On January 25, 2019, Sharon Small of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 24:

> I would like to request a public hearing on MSOP No: M137-40667-00051.

Response to Comment 24:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting

On January 25, 2019, Marilee Ege-McGowan of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 25:

> I am a concerned citizen of Sunman, IN. I would like to request a public hearing in response to MSOP No: M137-40667-00051.

Response to Comment 25:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting

On January 25, 2019, Donna Lake submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 26:

My husband and I are concerned about MGPI using the building located at 924 South Meridian Street in Sunman, and the impact this will have on air quality in the Sunman area. I would like to request a public hearing in response to MSOP No.: M137-40667-00051.

Response to Comment 26:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

On January 25, 2019, Carrie Derico submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 27:

I am a concerned citizen of Sunman, IN. I would like to request a public hearing in response to MSOP No: M137-40667-00051.

Response to Comment 27:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting

On January 25, 2019, Dana Schuman of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 28:

I would to request a public hearing on MGPI of Indiana purchasing property for whisky barrel storage in Sunman Indiana. Permit No. M137-40667-00051. The black fungus is a huge concern.

Response to Comment 28:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus

On January 25, 2019, Rita Seig of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 29:

I am writing in response to the Minor Source Operating Permit (MSOP) for MPGI of Indiana, LLC in Ripley County. As a local citizen and/or business leader in the town of Sunman, Indiana I would like to request a public hearing regarding the adverse air pollution impact. I am not only worried about the air quality but their main water table possibly being in a mile radius of this plant being harmful to the health of the citizens as well.

Thank you for caring to take the time out to care of about the quality of life for the citizens of the Town of Sunman.

Response to Comment 29:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 - Fugitive VOC Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 6 – Water Related Issues

On January 25, 2019, Erin Womble of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 30:

My name is Erin Womble. I am married and have two girls who attend Sunman Elementary on SR 101 and Sunman-Dearborn Middle School. I am a 15-year resident of Sunman, IN, a transplant from the west side of Cincinnati. My husband was a resident of Covington, KY for over 35 years. Why is this information relevant? Because we chose to move to the country for peace and quiet and clean air. I did not move to the country to be exposed to a stinky distillery and black fungus!

Whiskey aging causes the spread of a black fungus that coats buildings, trees, etc. Air quality issues have been sporadically addressed, and MGP maintains there are no adverse effects from ethanol being released into the air.

I did not move to the country to live near a distillery/aging warehouse where I will have to deal with whiskey fungus. I have read people who live in these infested areas clean off their outdoor possessions and property every few months with industrial-strength soap and pressure-washers. Because the fungus seems to always grow back, it is a continuous task.

I live four miles from the plant. My home is valued at $260,000, and like everyone else around here, we pay our taxes. I cannot see how this distillery and the black fungus that will extend over our homes, our parks and our schools, will benefit our community and maintain the value of my home.

I ask this, would you be willing to pay for a service to pressure was and clean my 2,200 square foot brick ranch every 6 months?

- Would you want this distillery in your backyard?

- Would you want this black fungus growing on your children's school and playground equipment?
- Would you want to see the bright, clean environment where you live turn into a black residue of fungus?

Perhaps it has been overlooked that because Sunman is a small community, there aren't enough people who would mind the rancid smell and the black fungus. That's where you would be naive.

My perspective. People are angry, this is a small, quiet community where people live, raise families and spend time outdoors. Farm communities where people work outdoors. There is a large greenhouse near the elementary school, fresh plants growing – soon to be covered in black fungus. Drive through Greendale, IN, near the distillery, and you will be disgusted. Once a beautiful neighborhood, now covered in black fungus. Sadly, it now looks like a dirty, run-down community.

Please reconsider what you are doing to our quiet community if you allow a permit for this horrid distillery. Please reconsider what you will be expecting families and children in at Sunman Elementary to be exposed to. Please consider our soon-to-be black fungus colored playground equipment, stores and homes. This is my home, this is where I live. I'm not okay with you providing a permit to a company who is out to destroy my community.

This is not acceptable. This is disgusting. I request a public hearing on the matter for permit no: M137-40667-00051. Please listen to what we, the community of Sunman, IN, would like say about this matter.

Response to Comment 30:

In response to the following question:

"Would you want this distillery in your backyard?"

IDEM would like to clarify that MGPI of Indiana, LLC is not permitted at this location to distill or ferment spirits. MGPI produces the spirits at its distillery located in Lawrenceburg, Indiana. This is a separate source and operates under Part 70 Operating Permit Renewal No. T029-32119-00005, issued on June 20, 2014. This draft permit will only authorize the aging and storage of distilled spirits.

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

On January 25, 2019, Stephanie Bauer of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 31:

I am writing in response to the Minor Source Operating Permit (MSOP) for MGPI of Indiana, LLC in Ripley County. As a local citizen and/or business leader in the town of Sunman, Indiana I would like to request a public hearing regarding the adverse air pollution impact

This sort of air pollutant is going to cause loss of property value, loss of air quality, and loss of vegetation quality due to the poor air or polluted air. No one in Kansas cares about the ill effects bestowed on folks several states away. Someone else's profit should not cost others their health or loss of property value.

And further, the winds carry that smell (whiskey fungus, I would guess) for a good sized radius around the area for which it is stored.

One very well knows when they are in Lawrenceburg due to the smell. It is strikingly noticeable. It is bad enough MGPI has ruined that town. Do not let it happen to another.

Please do not allow that company, who needs to have a warehouse installed next to their residence so they can smell it, forsake the health of our children who want to grow up where clean air resides.

Response to Comment 31:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

On January 25, 2019, Harley Jo Kennedy of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 32:

Sunman, IN Area: Deufol selling to MGPI, who has plans of whiskey barrel storage in the facility? Requesting a public hearing with IN Department of Environmental Management (IDEM); reference permit # M137-40667-00051.

My concern is air quality & mold. Please contact with any information available.

Response to Comment 32:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

On January 25, 2019, Jill Hess submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 33:

> I am writing in response to the Minor Source Operating Permit (MSOP) for MPGI of Indiana, LLC in Ripley County. As a local citizen in the town of Sunman, Indiana I would like to request a public hearing regarding the adverse air pollution impact.
>
> My husband and I recently purchased a home here and welcomed a son who is now six months old. I am concerned for the effects of this operation in regards to the black fungus, not just for our son but for our property value as well.

Response to Comment 33:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning

On January 25, 2019, Jimmy Snyder of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 34:

> This is Jimmy Snyder I am a home owner in Sunman IN. I would like to request a public hearing regarding the adverse air pollution impact. Re: Permit number M137-40667-00051

Response to Comment 34:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus

On January 25, 2019, Deanna Lohrum of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 35:

> I am writing in response to the Minor Source Operating Permit (MSOP) for MGPI of Indiana, LLC in Ripley County. As a local citizen of the town of Sunman, Indiana, I would like to request a public hearing regarding the adverse air pollution impact along with soil, water, and cancer causing agents.

Response to Comment 35:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 6 - Water Related Issues
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills

On January 25, 2019, Eric and Lisa Riehle of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 36:

It has recently been brought to our attention that a nearby warehouse is going to be housing whiskey to continue aging. This process has been known to cause a whiskey mold. We have a farming business, family farm and fields we grow crops in less than half mile (fields, house/farm/business about a mile away). This is our livelihood, and we cannot have a new business come in and cause a hardship to our farm. Please give us more information and know that we are greatly concerned about this information we heard about just today. I am not knowledgeable about whiskey mold other than I have been told it can effect crops and possibly our popcorn we store in grain bins. Your help will be greatly appreciated.

Response to Comment 36:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

On January 25, 2019, Margaret Abplnalp of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 37:

I am writing as a concerned citizen and registered nurse who lives in Sunman, Indiana. Within the last two days, I have been made aware of a new business coming into the Sunman area that will be storing whiskey. In doing research on whiskey being stored in barrels for aging, I have read that there is a risk for the Baudoinia spore to be emitted into the air. I have read that it has caused class action lawsuits in Louisville, Kentucky due to the black discoloration it causes to siding, street signs, and cars, to name a few. It has been documented that it is extremely difficult to rid the black soot from the affected items of the above mentioned. My concern as well in reading the articles is the lack of information on how Baudoinia affects the public's health. If it can cause this kind of damage to property, what is it doing to our bodies? We are a small community that relies heavily on crop production, and we have a local elementary school that could feel the effects. My frustration is that the community was not informed of this business coming into the Sunman area so that the residents and other businesses could have been educated on their company, how they will protect the citizens of Sunman environmentally, and if it is even appropriate for them to have a business so close to farm land and residential areas that could affect so many now and in the future.

I am asking to petition for a public hearing, so residents and business owners in the community could come and express their concerns and ask questions regarding the public's safety.

Response to Comment 37:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 2 – Adequate Notice of Draft Permit
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning

On January 26, 2019, Byron and Carol Bruns, Cindy and Warren Bruns, Mildred Bruns, April and David Bruns, Gary and Jessica Cox, Edmund and Thelma Eckstein, Alvin Hoff, Jerry and Leslie Latta, Daniel and Jackie Mills, Lavorne and Tom Moorman, Jennipher and Ryan White, Shawn Reed, George Zimmer, Ralph Zimmer, Thomas Kamphaus, Clarence Ritzi, Amber and Nick Scholl, Elaine Weber, Tonia Riesenbeck, Marilyn Decker, Julie Crawley, Cheryl Barnhorst, Amber Knueven, Mary Nedderman, and Angela Barnes of Sunman, Indiana and Bruce and Nancy Denni of Batesville, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 38:

I am writing in response to the Minor Source Operating Permit (MSOP) for MPGI of Indiana, LLC in Ripley County. As a local citizen in the town of Sunman, Indiana I would like to request a public hearing regarding the adverse air pollution impact.

Response to Comment 38:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus

On January 26, 2019, Mary Malloni of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 39:

I am writing in response to the Minor Source Operating Permit (MSOP) for MPGI of Indiana, LLC in Ripley County. As a local citizen in the town of Sunman, Indiana I would like to request a public hearing regarding the adverse air pollution impact.

I have not been notified of the environmental impacts by MGPI of Indiana or the Town of Sunman.

Response to Comment 39:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus

On January 26, 2019, Leslie Roepke submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 40:

I am writing in response to the Minor Source Operating Permit (MSOP) for MPGI of Indiana, LLC in Ripley County. As a local citizen in the town of Sunman, Indiana I would like to request a public hearing regarding the adverse air pollution impact.

I live very close to MGPI in Sunman. How is MGPI going to keep the black fungus off my house or property?

Response to Comment 40:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning

On January 26, 2019, Stephen Todd of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 41:

I am writing in response to the Minor Source Operating Permit (MSOP) for MPGI of Indiana, LLC in Ripley County. As a local citizen in the town of Sunman, Indiana I would like to request a public hearing regarding the adverse air pollution impact.

We have not been notified of the environmental impacts by MGPI of Indiana or the Town of Sunman.

Response to Comment 41:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 2 - Adequate Notice of Draft Permit
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

On January 26, 2019, Karyl Schmidt of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 42:

I am a concerned citizen regarding the installation of the MGP spirits aging warehouses in Sunman. I also am a member of the Sunman Revitalization Initiative. Despite the public notice that was in the newspaper, much of the community and surrounding areas, other than contiguous landowners, are not aware of the storage warehouses and the ethanol emitting emissions. I have read the draft permit. I thought there should have been more discussion regarding potential harm from the degradation of ethanol to ethanol and potential carcinogens.

I have not been able to find any independent (or if any) testing done on the black fungus that the 1,104 tons of ethanol emitted will produce. This fungus will not only be present on the structures, lawn furniture, playground equipment, bikes, and vegetation but also be found in homes near these warehouses. I heard from a Sunman resident, who lived in Greendale, that the Greendale black fungus also was in her home on the backs of her furniture and mirrors and very difficult to remove. There are liquor storehouses that have installed thermal oxidizer treatment systems to capture the ethanol, which breaks ethanol down to water and carbon dioxide. I do not trust the applicant's word that there are no health effects from black fungus without testing, particularly if it also gets into homes.

I technically think that their permit should not be approved without treatment systems for the ethanol.

Response to Comment 42:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 2 - Adequate Notice of Draft Permit
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning

On January 26, 2019, Renee Bauer submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 43:

I am writing in response to the Minor Source Operating Permit (MSOP) for MPGI of Indiana, LLC in Ripley County. As a local citizen in the town of Sunman, Indiana I would like to request a public hearing regarding the adverse air pollution impact.

I'm appalled that the permit was issued, given everyone knows the air qualify of both Lawrenceburg and Milan have both suffered due to the whiskey distillery and warehousing. Of course, the Milan warehouse has long closed. But the trees are still black as are the roofs of many homeowners. The effects of Lawrenceburg's distiller can be felt as far away as 30 miles as homeowners that far away have "black" on their roofs. And certainly, when one visits Lawrenceburg, the smell is overwhelming to the point where one's breath is taken away. The air is "thick".

I can't understand why the powers that be forsake the lives of many for the prosperity of one. It makes absolutely no sense. If we can't figure out how to be good custodians of this earth, then we are doomed. Please do not forsake the lives and property values of many for the benefit of one. We are super concerned about the air quality. We need clean air.

Response to Comment 43:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills

On January 26, 2019, Sara Bauer submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 44:

> I am writing in response to the Minor Source Operating Permit (MSOP) for MPGI of Indiana, LLC in Ripley County. As a local citizen in the town of Sunman, Indiana I would like to request a public hearing regarding the adverse air pollution impact.
>
> Due to my health, I cannot afford any worse polluted air than we already have. The trees and houses of both Lawrenceburg and Milan have been adversely impacted by whiskey fungus. I can't believe we risk the destruction of yet another community.
>
> I really wish the owner of the warehouse shipped the whiskey to a warehouse next to his home and he is forced to breathe the awful air created by the whiskey fungus everyone knows is terrible. I can't believe this is happening again. Perhaps we should petition to close the entire Lawrenceburg distillery so efforts at trying to store the whiskey stop. Very upset and super concerned citizen. I have a right to clean air.

Response to Comment 44:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning

On January 26, 2019, Kevin and Wanda Luers of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 45:

> I am very concerned about the impact that permit number M137-40667-00051 will have on our community. I would like to know how far the mold may spread? Also what it will do to plants and crops growing in the area, as I work at a local greenhouse in Sunman. Is this mold or fungus harmful to our health, especially if we already suffer from asthma? I would like to request that a public hearing be held, so that the whole community can address their concerns for the air quality and air pollution in our community.

Response to Comment 45:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

On January 26, 2019, Jamie Roope submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 46:

I would like to request a public hearing for permit number: M137-40667-00051.

Response to Comment 46:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting

On January 26, 2019, George Weber and Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 47:

I am co-owner of a greenhouse a short distance from the location that MGPI of Indiana is planning on storing and aging whiskey, permit number M137-40667-00051. I would like to know what the air pollution and air quality is going to do the plants that we grow in our facility. I am hoping that IDEM will hold a public hearing, so that the whole community can have their concerns addressed by you. We are extremely concerned that it will greatly affect our business. I have a niece that suffers from asthma and what will the air pollution do to her condition. Please hold a public hearing for our community! I hope that you take all of our community's concerns in to consideration at this time and schedule a public hearing.

Response to Comment 47:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

On January 26, 2019, Anita Schuman of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 48:

I am writing in response to the Minor Source Operating Permit (MSOP) for MGPI of Indiana, LLC in Ripley County. As a local citizen of the town of Sunman, IN, I would like to request a public hearing regarding the adverse air pollution impact. With our home approximately one mile from this facility, we are very much concerned about this, especially with our children.

Response to Comment 48:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning

On January 26, 2019, Jon Hartman of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 45:

To whom it may concern, I would like to officially Request a public hearing for permit number: M137-40667-00051.

I live in the area and have serious health concerns with black fungus from such a barrel warehouse.

Response to Comment 45:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

On January 26, 2019, Beth Stenger of Brookville, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 46:

My name is Beth Stenger. My children attend schools in Sunman. I have concerns about MGPI using the building located at 924 South Meridian Street in Sunman and the impact it will have on air quality in the area. I would like to join others in requesting a public hearing in response to MSOP No. M137-40667-00051.

Response to Comment 46:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus

On January 26, 2019, Christina Dieselberg submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 47:

> I am requesting a public hearing regarding the permit for Midwest Grain Company. It's important all sides are heard and we, the community, have a full understanding what is going on.
>
> We have got to protect our town!

Response to Comment 47:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting

On January 26, 2019, Leann Bond submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 48:

> I am writing regarding the Minor Source Operating Permit (MSOP) for MGPI of Indiana, LLC in Ripley County. I love in Sunman, and I'd like to request a public hearing regarding the adverse air pollution impact. I am concerned for the environment in multiple ways - my children and my family's health, the impact this will have on local farmers, and how it may affect property value - all due to the air pollution.

Response to Comment 48:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning

On January 26, 2019, Jim Link submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 49:

> A letter was posted on Facebook by Kara Schott listing some facts concerning the Meridian Street property once owned by Deufol. We are not on Facebook so someone passed it on to us.
>
> It was dated January 24, 2019 with an inquiry reply required by January 26, 2019. I saw today in Batesville Herald Tribune an article about the Sunman Town Council Meeting.
>
> We knew nothing about meetings in December or January. It appears to us that purchase of property and tax abatements were not announced to the community. The letter and newspaper article mentioned in passing that the building use could possibly have an effect on air quality and have an environmental impact in the community of Sunman. We have heard of an impending meeting in February, and we will attend that meeting.

We have lived in the community since July 1993, over twenty five years. One of the elementary schools of the Sunman Dearborn Community School Corporation is north of Sunman. School-age children will be breathing this contaminated air containing ethanol and this ethanol produces, in the whisky aging process, a black fungus. It would seem to me that air cleansing systems could be developed and installed in the building so that outdoor air quality would not become a problem in our community or any other community where a whisky storage facility is located. At the February Sunman Town Council Meeting we would like to be informed of air quality research done to correct these pollution problems so we can have clean air for our Sunman citizens.

We live in one of the first homes in the area. Our home was built in the 1840's, and we want it to have residents living in it in another 180 years. We have another concern for this community. Does the air quality also affect the farm owners in raising their crops? We need farmers to grow environmentally safe crops so they can feed the global society.

We will document with photographs our buildings and be advised citizens in our community. We live here in the country for clean air, so let's keep it that way.

Response to Comment 49:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 – Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 2 – Adequate Notice of Draft Permit
- IDEM, OAQ Response to General Public Comment 3 – Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 – Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

On January 27, 2019, Carla Hacker of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 50:

I am writing in response to the Minor Source Operating Permit (MSOP) for MGPI of Indiana, LLC in Ripley County. As a local citizen and/or business leader in the Town of Sunman, Indiana I would like to request a public hearing regarding the adverse air pollution impact.

I would like to expand on the form letter to attempt to convey the real fears of our community and the surrounding area.

I do not live in Sunman, but I have worked in Sunman at the local bank since 1995. I have come to love this small community and care deeply for the people who live and work here. I have also served on several boards and committees working to make Sunman a better place to live, work and play.

Recently, a new group was formed called the Sunman Revitalization Initiative, Inc. (SRI) We just recently applied for, and received, permission to operate as a not for profit and charitable organization. We are expecting our tax ID number to arrive at any time. This group includes citizens and business leaders of Sunman and the surround area who wish to see Sunman thrive and flourish again.

You might wonder what is different in this group from other groups, such as the Chamber or the Town Council. To speak frankly, this group has participants who wish to be there – not who are members because their jobs require it or are not qualified or knowledgeable enough to hold a public office (See Exhibit 1 for more information about the SRI).

Why do I bring up the SRI? You must be committed and actively involved to be a participant in this group. Rather than just "talk about it", we are dedicated to growing businesses and the quality of life in Sunman. We want to make it an attractive, vibrant community again as well as a wonderful place for its residents to live, work and play. We are excited to have knowledgeable, active members of our community in this group who insist on making that difference.

We, as SRI, will not be able to positively impact the community in the way it needs with this business coming to Sunman. Quite honestly, with the imminent growth of the black fungus, the town will eventually die. (Respectfully Sir, - not to be dramatic - Sunman is a small town and will not be able to survive this.) Property values are already dropping with just the word of the whisky aging process and its effects on other communities with this type of warehouse in their areas. There were several lawsuits filed in Kentucky because of this very thing. If I understand properly what I've read, the air pollutant effects are (visually) obvious, but the effects on humans are still not conclusive. Why then, would we locate this business so close to homes, businesses, a school, and families?

Our entire community is asking: Why would they want to come into a small community like Sunman when they know what the air pollutant effects will be on the residents, their property and its value, and the overall town as a whole? Why not buy a large farm to locate the facility where the environmental impact on the lives and property affected will be much less?

On another point, although rules were "followed", was the intent to notify everyone who will be impacted truly an upfront and honest effort? I can honestly say that I've not heard from anyone who read the notice in the paper. In fact we heard that the notice was published in papers outside of our normal service area when there were 5 other newspapers that regularly service those in our area. Why not put it on the 2 local radio stations? Or most importantly, charge our town council and town clerk with an honest effort to get the word out? None of these obvious avenues were used.

That's exactly why, by complete accident, most of us found out about the adverse effects only 5 days before the deadline. Not acceptable, I'm sure you would agree.

I am not disputing MPGI's need for a location, or for its right and potential to make money for a product that is in demand. Just like those facilities in Kentucky have the demand and are famous for their bourbon, there are still people and property adversely affected. We, as a community, are asking for your department and those in charge of MPGI to consider the lives of those involved and the current and eventual affect this will have on our community.

I am politely requesting a public meeting where those who live and work in Sunman might be heard. The purpose of this attachment and exhibit is to give you a bit more insight into the mindset of myself and the residents of Sunman, Indiana.

Exhibit 1

Sunman Revitalization Initiative, Inc.

To show the diversity and qualifications of this group, those involved include the following:

- A person who currently works in and has worked in the Over the Rhine Community in Cincinnati for several years. She has been very instrumental in revitalizing this community and making it a safe and prosperous community to visit, live, and work in.
- Another person is a realtor in a low income area. She is familiar with bringing affordable (section 8) housing into areas and including other residents (who do not qualify for S-8 housing benefits) and facilities such as coffee shops, restaurants and other community friendly venues to the buildings or area. This helps residents and neighbors feel good about themselves by raising their quality of life and their self-esteem. It also lets them know that their community cares about them and wants them to be a part of its growth and success.
- We are fortunate to have a very active, multi-county social worker and the president of the Dearborn County Arc in our group. These ladies attend regular meetings and belong to groups that actively work on bringing communities and those who are less fortunate, have special needs or other social issues together with their neighbors. This process helps us to work together, get to know each other and develop a sense of responsibility for each other to make our community stronger.
- We have a group of four retired couples from different industries and walks of life who have been working with outside businesses to match them with the vacant buildings in town. Example: If you're looking for a place to open a coffee shop, dry cleaning facility, small restaurant, this group will meet with you, show you the areas available, and then introduce you to the building owners, who will then hopefully sell to the new business person.
- We also have a group that has been active for several years finding land or buildings in town or the area who wants to open a factory or a larger business. (This is the group who brought J&J Packaging (fka Deufol, nka MPGI of Indiana) to Sunman many years ago.
- Our group also includes an accountant, an investment representative, a former Seagram's employee, a licensed, certified surveyor, and a retired geologist (who worked for the government).

Response to Comment 50:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 – Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 2 - Adequate Notice of Draft Permit
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning

On January 27, 2019, Sara Hylton of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 51:

As a Sunman resident, I would like to request a public hearing regarding the adverse impact on air pollution steaming from black fungus. Also I am concerned with my property value depreciation.

Response to Comment 51:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning

On January 27, 2019, Peggy Norman of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 52:

> I own property near this location. I grew up in the Milan area where Seagram's had the aging process warehouses. My parents both worked and retired from Seagram's. My dad worked for many years at the warehouse facility. I know what happens to the properties near the buildings. I have seen them and they are scary. I have friends who live in Greendale. I have seen their homes too. They are scary. By "scary", I mean black mold on all surfaces. It is on the grass, trees, shrubs, windows, lawn furniture, and houses. There is nothing good about this. Declining property values being a huge concern and well as future "unknown at this time" health issues. Keep this in mind when you allow the permit for this company. We don't want this type of storage in our back yard. There must be a better use of this property.

Response to Comment 52:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning

On January 27, 2019, Robin Stoneburner of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 53:

> I am concerned about MGPI using the facility at 924 South Meridian Street in Sunman, and the impact this may have on air quality in Sunman. My children go to daycare and elementary school very near to the property mentioned. I would like to request a public hearing in response to MSOP No.: M137-40667-00051.

Response to Comment 53:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

On January 27, 2019, Lori Gulley of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 54:

> Please accept this as my request for a public hearing to discuss permit # M137-40667-00051.

Response to Comment 54:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting

On January 27, 2019, Chris Farricker, Amber Cox, and Lori Trimble, of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 55:

I am writing in response to the Minor Source Operating Permit (MSOP) for MGPI of Indiana, LLC in Ripley County. As a local citizen in the town of Sunman, IN, I would like to request a public hearing regarding the adverse air pollution impact.

Response to Comment 55:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting

On January 27, 2019, Marlene Emsweller of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 56:

We would like to voice our concerns about the proposed whiskey barrel storage facility (MGPI) that will be located in Sunman, Indiana and would like to see a public hearing be held.

The unknown air quality is a huge concern for children, adults, and elderly people (especially those with breathing problems) who live in or near Sunman. This proposed facility is around a mile from the Sunman Elementary School.

Black mold and fungi covering houses, buildings, damaging trees and other vegetation has happened in other locations where similar facilities exist.

Response to Comment 56:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 - Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

On February 14, 2019, Lisa Riehle of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 57:

I am emailing in regards to a possible permit that would allow a whiskey storage unit to be able to distill or ferment whiskey, which would be about 1 mile from our farm, ½ mile from a field we plant crops in, and sits close to or on top of an aquifer that supplies our drinking water. I mostly have concerns for our health and well-being. I am not completely educated on how this will affect our health. I do know that it produces a mold, but I am unsure what it will do to our drinking water, if anything. But being a part of a family that has lived in this location for over 100 years, I am concerned because we have not been faced with an issue like this before to even have a change of a threat to our water.

I am also concerned about how this mold will affect our family farm, which has been in our family for over 100 years. We have multiple grain bins and a popcorn business at our farm and having this distillery or facility fermenting whiskey so close to our farm is discouraging. I am also concerned about what this will do to our crops in the fields and the popcorn in storage in our grain bins. For instance, can the mold get inside and grow on our popcorn?

I am not sure how it will change the appearance of our farm, but we were here first and do not appreciate if another business can come in and allow for molds to travel and cause hardship on our business. I have read articles online that it has happened in Kentucky.

I am unsure if I can attend the meeting on Feb 28th. We are planning on coming, unless our son has a sectional basketball game that night.

So overall, my concerns are: What will this do to our family farm, crops, storage and contents inside and all facilities? What will this do to our drinking water? What will this do to the look of our community? What hardships is this going to cause? We also spend a lot of time outside and have children, so I am concerned about our health and the air we breathe as well.

I have a hard time believing it is all going to be okay if the location on 350 cannot be used, was vacated, and was condemned. It may be a rumor, but I have heard that the ground there is not in good shape because of the warehouse and fermenting. We have taken the time to build up our business, and I hate to see another business, which has not been a part of the community, come in to make a hardship on those who have already been here.

Response to Comment 57:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 – Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 6 - Water Related Issues
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

In regards to the comment that the whiskey storage unit would be able to distill or ferment whiskey see Response to Comment 30.

On February 14, 2019, Jessica Small of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 58:

> I am very concerned of the recent news that there is a possibility of a whiskey storage facility moving into our neighborhood. The effects that it would have on the environment and on the air we breathe makes my stomach turn. I have always had lung issues and breathing in black mold will surely not help.
>
> I am asking for you to you to take this into consideration as the decision is made, to hopefully deny the request for a permit.

Response to Comment 58:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

On February 24, 2019, Harold and Patricia Scharf of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 59:

> We are concerned about what the potential impact would be on our town if MGPI moves a whiskey aging facility into the Deufol property on Rt. 101 in Sunman. We have seen what the whiskey aging process did to the area on Rt. 350, which has since been torn down, and also what it is currently doing in Greendale, Indiana. We do not want the black fungus/mold growing in our town nor ethanol being released into the air at 100 lbs per hour. Small towns have enough problems in Indiana. We do not need any more issues such as this to affect our quality of life or our property values, wildlife, not to mention the possible impact that this could have on our agricultural community and greenhouses. Farmers will lose their livelihood, if this fungus attacks their crops. There are homes and businesses around this facility as well as a school. Releasing ethanol into our community which supports black mold can't be good for Sunman.
>
> The residents of Sunman are very upset about this company from Kansas coming in and polluting our town. If there is anything you can possibly do to help the citizens of Sunman, it would be most appreciated
>
> The citizens of Sunman will be at the meeting IDEM has set up at the Milan High School next week. Our wish is that IDEM refuses to issue a permit to MGPI to pollute our community with its nasty black fungus. This is a big company which moves into small towns because small towns do not have the ability to fight them. They want to roll over us. We depend on YOU to protect us from this environmental disaster.
>
> P.S. We forgot to mention that the building for which an application for a permit has been submitted sits on top of our aquifer which provides drinking water to the town of Sunman and surrounding area.

Response to Comment 59:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 6 - Water Related Issues
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

On February 25, 2019, Harold and Patricia Scharf of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 60:

Regarding the application for a permit to pump 100 lbs of ethanol per hour into Sunman air, the residents need IDEM to protect us. If there is nothing anyone can do to stop this whiskey barrel operation from going forward, IDEM could insist that MGPI of Indiana put a ventilating system into their building/buildings to clean the air so that ethanol does not escape and ruin farmland, atmosphere, etc. MGPI of Indiana is planning on building the largest whiskey barrel aging operation in the country and the very least they should do is protect the citizens of the surrounding area by keeping this ethanol from causing mayhem.

By withholding the permit to operate, IDEM can protect Indiana citizens. A technologically advanced ventilating system needs to be installed and inspected regularly to make sure that it is operating properly.

The tax paying citizens of Sunman, Indiana deserve to have the state do what it can to protect them. Many of these people have lived here all their lives and their ancestors have too. Many of these farms have Hoosier Homestead Award designations. These fine families are the backbone of Indiana's farming legacy. They do not deserve to have their livelihoods ruined because some out of state company does not want to spend the money on a high tech ventilating system.

When you come to the meeting in Milan on Thursday, take some extra time before the meeting to visit Greendale, Indiana and see what whiskey fungus has done to that town. Why would anyone want to see that happen to another community?

PLEASE HELP US SAVE OUR COMMUNITY!

Response to Comment 60:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

On February 26, 2019, Karen Bocko of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 61:

This is to request that the Indiana Dept of Environmental Management decline the application noted in subject line (MSOP No: M137-40667-00051). This request comes from concern not only for the local environment where the whiskey barrels would be stored but the entire planet. I have friends who live in the area who would be negatively impacted by the resulting mold that is

inherent in barrel storage. I also care about future generations if the world population doesn't stop as many environmentally-harmful activities as possible. Will you please do you part and decline the application?

Response to Comment 61:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus

On February 26, 2019, Karen Bocko of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 62:

I am asking you to decline application MSOP No. M137-40667-00051 made by MGPI for whiskey barrel storage in the town of Sunman, IN as this would negatively impact the air quality of the surrounding area.

Response to Comment 62:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

On February 27, 2019, Sherry Small of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 63:

I am requesting the IDEM deny the application M137-40667-00051 by MGPI to create a whiskey barrel storage facility in Sunman, Indiana. This facility would seriously degrade the air quality of the area, devalue all nearby properties, and in general seriously lessen the quality of life of many nearby people.

What about breathing the black mold? What will be the effect of the mold on crops, garden produce and farm animals? Will it infiltrate our homes, blackening them like the outsides? Can we no longer live with our windows open to natural air?

Why isn't this company/industry subject to clean air rules? We all know what the homes and businesses look like on the outside in Greendale, Indiana and also where the old Seagram's storage facility was torn down in Pierceville, Indiana. Even the trees are black with mold.

I would ask these questions at the public meeting this Thursday in Milan, IN but I am contracted to work out of town.

I hope that the IDEM can see that this business isn't a good fit for Sunman. This facility will provide very few jobs besides all the negative aspects.

Thank you for your consideration.

Response to Comment 63:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

On February 27, 2019, Douglas and Marlene Emsweller of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 64:

We would like to express our concerns about the MGPI of Indiana requesting approval for an MSOP permit for Sunman, Indiana.

The sheer amount of whiskey barrels that will be stored at this location could be the largest in the United States. It doesn't sound like any real studies have been done testing what the black fungus does to the environment, human beings, or other living animals.

As nearby property owners in Sunman, Indiana we did not receive any notice in the mail notifying us of 30 days for public comment on the original permit back in December 2018.

There are so many unknowns and subjecting innocent children, adults, and elderly people daily to 24/7 air vapors that cause black fungus can't be healthy. People who currently have breathing problems (asthma conditions and those on oxygen) could be very sensitive to this air-borne bacteria. There are many families with young children living in the Sunman area, plus the local elementary school is close by.

Most people in this area have seen the damage first-hand from driving by Seagram's over the years in other locations like Greendale and Milan, Indiana and have seen the unhealthy residue of black soot covering house, building, trees and other vegetation. How will the bacteria in the air damage this area from an even larger scale facility?

Our family raises wheat, corn, soybeans, hay, livestock, and have several wooded areas. Along with that we have several honey bee hives which help pollinate our crops and increase our yields. Our Sunman neighbors also have several popcorn fields and several people around Sunman have honey bee hives. What will this air-borne bacteria, that causes black fungus, do to our crops and our yields? How much will we get docked at the grain terminal for mold and foreign matter? Will our honey bees, which struggle with environmental toxins now, be able to withstand the coating of black fungus on the vegetation or in the air or will they die?

About two years ago, a very small tornado went through Winner's Circle Subdivision. This area is only about four house lots away from MGPI. Since 1990 there have been two other small tornadoes pass by the area on the other side of the proposed whiskey barrel storage facility (by St. Paul Church S.R. 101 & VanWedding Road). Tornadoes are unpredictable (like Mother Nature) and often follow in the same general areas. How can you control the angel's share in the air when Mother Nature is going to do what she wants?

If the Sunman facility were to collapse, like Bardstown, KY (July 4, 2018) it would be a domino effect. Over 1,000 fish died according to a CNN report. Several road ditches around this Sunman warehouse quickly lead to the Hogan Creek which takes it to the Ohio River. If fish couldn't survive this pollutant by breathing it in the water, then how can it be good for human beings to be

breathing in the portion which evaporates in the air?

If under-age minors (under 21 years old) for whom this whiskey product is illegal for them to consume because it is alcohol, then why should they be subjected to breathe the angel's share 24/7 and that is ok?

Response to Comment 64:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 2 - Adequate Notice of Draft Permit
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 6 - Water Related Issues
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

On February 28, 2019, John Manifold of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 65:

I am writing to you in response to the Minor Source Operating Permit (MSOP) for MGPI of Indiana, LLC in Ripley County. As a local citizen residing just outside of the Sunman, Indiana town limits, I am expressing great concern regarding the calculated 1,104 tons/year VOC emissions of the proposed Sunman warehouses #1 and #2.

First, using the attached EPA document, EPA-450/2-78-013 entitled, COST AND ENGINEERING STUDY CONTROL OF VOLATILE ORGANIC EMISSIONS FROM WHISKEY WAREHOUSING by Mr. David C. Mascone. I've recalculated the VOC emissions with his emission factor (3.2kg/barrel/yr. = 7.055 lbs./barrel/yr.) and found the calculated VOC emissions to be ~2.2% greater than that stated in permit M137-40667-00051. Where:

Emissions (ton/yr.) = # barrels x EF (lbs./barrel/yr.) / 2,000 lbs./ton
Emissions (ton/yr.) = 1128.767 tons/year

This is a truly a significant source of volatile organic compound to be released within a 1 mile proximity of the center of Sunman, Indiana.

Secondly, Dr. James Scott, a Canadian Mycologist has determined has determined that a black fungus "Baudoinia compniacensis" is observed on a wide range of substrates in the vicinity of distilleries and the fungus feeds on ethanol. He also states, in his observations of the distillery in Lynchburg TN and surround area, that there is a significant accumulation of the black fungus. He also states that at best, it is unsightly, but seems to damage or kill vegetation.

Published literature to date indicates that there has been insufficient long-term research done to determine the level of VOC-NEC emission that should be allowed while maintaining a healthy environment for humans and vegetation, much less its negative effect on aesthetics and depreciation of property value. Some literature indicates that California requires this type of emission to be reduced.

If, in the event permit M137-40667-00051 is approved against the wishes of the residents, I'd hope at the very least that MGPI of Indiana, LLC be required to fund independent long-term

studies, managed by IDEM or EPA in Sunman to determine VOC effects and the level required to ensure a healthy environment for humans and vegetation.

Response to Comment 65:

According to the background document *Emission Factor Documentation for AP-42, Section 9.12.3: Distilled Spirits*, the emission factor of 3.1 kg/bbl/yr (6.9 lb/bbl/yr) is an average total of ethanol losses due to evaporation, which includes 2.7 kg/bbl/yr (6.0 lb/bbl/yr) for Bourbon, 3.0 kg/bbl/yr (6.5 lb/bbl/yr) for corn, and 3.7 kg/bbl/yr (8.2 lb/bbl/yr) for light whisky. No changes were made to the calculations as a result of this comment.

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 8 – Vegetation

On February 28, 2019, Rebecca Stutz of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 66:

In regards to the ethanol emissions, how will the thickness in the air caused by the fugitive emissions affect those with diagnosed respiratory issues? Who do we contact in to gain this information?

Also what about the effects of concentrated amount of fungus due to ethanol emissions in people with immune disorders and other respiratory issues?

Response to Comment 66:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

Comment 67:

How does one clean up a major spill from an aquifer by simply “cleaning it out” (as was commented in the meeting?)

Response to Comment 67:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 6 - Water Related Issues
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills

Comment 68:

In a small town like Sunman where people do not get the newspaper and do not go to a library 5+ miles away, what can be done about better notification in the future?

Response to Comment 68:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 – Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 2 - Adequate Notice of Draft Permit

For more information on how to participate in the decision-making process and to be notified of future permitting actions, please visit IDEM's Public Notice Site: https://www.in.gov/idem/5474.htm

Comment 69:

In this day and age, when technology is so far advanced that it can approximate how much emissions can be released by the amount of barrels, why can't further studies be done to change the procedures required for filtration to capture those fugitive emissions?

Response to Comment 69:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

On February 28, 2019, Lisa Riehle of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 70:

Thank you again for taking the time to come to the meeting tonight to answer questions. In regards to my questions you wanted in writing, if I can read my notes correctly.

Currently, you are permitting a certain amount of emissions of ethanol, and, legally, you are unable to require them to control fugitive emissions on these types of facilities. If we notice a disturbance in our current local businesses, such as our farm operation, greenhouses, and self-storage units, are we able to take steps to change the laws or rules that could make them possibly be mandated to add on an air pollution control, to regulate ethanol emissions, such as a thermal oxidizer, like what is used in California distilleries? Or can we change emission laws that the distilleries have to come into compliance with? I know in our industry, new laws are made, and we have to change our business because of staying in compliance with new rules.

This is the draft of the San Joaquin Valley Air Pollution Control District: http://www.valleyair.org/rules/currntrules/r4695.pdf. In this document they talk about a control emissions equipment. On this website: https://munchies.vice.com/en_us/article/78dyqb/kentuckys-whiskey-fungus-problem-is-out-of-control, they also make mention of California distilleries using a thermal oxidation for regulating emissions. Please consider researching to see if making more regulations in Indiana to keep our communities looking clean and being a welcoming community. The emissions may not be harmful, but if there are ways to regulate emissions, there is more to a community than harm to your health. Again, if it isn't hurting anyone, but there are ways to keep the area "looking clean" why would Indiana not want to help control that?

Response to Comment 70:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

Comment 71:

Who do we contact if we start showing adverse effects to our businesses and we want a change in compliance regulations (such as, but not limited to, loss in crop production due to a covering of fungus thereby not allowing adequate sunlight, or the same for a greenhouse on the plastic, or the fungus growing inside a warehouse or storage unit)? Is it even possible for the fungus to grow inside of buildings or if the stored popcorn or soybeans begin to have covering of fungus? We have been told there are no reports of this, but as Ms. Acker said, every location as different effects depending on size and location. Who do we contact if we see any problems other than the nuisance of fungus on the outside of our buildings and home?

Thank you, I hope I remembered all my questions!

Response to Comment 71:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 – Black Fungus
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

On February 28, 2019, Brad Rullman of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 72:

Thanks for taking the time to hear the community's comments on the MGPI barrel storage facility in Sunman this evening. The outcome I took from the meeting is IDEM's ruling is that the ethanol released is fugitive emissions, and MGPI is therefor allowed to release it unfiltered into the air. I do not understand how our state will allow a substance that is known to cause a Black Mold or Whiskey Fungus to cover everything in and around the facility, our homes, cars, crops, trees, plants and entire community. As a resident we look to our state for assistance is protecting us from this kind of harm.

I would like to add that at one time lead-based paints were not harmful, and neither was smoking. It was not until later that they were determined to be harmful. There is a day care 500ft from this building (added note MGPI purchased this building too), there is an elementary school 1 mile down the road. These children will be playing on a playground that will be covered in black "whiskey fungus". Their slides, swings, soccer fields, play sets, etc. will all be covered. Please help us avoid finding out what this fugitive emission does to our children and community.

I am following up on the questions I asked during the meeting;

First; If IDEM does not know of adverse effects caused by the ethanol released during the distillation process, why was the effort put forth to provide the fact sheet that had "Indiana Department of Environmental Management" at the top of the page. It was noted that Black fungus is not known to cause harm to humans, animals or plants. However on page three of the handout, information from the Indiana State Department of Health section 4 "How does Baudoinia

compniacensis impact our environment?" It states "If Baudoinia compniacensis or any other fungus is found in your private water well, the well should be disinfected an examined by a licensed well professional." If the "Whiskey Fungus" is not harmful, why is it recommended to be disinfected? It is well known and documented that this "Whiskey Fungus" will grow due to the emission of ethanol from the storage. The vast majority of residents in the area of the facility get their water from private wells. All of these wells are drilled into the same aquifer that is under the town, and the town's water for its distribution also is pulled from the aquifer. Page four of the same handout states that "Ethanol degrades quickly in the environment. We would expect any ethanol that enters the soil or surface water to biodegrade before it had time to enter the aquifer". Again I ask how the fungus will enter our private wells if this is the case. It appears to me that IDEM and the department of health are saying residents be aware of this problem, and we told you about it. However, you are now informed and need to check it. You are also responsible for all cost associated with testing and cleaning.

Response to Comment 72:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 6 - Water Related Issues
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

Comment 73:

Second; I questioned why the ethanol was not required to be filtered or controlled, and I was informed it was classified as a fugitive emission and that controlling the release had a negative effect on the aging and taste of the whiskey. This is a case where Big Business (MGPI) is not allowed to lose profit and be made to take care of the problem by using filter or scrubbers to control the emission. The local community will be left to pay for it in loss of property value, increased cleaning costs of property and homes, testing of water that is not supposed to be affected.

Third; I am not sure why ethanol is a fugitive emission. Based on information found in the 2018 E101, a fugitive emission cannot be controlled

Module One: Air Permitting

Presented by
Indiana Department of Environmental Management
Office of Program Support Assistance and Outreach Branch
Compliance and Technical Assistance Program

Fugitive Emissions (40 CFR 70)
Fugitive emissions are those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

I would disagree that the ethanol does not meet these requirements. It can in be controlled. The fact is we allow the distillers to freedom to not require proper ventilation with intake air and exhaust fans with proper filtration, or control of the ethanol. Because it cost them money to install, or the potential to have to change their process to maintain flavor. Instead the community is left to carry this cost, and to loose property value.

Thanks again for you time, and I look forward to your response.

Response to Comment 73:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 – Property Values and Zoning

On February 28, 2019, Cindy and Warren Bruns of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 74:

These statements are directed to the Minor Source Operating Permit (MSOP) for MGPI of Indiana, LLC near Sunman in Ripley County. We are citizens located approximately one-half mile from the site of the MGPI facility in Sunman, IN. We own property that may be affected by the airborne emissions, surface runoff, and groundwater contamination from the MGPI facility.

We have not been notified of the environmental impacts of this facility by MGPI of Indiana or the Town of Sunman. The documentation regarding this permit has addressed some of the airborne emissions and effects of the two fuel tanks associated with the two large diesel engines.

This inquiry is directed to the evaluation of direct or indirect effects to the surface runoff and groundwater by the change in the operations at the MGPI facility. Even though these issues may be under the regulatory jurisdiction of other County and/or State of Indiana and/or Federal agencies, this inquiry is relevant to the operation of the MGPI facility. Please respond and refer this matter to all State of Indiana, or other agencies, as appropriate.

Response to Comment 74:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 2 - Adequate Notice of Draft Permit
- IDEM, OAQ Response to General Public Comment 6 - Water Related Issues
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills

On February 28, 2019, Ruth Riehle of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 75:

I, Ruth Effing Riehle, was born in Franklin County, Indiana, the daughter of a tobacco, sheep, cattle, and hog farmer. Since my move to Ripley County, I've earned my PhD in the college of hard knocks!

After experiencing and watching what our government has done with the tobacco farmer, now the government insurance trying to get citizens to stop smoking. Is the whiskey any different? How much (many dollars) does that first bottle of whiskey cost? How did the whiskey get here?

This situation is about money - not how the whiskey gets here! Or the safety of the people? Who controls the whiskey process? Who controls the whiskey process? Does IDEM have the authority to limit the amount processed and/or aged at one site? Or does IDEM wait until there is an incident? How long does it take IDEM to monitor these aging whiskey warehouses? How many bottles of whiskey comes out of 300,000 barrels? Locally, it costs around $100 for a 1/2 gallon bottle of whiskey. At least it's in a glass!

Response to Comment 75:

IDEM, OAQ does not have the authority to limit the amount of whiskey aged at one site.

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

Comment 76:

How many citations/violations has MGPI had since they arrived at Greendale and Lawrenceburg? How often are they checked?

Is there a penalty for doing business before the permit is approved? What is the penalty in cases involving whiskey distilleries? The attorneys choose the dollar amount and the local people and

their investment in property is devalued but their mortgage is not adjusted! The air is a matter that we as locals can do nothing about!

Does IDEM do checks on these buildings routinely? Does IDEM call the company and set up appointments for inspections, or does IDEM make inspections unannounced? How long does it take IDEM to stop blatant violations? What process is followed? Sunman Rules - Ripley County Planning and Zoning - verbally they pass the buck and no one does anything to the violators or address the situation!

It takes one person to care and do the decent, right, and just application and control a situation that has gotten out of bounds. Is IDEM there?

Response to Comment 76:

For a review of past citations and violations, please access IDEM's Enforcement Database: https://www.in.gov/apps/idem/oe/idem_oe_order

If a source begins construction of emission units or begins operation before obtaining the necessary air permits they will be refered to the IDEM OAQ Compliance and Enforcement Branch for futher evaluation. More information on the enforcement process can be found at: https://www.in.gov/idem/legal/2331.htm. In addition, IDEM has developed a nonrule policy document for Compliance and Enforcement Response Policy (MP-005-R1-NPD). This policy sets forth factors that shall guide IDEM in the exercise of its compliance and enforcement actions. IDEM reserves the right to take appropriate enforcement action on any regulated entity as deemed necessary specific to that case. This nonrule policy document can be found at: https://www.in.gov/idem/files/nrpd_mp-005.pdf

IDEM has an Environmental Performance Partnership Agreement (EnPPA) with the U.S. Environmental Protection Agency Region 5. This biennial agreement identifies program specific priorities and program specific joint priorities between the two agencies. One aspect of the EnPPA is to develop and implement a Compliance Monitoring Strategy (CMS) for Title V and Federally Enforceable State Operating Permits (FESOPs). The CMS requires full compliance evaluations (inspections) of all Part 70 (Title V) sources once every two years, unless otherwise specified, and full compliance evaluations of all FESOP sources once every five years, except as noted in the CMS. There are no full compliance evaluation requirements for Minor Source Operating Permit (MSOP) sources, and these facilities will be inspected on an as needed basis.

Inspections are unannounced. Full inspections include both an observation of emissions rom the plant, and a complete review of all required records. In addition to full inspections, the inspector will also conduct surveillance of plant emissions to determine if there are any violations of opacity or fugitive dust rules. Surveillances differ from full inspections because surveillances do not always require the inspector to enter the plant, and surveillances do not include a review of the plant's required records. Additional inspections or surveillances will be performed if IDEM suspects compliance problems or if IDEM receives citizen complaints regarding excess emissions.

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills

Comment 77:

What requirements does the local fire department and EMS required to provide?

Response to Comment 77:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills

Comment 78:

Can the state chemist limit the volume of whiskey on site? Farmers are permitted to store only such volume of fertilizer and chemicals at one site. Farming is a business, no different than whiskey.

We as farmers know water seeks its own level and runs downhill. Why is the permit for air quality only? Why is the whole process addressed, including air, water, soil, total environment, taxes, and persons - people held accountable for their signature on the document. All the issues need to be addressed as one permit before businesses start up. Currently, MGPI moved in and installed fire hydrants and etc. Is this allowed/permitted? Is there a financial penalty? Is an individual held accountable?

Will MGPI pay property owners to have their real estate property washed and treated to treat the black mold? Can MGPI do monitoring and document parts per million of the angel's share that contaminates the air we breathe?

When will decency, common sense, and respect enter the picture and treat locals as human beings. The technology is there to filter the air (cotton diapers and vinegar) before air can escape into our atmosphere. Will laws and regulations support this?

What's in it for Sunman, Ripley County, and Indiana? No taxes! Whiskey will be bottled in another state to escape the taxation. The consumer will pay the tax when they buy a bottle.

IDEM please do your job! Use all the technology that is available to protect our immediate environment. Thank you for letting me speak.

Response to Comment 78:

MGPI of Indiana, LLC will utilize existing on-site structures previously owned by Deufol Sunman Inc. to store barrels of distilled spirits products for aging. Pursuant to 326 IAC 1-2-21, "construction" means fabrication, erection, or installation of one (1) or more emissions units at the location intended for its use. Construction does not include any of the following:

(1) Installation of building supports and foundations.
(2) Laying underground piping or arbors.
(3) Erection of storage structures.
(4) Dismantling existing equipment and control devices.
(5) Ordering of equipment and control devices.
(6) Off-site fabrication.
(7) Temporary storage other than where permanent installation will occur.

Based on the definition of construction in 326 IAC 1-2-21, the installation of fire hydrants does not meet the definition of construction. Therefore, MGPI is permitted to do this prior to obtaining their air permit.

Please see reponse to comment 76 for more information about the enforcement process.

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills
- IDEM, OAQ Response to General Public Comment 8 – Vegetation

On February 28, 2019, Patricia Schultz submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 79:

I am asking the IDEM to decline application MSOP No.: M137-40667-00051 made by MGPI for whiskey barrel storage in the town of Sunman, IN as this would negatively impact the air quality of the surrounding area.

Response to Comment 79:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus

On March 1, 2018, John Manifold of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 80:

I was curious about your model for fugitive ethanol. Is this a first principal model? Or empirical model? Typically, models use a description of “model fit” with an r-square value. What is the r-square value of your model? Why are there no UCL/LCL (upper control / lower control limits) or USL/LSL (upper specification / lower specification limits) values for any values stated on the permit?

Response to Comment 80:

AERMOD is the preferred EPA model for single and multi-facility modeling. AERMOD is not that statistical type of model; it is a deterministic, steady state Gaussian air quality model. The pollutants are calculated for each hour and at each point and are averaged over an entire year using multiple simulated years of NWS data.

No changes were made as a result of this comment.

Comment 81:

I’ve found no data that suggests that ethanol measurements at or around the whisky storage facility will tarnish the whiskey product. Where can I find this data?

Does MGPI have an R&D department? What R&D effort has MGPI done to adequately say that they can’t use ethanol control? What are the results? What are their future plans for reducing fugitive ethanol emissions?

Response to Comment 81:

There is no local monitoring of ethanol in Sunman. IDEM does not have any toxic monitors in the southeast portion of the state. In Kentucky, no toxic monitors are located near the whiskey or bourbon producing facilities. MGPI relies on natural ventilation for its whiskey aging process and does not use forced air in or out of the warehouse.

No changes were made as a result of this comment.

On March 1, 2019, Sam and Susie Bruce of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 82:

I have jotted down quickly, what I think is necessary and important to man. Health, air, water, food (crops) shelter, money (jobs), and love (self, family, friends, pets and wildlife). My husband and I, attended the Milan, IN mtg. 2/28/19. We had to leave at 7:00 p.m., because my husband has to sleep some before working at a Casket Company, on third shift. So, we didn't hear everything said. I was laid off from Deufol in 2017. I am trying to follow this frustrating and unwanted problem.

And I admit that I don't understand a lot of this process. All I really know for certain is that this is a major issue. Especially for us citizens who live in and near Sunman, IN. I am concerned, worried, and afraid of more people making the wrong decisions for us locals. I have lived in the country, outside of Sunman, for over 50 years. I want a simple life, and I am speaking a simple message. Some things can be replaced, and some things cannot. I do not want any of our essential needs compromised or hindered.

A lot of people suffer from sinus, allergies, asthma, and other breathing difficulties. Myself, I have sinus and allergies all year long. When I was younger, it was only in the spring and fall. The environment must be changing. And it is mostly man to blame. Anyways, this plan for MGPI, will not help. Cancer is already high around here.

My mom has had cancer four times in four different areas. So far, I have just had skin cancer on my leg and head. I cannot see this plan of action helping. We do not want contaminated or polluted water. We use rainwater and snow off of our house and barn roofs into a cistern. This will not help. We have a nice pond. This will not help the fish and wildlife. My parents own a nice farm. This may cause problems, for them, getting renters to farm the property now. Who would want to take a risk with the crops becoming fungused? I don't even know, if they could insure them, anymore. Please, please do all that you can. We need the very best, updated rules and regulations.

There are top experts, research, and testing available. We can't just settle for poor or okay. If anything can be new and improved on this subject matter, jump on it. Filters, scrubbers, and whatever else is possible.

I heard testing would be done. I don't trust companies necessarily. Test them more and unexpectedly. Have high standards. Some companies can be really sly and sneaky. They sure were, with coming to our town. Nothing seems right about this complex issue. The fact that our health, our wellbeing is in possible jeopardy. Not to mention our human resources and our hard earned properties, may be endangered. I guess, I don't like to take unnecessary chances and risks. I reckon, it is easier for some people to gamble, with others' wellbeing. I believe in the term that you can never be too safe. May God help us all.

Response to Comment 82:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 6 - Water Related Issues
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

On March 2, 2019, Karyl Schmidt of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 83:

Two storage warehouses that MGPI will use will hold 320,000 barrels of whiskey. Each barrel will emit 6.9 pounds per year of VOCs (Volatile Organic Compounds) primarily ethanol, which equates to 1,104 tons per year or 2,208,000 pounds per year.

The draft permit specifies that the ethanol emissions will be vented out through windows, doors, and louvered vents. Whereas, ethanol by itself may or may not cause human health hazards (MGPI's own Safety Data Sheets for ethyl alcohol under ACGIH chemical category states that is a confirmed animal carcinogen with unknown relevance to humans), I have not been able to find results of any research that the black fungus (that the ethanol produces when spores and high humidity is present) is safe for humans to inhale, ingest or come in dermal contact with. However, Richard Summerbell, a published researcher of black fungus, advises to avoid inhaling large quantities of it in spray while power washing for the same respiratory reasons as you would avoid inhaling a lot of coal dust. There are treatment systems, such as thermal oxidizers in California and Japan that are required to collect/treat ethanol and could be installed at MGPI. They are expensive. I have read and heard anywhere from $400,000 to $600,000.

Response to Comment 83:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

Comment 84:

Fires are the main danger that the company is concerned with since the 320,000 barrels times 50 gallons of whiskey each, times the cost of a gallon of Crown Royal Whiskey (about $51 per gallon) are worth by my rough calculations $831,360,000. They want to protect their investment. Even if you estimate the costs of containment and treatment is one million dollars, the ratio of control and treatment to the value of their product would only be 1/10 of 1 percent.

The citizens in this area want to protect their investments just as MGPI does. Homes and vehicles are the biggest investments of most of their lives. Even more important, they want to know that their family's health is not going to be in danger by the black fungus. We are not willing to take the company's word that there is no human health hazard without an independent research study to back their words up. The proposed air permit does not address health concerns of the black fungus, because they consider only the ethanol by itself that is emitted. They consider the offsite black fungus a local zoning matter. Unfortunately, Sunman does not have sufficient ordinances to address this. Such industries target counties that have insufficient zoning laws. I saw that occur in

the IDEM Division that I worked in while reviewing solid and hazardous waste permit applications. I would wholly support giving additional tax abatements to MGPI if they were going to be used for equipment to collect and treat the ethanol.

Response to Comment 84:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 – Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills

On March 2, 2019, Jeremy Henn of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 85:

Wondering if you could let me know whose jurisdiction would fall under dike and water questions? I am wanting to find out the restrictions or the requirements of a dike for commercial storage of liquids and also what the requirements are for protection of ground water.

Response to Comment 85:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 6 - Water Related Issues

On March 3, 2019, Stephanie Bauer of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 86:

With regards to MGPI permit, of which I'm sure you are receiving a lot of comments:

1) The Town Council does NOT represent the community's thoughts with regards to the decision of having a business store whiskey in a warehouse located so close to so many lives and property that it should NOT be allowed to be next to (although I'd wholeheartedly support a permit to relocate it within 100 feet of the owner's residence)
2) The President of the Town Council has resigned as a result of the community's discontent (thereby enforcing thought #1)
3) And although MGPI may operate within the confines of the permit, and the buck gets passed from one agency to the next, what agency is it that signs the "common sense" permit?

It would seem quite negligent on any agency's part to take part in allowing such an industry to victimize a town. Not only was the town not properly notified of the known devastation to be bestowed upon area residents, but the town's and surrounding area's volunteer firefighters do not have the resources to purchase and store the foam necessary to contain a fire fed by ethanol. The ill health effects of concentrated ethanol won't matter to those who die from a fire that cannot be controlled. But for what it is worth, I'll ask what about the physical harm caused to those who suffer from asthma, respiratory or pulmonary conditions? The concentrated ethanol causes the air to be heavier than normal and people with those conditions mentioned find it much more difficult to breath. I understand the EPA finds little evidence to support ill health effects from ethanol….for now. Plenty have developed cancer from working and/or living around asbestos & uranium (Fernald, Ohio). The crux of the issue seems to be, too much of a concentration of anything at

one location results in bad news for human, plant and/or animal life. Seemingly, no agency can do anything (because “it is not their ‘department’”) until folks start dying. Unfortunately, it is not until then that the finger pointing begins.

Response to Comment 86:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 2 – Adequate Notice of Draft Permit
- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills

On March 3, 2019, Wanda Retzner of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 87:

I’m sending this message as a plea to stop the company of MGPI of Indiana, LLC from destroying our small town of Sunman Indiana. After listening and hearing all comments, it is very upsetting to hear what can and will happen. After seeing what took place in Lawrenceburg and Milan, what makes you think it won’t happen here as well? Please take into consideration that our only water supply can and will be contaminated. We are a small town and a great place to live and raise a family now with the ok you will destroy all that. Please please reconsider!

Response to Comment 87:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 6 - Water Related Issues

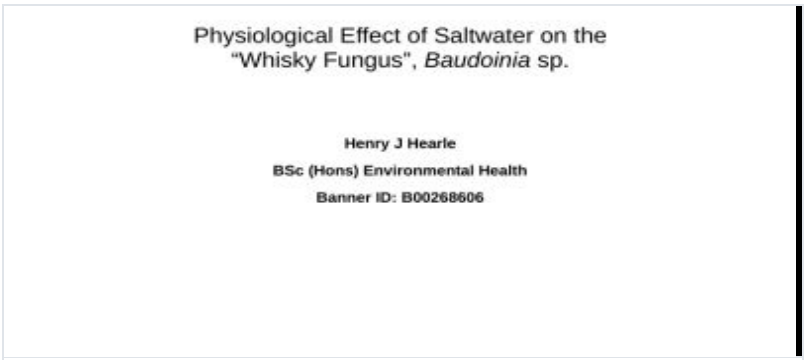
On March 3, 2019, Carol Eckstein of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 88:

I would like to thank you for allowing our voices to be heard at the public meeting on Feb. 28th. Our town is crying for help in this matter, as we are just devastated about what's to come.

Some concerning questions and points that I have are as follows:

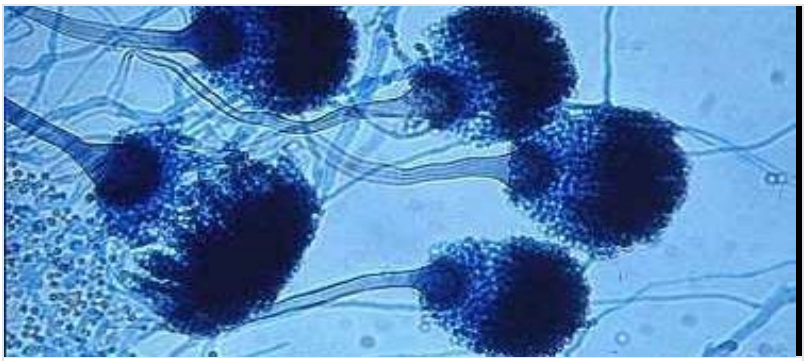
In the IDEM handout at our meeting it says "There are no acute health effect levels for airborne ethanol". My question is WHERE are those studies? We have asked for them, looked for them and they are not to be found. "They say" is not enough proof for me. However, I did find this information. Please take note of pages 20 and 21. Not enough research has been done. Your thoughts? (PDF) Physiological Effect of Saltwater on the Warehouse-Staining "Whisky Fungus", Baudoinia



(PDF) Physiological Effect of Saltwater on the Warehouse-Staining "Whisk...

PDF | The warehouse staining phenomenon has been known for centuries, with houses and vegetation near distilleri...

Would also like your response to the description of fungus in this article please. Molds, Mycotoxins and More | Surviving Mold



Molds, Mycotoxins and More | Surviving Mold

Molds, mycotoxins and other fungal contaminants can be present in the air and in the dust of water damaged build...

IDEM's handout also states "If you choose to remove the fungus from surfaces, we recommend you use N95 masks, goggles, and gloves during removal". If this fungus is "safe" please explain this suggestion (Note: Our town council advised us to use bleach to clean our property. Using a toxin to clean a fungus off our homes and property is NOT acceptable). Clearly we will have to contact the Board of Health about this.

Response to Comment 88:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus

Comment 89:

Also, in the handout it states "Voluntary add-on air pollution devices for whiskey aging warehouses are not used because of the adverse impact on product quality"
This is unacceptable. What makes their product quality more important than my home, my property value, and the potential health of me and my family? The hardships that this company will be bringing into our community is disheartening. This is what's to come. Where are the laws to protect us? Kentucky's Whiskey Fungus Problem Is Out of Control

Kentucky's Whiskey Fungus Problem Is Out of Control

Residents of Shively, Kentucky used take the black soot that covered their homes and cars as a given, not realiz...

Although this is an EPA issue. And I may be wrong here. This is rather disturbing that the EPA had a decision on this and it appears that they were corrected by the Distilled Spirits Council. Bullied by them if you ask me.
https://www3.epa.gov/ttn/chief/old/ap42/ch09/s123/related/rel01_c09s1203.pdf?fbclid=IwAR3YAh1zldO6yr-WrQPGiU7QhekSAyc_o78fQEGiLqK-pPmj4amE3vnJ9tI

They claim that these emissions cannot be captured. I have PROOF that it can. Your thoughts on this please.
http://www.capcoa.org/wp-content/uploads/2018/10/ET/Tues%209%202018%20CAPCOA%20Winery%20Controls%20Presentation.pdf

We have also found another company who can treat the plant and stop the ethanol from escaping the vents, windows, etc. and it does NOT affect the quality of product. Please carefully examine these attachments, contact them about this procedure before you issue this permit. At the very least IDEM could put in exceptions to this permit to protect this community.

Thank you for allowing us to voice our concerns. Our hope is to get these laws changed, as they are based on 40 year old technology. The technology IS out there, I realize it is costly to the company, but not as costly to them as everything we have worked our entire lives for be destroyed and depreciated by MGPI.

Response to Comment 89:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

Comment 90:

Which brings me to the issue that this company is sitting on our town's water source. I know this is an air quality issue, but the fact that this emission is in the air and so many people in this area still use private wells for their water supply. What happens to them if this fungus gets into their wells? They are being told to call a professional and have them disinfected and examined by licensed well professional! Why should this fall on the property owners' hands? This emission is going to be coming from MGPI's facility if you approve this permit.

Response to Comment 90:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 6 - Water Related Issues

Comment 91:

Vegetation is another HUGE concern for us. So many farmers around here. We put out a huge garden. I have seen firsthand how this fungus STICKS to trees, shrubs, fences etc. Who will want to eat any vegetables, produce or crops that have a black fungus on it? How is a farmer supposed to thoroughly wash his corn? Is the quality of their whiskey more important than the quality of food that feeds my family? I would like that question answered please.

Response to Comment 91:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 8 - Vegetation

On March 3, 2019, Mrs. Frondorf of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 92:

After attending the meeting Thursday night at Milan, I have a few questions. The handout provided at the meeting states that ethanol is regulated under the Clean Air Act (CAA). What agency is in charge of making sure companies comply with the Clean Air Act?

Response to Comment 92:

IDEM and the U.S. Environmental Protection Agency (EPA) are responsible for making sure companies located in Indiana comply with the Clean Air Act.

In addtion, please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

Comment 93:

There was a recent class-action lawsuit in Kentucky (Merrick et al v Diageo Americas Supply Inc., 2015). In this case the court ruled that the spirit vapors which stimulate Baudoinia's growth, amounted to a breach of the clean air legislation. Since, IDEM is in charge of air quality, how can you not consider the effects of this in your decision to approve or deny the air permit for MGPI?

The following is an article I found by Abi Nighthill
Scope Correspondent
posted October 16, 2013 at 2:41 pm

http://classic.scopeweb.mit.edu/articles/bourbon-countys-ugly-angels/
Some companies, such as E & J Gallo, a winery and brandy maker in California, have found a solution to eliminate their ethanol emissions in order to meet local air quality regulations. A machine called a Regenerative Thermal Oxidizer sits outside the warehouse, where it powers itself with half the vapors it collects, then burns the other half, converting it to carbon dioxide and water vapor.

Though the Louisville distillers claim that these measures would destroy the flavor of Kentucky's iconic bourbons, Gallo has noticed no change in the character of their brandy after years of using the machine. How can we change the local air quality regulations in Indiana so that these are required on distillers?

Thanks for any information you can provide.

Response to Comment 93:

The Commenter misstates the substance of the ruling in *Merrick v. Diageo Ams. Supply, Inc.*, 805 F.3d 685 (6th Cir. 2015). In that case, the U.S. Court of Appeals for the Sixth Circuit was not determining whether the source violated or would violate any provision of the Clean Air Act. Instead the Court considered "whether the federal Clean Air Act preempts common law claims brought against an emitter based on the law of the state in which the emitter operates." *Id.* at 686. The Court held the Clean Air Act does not preempt such claims. *Id.* This ruling does not establish whether the source's emissions violated the Clean Air Act. Instead, this ruling allows the members of the class action to proceed with their Kentucky common law claims for nuisance, trespass, and injunctive relief against the source. To IDEM's knowledge, those claims have not been litigated. If they are litigated, they would be governed by Kentucky state law, not the federal Clean Air Act.

As noted by the Commenter, companies like E & J Gallo, a winery and brandy maker in California are required to control VOC emissions using a Regenerative Thermal Oxidizer. Wine and brandy aging facilities located in the San Joaquin Valley Unified Air Pollution Control District are required to comply with Rule 4695 (Brandy Aging and Wine Aging) provided they have a potential to emit equal to or greater than 10 tons of VOC per year. This rule requires sources to control VOC emissions from brandy aging operations and also requires Reasonably Available Control Technology (RACT) controls on wine aging operations at Major Sources. However, in the rule development process, the San Joaquin Valley Unified Air Pollution Control District excluded whiskey aging because the nature of whiskey aging operations differs from wine and brandy aging. Specifically, the ambient conditions, such as storage temperature and humidity, as well as seasonal variations, are important factors in the whiskey aging process. All aging processes, depends upon the interaction of product in oak barrels, whiskey aging operations strive for a particular blend of temperature, humidity, and ventilation, leading to different types of warehouse.

Therefore, a whiskey aging facility located in this district would not be required to control VOC emissions and would be exempt from Rule 4695.

The Office of Air Quality issues air pollution control permits to facilities that emit regulated levels of pollutants to the air. Permits require sources to comply with all health-based and technology-based standards established by the U.S. EPA and the Indiana Air Pollution Control Board. If an applicant demonstrates that they will be able to comply with all Federal and State laws regarding air pollution, IDEM is required by law to issue the air permit. For information on how to get involved in Indiana's Environmental Rulemaking Process, please go to https://www.in.gov/idem/legal/2334.htm.

Additionally, please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

On March 3, 2019, Jerry and Paula Reed of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 94:

We have several issues we would like to have addressed concerning MGPI's permit requested to house an aging/storing facility in the old Deufol plant.

First of all, we would like to address some statements made in the article from the Indiana State Department of Health:

- "Although there are no known health hazards, if you choose to remove the fungus from surfaces, we recommend you use N95 masks, goggles, and gloves during removal." (Note: Who would not want to remove it, no one wants their stuff looking like it looks with the fungus!!!)

- "We did not find any reports of health risks associated with the ingestion of *Baudoinia compniacensis.* If you choose to consume any produce visibly contaminated with *Baudoinia compniacensis*, or any fungus, we suggest thoroughly washing to remove any visible contamination."

- "Health risks to animals from *Baudoinia compniacensis* have not been reported."

- There is little research on how *Baudoinia compniacensis* impacts soil and water. If *Baudoinia compniacensis* or any other fungus is found in your private water well, the well should be disinfected and examined by a licensed well professional."

- "People with health conditions that they feel might make them more susceptible to symptoms from exposure to these conditions should discuss these concerns with their physicians."

They make the case that there are no reports proving any risks, yet they warn us to be sure to take all these precautions, as if they feel there is a present danger! It sounds as if they have real concerns. It seems as though they are willing to take these risks, and should any problems arise, then they will check into making any necessary changes. We are concerned about these changes now! These are our lives, our families, and our properties that are at risk!

Response to Comment 94:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 6 - Water Related Issues
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

Comment 95:

We are also concerned about the impact a spill of any significant amount would have on our environment. It seems there has been no testing to determine any adverse effects. Yet, as stated at the meeting on February 28th, nothing would be done until an actual episode occurs; then they would send someone out here to investigate it. That could be too late! The fact that the aquifer runs immediately beneath and that everyone around here feeds off of that, if it is contaminated, where does that leave all of us? You may come out and check it out, but who's going to fix it and who's going to provide clean, uncontaminated water for all of our needs.

The same goes for the effect it would have on the soil. We have no idea how far it may spread, but a large portion of the community makes its living off of farming. If the soil and/or crops are damaged, via a spill event, or just the ethanol emissions themselves, that affects their livelihoods.

Response to Comment 95:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 6 – Water Related Issues
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills

Comment 96:

We understand that this is their business and their livelihood; however, we don't feel we should absorb the risks and the losses that we will incur in property values, damages to our property, and any health issues that may result, just so that they can prosper. Why don't they look for a large area of land somewhere where it won't impact so many others? Buy the acreage back from Jeff Meinders on Route 350, where they used to have their storage buildings; he is still interested in selling to them. We are sure none of MGPI's people would want to deal with these issues. Who has time to scrub everything they have every few months? And we invest everything we have into our homesteads, not only for our benefit and enjoyment, but to pass on to our children; and after we've all worked so hard for all we have, why should MGPI be permitted to come in and degrade and devalue it all?

In addition, according to the zoning laws, we feel that they would already be in violation of the zoning ordinances from the start. The ordinance prohibits anyone from doing anything that would affect our use of having and enjoying our property, and who can enjoy their property when it's covered with this nasty fall-out from the fungus? We would be constantly working to keep it cleaned, in and of itself reducing our enjoyment.

Response to Comment 96:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning

Comment 97:

We also find it appalling that studies from 40 years ago are being used for all these decisions. As they so eloquently articulated at the meeting, so much has changed, not only in processing procedures, but technological advances, also. We feel it's time they delve back into the issue and search to find out more about these things before they can pass judgments that affect so many people's lives.

Can there be a stipulation to the permit, that before they begin storage they are required to install the filters or "scrubbers" that were mentioned at the meeting? It was stated that it was mentioned to MGPI to do that, but they said that was too much money to spend. We find that remark extremely offensive! They don't want to do it because it will cost them more money. What about the money their operation is going to cost us in property damages, dropped property values, and possible health issues? Why should we bear all these costs to save them money? They can at least deduct it as operation costs.

Our hope and prayer is that you will give this your utmost, careful, consideration. Remember that these are our families, our homes, and our livelihoods. And don't forget the fact that there is a daycare directly adjacent to the warehouse property, and the elementary school just a short distance down the road. Would you want your children and/or grandchildren to be breathing this?

We appreciate your taking time to meet with our community, enabling us to present our concerns to you. Thank you and have a wonderful, blessed day!

Response to Comment 97:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 – Property Values and Zoning

On March 3, 2019, Rebecca Stutz of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 98:

Does the computerized wind studies done to calculate the emissions that will be released take into consideration how far the emissions will go in a city like Greendale with many buildings and other structures vs a small farm town like Sunman that is mostly flat?

Response to Comment 98:

The computer dispersion model, AERMOD, replicates meteorological conditions, such as wind speed and direction, temperatures, atmospheric stability and other factors, over 43,800 hours (5 years) to determine where modeled impacts will occur and the concentrations of those impacts. The model also takes into account hills and various other terrain features as well as the elevations of the area surrounding the emission source to best characterize the area. Buildings near to the emission source are accounted for in the modeling based on the height and width of the buildings in relationship to the exhaust stack.

No changes were made as a result of this comment.

On March 3, 2019 and March 4, 2019, Kara Schott and Ashley Knueven of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 99:

I would like to formally request that the Indiana Department of Environmental Management (IDEM) revisit the 2004 decision from the Office of Environmental Adjudication and re-classify ethanol emissions from whiskey aging operations as non-fugitive emissions.

The state of Indiana has a history of vacillating in regards to the definition of fugitive and non-fugitive emissions as they relate to alcohol aging. The Indiana Department of Environmental Management (IDEM) needs to put the needs of individual citizens first and properly address the degradation in the quality of life that is occurring throughout the state as a result of improper oversight of whiskey emissions. Unfortunately it seems this issue has been looked upon as a lost cause in some areas; however, continuing to improperly classify these emissions will only serve to expose more tax-paying residents and new cities and towns to the blight of *Baudoinia compniacensis*.

This change in position on the interpretation of fugitive emissions suggests that this classification is not a cut and dry issue, and that it absolutely deserves the time and attention to re-visit the matter. Many of the supporting reasons cited in the 2004 adjudication are based on outdated research or false logic.

According to this memo, dated February 10, 1999:

> **Memorandum Subject:** Interpretation of the Definition of Fugitive Emissions in Parts 70 and 71
> **https://www.epa.gov/sites/production/files/2015-07/documents/fug-def.pdf**
> "In the case of whiskey warehouses, the presumption that emissions could reasonably be collected is less compelling and may warrant further consideration by States in consultation with the EPA Regional Offices. For example, we are not aware of any national standards or SIP requirements for the collection of VOC emissions from whiskey warehouses, and we believe it is uncommon for them to have voluntarily installed collection devices. **On the other hand, EPA is aware of warehouses in other source categories that collect emissions and thus a presumption is created that whiskey warehouse emissions could reasonably be collected. In addition, in a factual determination for a whiskey warehouse in the State of Indiana, EPA Region V found, after careful review, that the emissions of the warehouse were not fugitive."**

As stated above, the EPA very clearly states that whiskey warehouse emissions can be reasonably collected. This declaration is in direct opposition to the current state of emission classification.

As it relates specifically to the 2004 adjudication, the state of Indiana, IDEM, OEA, and the EPA should all take responsibility for the fact that this adjudication is at least in part *rooted in limited, outdated and irrelevant research that no longer applies to the current business environment and economy we live in today.*

This excerpt, taken from the adjudication states:

> The only full scale test reported in the literature in which whiskey warehouse emissions were collected for air pollution control purposes was an experiment with carbon adsorption described in EPA's 1978 *Cost and Engineering Study Control of Volatile Organic Emissions for Whiskey Warehousing (supra* at n. 3). The report concluded:

The cost problems discussed above and the failure of the full-scale test show that control of emissions from whiskey warehousing has not been demonstrated at this time.

The study specifically states 'control of emissions...has not been demonstrated at this time.' This is a clear indication that it was the expectation of the EPA that this research would be updated at a future point in order to re-evaluate the cost. This study must be re-evaluated to reflect the reality of the world we live in today. As it stands the fate of citizens exposed to whiskey fungus relies on a study that is 40 years old.

I would further postulate that 'cost' is a relative term. You can find the financial reports for MGPI in the link below. These financial reports demonstrate the financial solvency needed to support the cost of controlling these emissions.

https://ir.mgpingredients.com/financial-information/annual-reports

A secondary point, key to the 2004 adjudication, is that technology does not exist to control ethanol emissions from alcohol beverage aging warehouses.

As of October 23, 2000, the U.S. EPA had not identified any reasonably available control technology (RACT) for ethanol emissions from alcohol beverage aging warehouses. U.S. EPA letter to Senator Robert C. Smith, Chairman of the Senate Committee on Environment and Public Works, page 1 (October 23, 2000), Exhibit J to Seagram's Response to IDEM's Motion for Summary Judgment and Seagram's Cross-Motion for Summary Judgment.

This technology does in fact exist. The state of California, Santa Barbara County Air Pollution Control District acknowledges this technology in a memo dated June 1, 2018.

Memorandum Subject: *Achieved in Practice Determination for Wine Fermentation Emission Control Technologies*

https://www.ourair.org/wp-content/uploads/Winery-Achieved-in-Practice-Memo-Revised-6-1-2018.pdf

This memo clearly states:
"The U.S. EPA considers the three technologies analyzed in this memo to be achieved in practice emission control technologies for wine fermentation."

Further evidence of this technology can be found in this presentation from October 30, 2018.

2018 CAPCOA Engineering Symposium
http://www.capcoa.org/wp-content/uploads/2018/10/ET/Tues%209%202018%20CAPCOA%20Winery%20Controls%20Presentation.pdf

- EcoPAS System
- NoMoVo System

This presentation concluded that cost effective measures were possible for capturing ethanol emissions.

The onus to re-classify these emissions as non-fugitive rests squarely with IDEM. It is our expectation that your agency will take the required steps to move this forward in the right way. It would appear that at the foundation of this adjudication is a passive position by the state that whiskey distillation operations would take the necessary measures to control emissions – *if it*

were possible to do so. We as a community are very clearly and very plainly stating that not only is that an unreasonable expectation, it's actually absurd. We as a state can no longer afford to sit and wait for the whiskey industry to choose to solve this issue on their own. We as a state must be at the forefront of creating rules and regulations that pro-actively protect our communities.

Response to Comment 99:

Whiskey aging relies on natural ventilation and does not use fans to force air in or out of the warehouse. In a 2004 decision before the Indiana Office of Environmental Adjudication (OEA), the Environmental Law Judge (ELJ) agreed with a federal district court judge who noted that "The court cannot imagine any emission in a gaseous state which could not pass through such an opening" [stack, chimney, vent, or functionally equivalent opening] and that for emissions to not be considered fugitive one must prove "that there was a reasonable system to collect and discharge, not just whether or not gases can physically pass through a hole." *See* Objection To The Issuance Of Part 70 Operating Permit No. T-137-6928-00011 for Joseph E. Seagram & Sons, Inc., (2004 OEA 58) [http://www.in.gov/oea/decisions/2004oea58.htm] The ELJ held that Seagram's "had shown by a preponderance of the evidence that the collection of ethanol emissions would negatively affect product quality, that emissions are not collected at other similar facilities and U.S. EPA has not identified any reasonably available control technology (RACT) for ethanol emissions from alcohol beverage aging warehouses." *Id*.

The 2004 OEA *Seagrams* holding is in keeping with long established procedures with respect to major New Source Review and BACT analysis in particular, that is, the analysis is conducted without changing the fundamental characteristic of the proposed source. To do otherwise is termed as "redefining" the source. *See* Update, Michael Ling, EPA/OAR/OAQPS, September 18, 2007. https://www.epa.gov/sites/production/files/2015-05/documents/act_2007_09_deseret.pdf The concept of "redefining the source" was discussed as recently as 2010 where it was stated that EPA had generally considered options for BACT as "not available" when they fundamentally redefine the proposed source. *See* Defining and Redefining the "Source" for the PSD BACT Analysis, Brian Doster,Air and Radiation Law Office, EPA Office of General Counsel, February 3, 2010. https://www.epa.gov/sites/production/files/201501/documents/bact_source_definition_questions.pdf

The proposed MGPI project (source) is a "whiskey warehouse that uses natural ventilation as a requirement for the product aging process". IDEM cannot speak to the process of wine fermentation and whether the imposition of capture and control technology would "redefine the source" and affect product quality, but IDEM would note that, to date, the RACT/BACT/LAER Clearinghouse (RBLC) does not have any entries for whiskey warehouse VOC control.

MGPI's draft permit contains all the federal and state requirements that apply to MGPI. Because MGPI can comply with all federal and state requirements regarding air pollution contained in the draft permit, IDEM is required by law to issue the air permit.

Additionally, please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

On March 3, 2019, Cheryl Rochefort and Erick Taylor of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 100:

This letter is in direct response of the Public Meeting that the Indiana Department of Environmental Management (IDEM) Office of Air Quality (OAQ) held on February 28, 2019 regarding the construction and operation of a new stationary distilled spirits aging warehouse by MGPI in Sunman, Indiana. It is our understanding that MGPI has applied for a Minor Source Operating Permit with the IDEM OAQ for the emissions of volatile organic compounds (VOCs), namely ethanol, from two distilled spirit aging warehouses, collectively able to store up to 320,000 barrels. We also understand that the whiskey aging process relies on natural ventilation and, therefore, scrubbers or filters will not be used to collect VOC emissions emanating from the two warehouses.

Based on documented research, ethanol emissions related to the aging of whiskey and its storage in oak barrels is directly linked to the proliferation of a dark fungus, *Baudoinia compniacensis*, and this phenomenon is clearly noted in the nearby city of Greendale, Indiana in which MGPI and its subsidiaries have been operating and storing whiskey barrels for over 170 years. Although limited research is available related to the human health effects of this species of mold, much research has been completed that directly links particulate matter to lung/bronchus ailments such as asthma. Therefore, it can be assumed that fungus spores being released into our community could affect the air quality and also the health of our residents. My fiancée and I recently moved to the Town of Sunman in October of 2018 and our decision to move here was based greatly on the aesthetic appeal of the community and provided a healthy environment, free of air, soil, and water contaminants. We have six grandchildren that frequently visit our home who could potentially be exposed to these contaminants that MGPI would introduce into our otherwise pristine environment. In 2016, the United States Environmental Protection Agency (US EPA) Air and Radiation Division notified MGPI that their Lawrenceburg and Greendale operations were in violation of the Clean Air Act as well as a State Implementation Plan. We are worried with the current state of the US EPA and the numerous regulatory rollbacks over the past two years, that this violation will fall through the cracks and we will be the next community affected.

Not only may this facility adversely affect our air quality, we are certainly going to have the same issue as Greendale and Lawrenceburg with the explosion of unsightly, black-colored fungus blanketing our community structures and homes. This is very disconcerting for us as new home owners in Sunman as we will see our property value plummet and will have to endure the inconvenience and expenditures of cleaning the exterior of all of our property structures. It is easy to assume that most of the other property owners will feel the same way and many may even choose to move away from the area causing a disinvestment in our community which is already lacking resources for municipal expenditures, such as the fire department.

We appreciate the IDEM OAQ allowing us the opportunity to provide comments regarding this matter and hope that something can be done to help our small town keep its charm and clean environment and quality of life. Please call us should you have any questions or comments concerning this proposal.

Response to Comment 100:

The U.S. EPA initiated a case in 2016 against MGPI based on their belief that the warehouses added at the Lawrenceburg facility should have obtained construction and operation approval under the federal Nonattainment New Source Review and Emission Offset (NNSR) permit program. However, after working with the company and evaluating the facts of the case, U.S. EPA made the decision not to pursue the case.

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning

On March 4, 2019, Lisa Rullman of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 101:

Regarding the IDEM Permit number listed above for the MGPI facility to be located in Sunman, Indiana, I have just one question/clarification I would like included in the amendment response when the permit determination is made public.

Does this permit authorize MGPI to construct and operate a new stationary distilled spirits production source at the Sunman location?

Also, I want to thank you and your team for your time at the public meeting last week. It was a helpful and informative session for our community.

Response to Comment 101:

The Minor Source Operating Permit (MSOP) will authorize MGPI of Indiana, LLC to construct and operate a new stationary distilled spirits aging warehouse facility. MGPI is permitted to age whiskey, not distill spirits.

No changes were made as the result of this comment.

On March 4, 2019, Theodore Schneider of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 102:

I am writing you today to express my concerns regarding the alcohol storage facility that is moving in to the Sunman area. I have been a lifelong resident of Sunman and live within a quarter mile of the aging/storage facility, I have issues with asthma with my main irritant and cause for exacerbation being molds and fungus. I am concerned that with the introduction of this facility and the impending fungus to follow that I will be driven from my lifelong home. I hope this will be taken into consideration.

Response to Comment 102:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

On March 4, 2019, Erin Womble of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 103:

As a resident of Sunman, IN, I am truly heartbroken in regards to the MGPI purchase of the Deufol Plant on HWY 101. This is a small community made up of farmers, greenhouses and families who have lived in this area for over 100 years. This community will now be destroyed by

black fungus.

As you review the Air Permit for MGPI, I have several questions.

Ethanol is a colorless, volatile and highly flammable liquid that has a slight odor. Because this is a highly flammable liquid, what safety measures are in place for a fire? I understand a special foam must be used to blanket this fire. Ethanol has a 55º F flash point. Even at 50% dilution with water, the flashpoint of denatured fuel ethanol is 78º degrees Fahrenheit. That is insanely low compared to diesel (493º F) and propane (878º F).

- Will MGPI be required to have special foam housed in their facility, much like safety inspections for fire extinguishers at businesses and such? Will the on-site requirement of the foam product proportionally match the volume in case of fire?
- If not, what are the safety requirements needed to keep a fire from spreading? We have small, community, rural fire departments that operate on minimal budgets. Who will be responsible for keeping our community safe in case of fire?

Response to Comment 103:

MGPI will install two (2) diesel-fired emergency fire pump engines, which can be used to power the fire pumps associated with the fire sprinkler system in the event of a fire.

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills

Comment 104:

Even though ethanol is very commonly used, it is a dangerous chemical. Ethanol *may also be a carcinogenic*; meaning a chemical substance or a mixture of chemical substances which induce cancer or increase its incidence. Studies are still being done to determine this. However, ethanol is a toxic chemical and should be treated and handled as such, whether at work or in the home.

- How will this affect the crops in the area?
- Is it safe to eat crops covered in (Baudoinia) black fungus?
- To clean my home, it is suggested one wears gloves and a mask. WHAT?? If I am outdoors and sitting on my back deck and I breathe in this toxic chemical naturally, through the air, is it 100% safe for my health and the health of my family?
- If my children are outdoors on Sunman Elementary School's playground 5 days a week for 20 minutes a day, 120 days of the year, playing on playground equipment that has the effects of ethanol / Baudoinia (black fungus) covering the equipment, and my child does not wash their hands as cleanly as they should (these are elementary kids ages 5-11), can that be harmful to ingest. Has the Department of Health done any studies on the effects of the black fungus is ingested? There are 350 students at this school.

Response to Comment 104:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

Comment 105:

At ethanol facilities, both emergency response and environmental mitigation types of plans are required by both federal and state regulations to identify potential problems and prepare response plans.

- As this facility emits an ungodly amount of ethanol every year, will MGPI be required to have a response plan posted according to the federal and state regulations?
- Where will a copy of their emergency plan be available?
- Will the community be able to obtain a copy?

Response to Comment 105:

The commenter does not cite to any specific rule, plan or ethanol plant permit. Indiana's environmental rules set out different requirements for different types and sizes of emission sources. Plants that produce ethanol for fuel have a higher potential to emit pollutants than the MGPI warehouse. This higher level of emissions requires a higher level operating permit, either a Part 70 operating permit under 326 Indiana Administrative Code 2-7 or a Federally Enforceable State Operating Permit under 326 IAC 2-8. The entire Indiana Administrative Code is available at http://www.in.gov/legislative/iac/ on the Internet.

Risk Management Plans are required under 2-7-5(12). The MGPI warehouse is not subject to this rule because it is not a major source as defined in 326 IAC 2-7-1(22). It does not have a Part 70 operating permit. It operates under a Minor Source Operating Permit pursuant to 326 IAC 2-6.1.

326 IAC 2-7-5(1)(F) sets out that a Part 70 operating permit may specify the emergency provisions of 326 IAC 2-7-16. The MGPI warehouse is not subject to this rule because it is not a major source as defined in 326 IAC 2-7-1(22). It does not have a Part 70 operating permit. It operates under a Minor Source Operating Permit pursuant to 326 IAC 2-6.1.

An Emergency Reduction Plan (ERP) is required by 326 IAC 1-5-2 if an emissions source has the potential to emit one hundred (100) tons per year or more of any pollutant. The ERP sets out the actions the source will take to reduce or eliminate emissions if an air pollution episode level is activated. The MGPI warehouse is subject to this rule. It is required to submit its ERP to IDEM no later than 180 days from the issuance of its permit. After submission, the ERP will be available to the public through IDEM's Virtual File Cabinet at https://vfc.idem.in.gov/DocumentSearch.aspx on IDEM's website.

The MGPI permit has the requirement to take response steps to restore operations to normal if a malfunction were to occur, pursuant to 326 IAC 1-6 (Malfunctions). 40 CFR Subpart ZZZZ, Attachment A to the permit, also contains requirements related to malfunctions. The permit also requires MGPI to maintain an on-site preventive maintenance plan pursuant to 326 IAC 1-6-3.

Comment 106:

The OSHA Permissible Exposure Level is 1000 ppm. Health impacts such as eye irritation and headaches have been observed above this level. The Immediate Danger to Life or Health (IDLH) threshold is 3,300 parts per million, or 10% of the LEL. Ethanol vapors are toxic to humans but only in extreme conditions where concentrations are high. Still, caution must be exercised against the potential for vapors to displace air because ethanol is heavier than air.

- What is the exposure level to the community of ethanol as it is released from this whiskey barrels?

- If a community is exposed on a daily basis, over a period of 30 days, what is the exposure level over that time?
- If a community is exposed on a YEARLY basis, over a period of 365 days, what is the exposure level over that time?
- On certain days, is it possible that the ethanol vapors will be higher than others? For example, on a cloudy day the air is thick, is the exposure to the community much higher? On rainy days, does the ethanol dissolve in the water properties and minimize our exposure.

Response to Comment 106:

The computer dispersion model estimates a different concentration of the modeled pollutant for each hour based on wind direction, wind speed and atmospheric stability. The table below shows several locations that the maximum impacts are calculated and compared to the available health-based thresholds based on time-exposure studies. All modeled impacts are well below those thresholds.

	Facility Impact (µg/m^3)			Health Thresholds (µg/m^3)	
Averaging Period	Peak Impact (Facility Parking Lot)	Impact at Kreative Kids Learning Center	Impact at southern edge of Trees Mobile Home Park	Non-Cancer RfC	OSHA Permissible Exposure Limit
Annual (yearly)	1,283	365	97	2,200	
Monthly	2,011	651	173		
24-hour (daily)	7,628	1,738	1,004		
8-hour	14,572	3,558	2,117		1,900,000

The growth of fungus is affected by humidity, rainfall, wind speed and temperature which accelerates the rate of ethanol evaporation. The air dispersion model takes these factors into account in order to determine the ambient air quality impacts from the source. Therefore, humid and cloudy conditions are captured within the 43,800 hours of data modeled to determine modeled impacts.

Comment 107:

The DISCUS manual (DISCUS fire protection manual, a product of input from large distillers like Jim Beam) requires either mechanical or natural ventilation to keep the concentration of vapors in the air at or below 25 percent of the lower flammable limit, or the minimum concentration at which the vapors can ignite in air, which varies based on temperature and alcohol concentration.

- What is the percentage of ethanol that will be released in the air?
- Will the air be monitored on a consistent basis to reassure the vapors being released are safe and below the flammable limit, as this will be one of the largest storage facilities on the U.S.?
- When the air permit is approved, is it possible to include a disclaimer that MGPI would be required to make any upgrades and modify safety rules regarding any new rules the ICC may incorporate on distilling into a new chapter of the IFC by 2021 (if completed)?

Thank you for your time in answering my questions.

Response to Comment 107:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills

See also Response to Comment 81.

On March 4, 2019, Sara Hylton of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 108:

I am writing in response to the proposed permit for MGPI in Sunman, Indiana. As a concerned citizen, medical professional, and member of the Sunman-Dearborn School Corporation school board, it is apparent to me that the research to prove that 'whisky fungus' is not harmful is severely lacking. This lack of research is further evidenced by this report linked below; refer to pages 20 and 21.
https://www.researchgate.net/publication/325967672_Physiological_Effect_of_Saltwater_on_the_Warehouse-Staining_Whisky_Fungus_Baudoinia

Response to Comment 108:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus

Comment 109:

Unlike Greendale, the Sunman area has crops, ponds, and small water reservoirs that affect our daily living. I have a garden that I use to feed my family, a pond that we fish, along with local ponds where we have fish fries, and multiple wild species (ex: squirrel, rabbit, and deer) that we hunt to eat. Not only are you contaminating our land, this fungus *Baudoinia* will contaminate their land as well.

I am requesting that the Indiana Department of Environmental Management (IDEM) re-classify ethanol emissions from whiskey aging operations as non-fugitive emissions. As these emissions can clearly be collected per the EPA. See this excerpt below, retrieved from: https://www.epa.gov/sites/production/files/2015-07/documents/fug-def.pdf

Response to Comment 109:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 6 - Water Related Issues
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

See also Response to Comment 99.

On March 4, 2019, Bonnie Mills of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 110:

This letter is in concern with the Permit #M137-40667-00051 which would allow alcohol barrel storage at 924 Meridian Street, Sunman, IN by MPGI Company LLC.

We have been property owners in Sunman since 1984. I also work in Sunman and DO NOT WANT THIS PERMIT GRANTED!!!

We are very concerned about what this will do to our home, cars, plant life, animals, water and mostly, our HEALTH! I see the results that this black fungus causes to the areas of Greendale and Lawrenceburg from this toxic fungus. How can you allow this to happen to another town???

We just used a good portion of our life savings to fix up our home with new siding, roof, and windows, and also a complete remodel of the inside of our home to improve the value. Now to find out that if you let this happen, everything we worked hard and saved for will be ruined?????? That's very disappointing!!!!

Do residents not have any rights to keep these types of companies from just invading any town they want?

Please do not grant them a permit in this town!!!!!!

Response to Comment 110:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning

On March 4, 2019, Kara Kaiser of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 111:

All I heard at this meeting was to submit your questions in writing...

Do you think notifying a handful of Sunman residents qualifies you as notifying the public?

Why did everything get swept under the rug? Why was our town not notified this is happening? I bought my house a year ago. Why didn't I know this then? Now I'm stuck in a black mold covered house, car, food, and a house nowhere near worth what I paid for it. Who is responsible for reimbursing me the money I spent and now its value in today's market? Who can afford a 50,000 dollar lose in your home?

Response to Comment 111:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 1 – Request for Public Hearing/Meeting
- IDEM, OAQ Response to General Public Comment 2 - Adequate Notice of Draft Permit
- IDEM, OAQ Response to General Public Comment 5 – Property Values and Zoning

Comment 112:

If it is not a required to regulate the ethanol even though the plant will be releasing 1,134 tons of ethanol into our air, how can we change this? If we are able to change this will this company be grandfathered in? The reasons this permit might get granted is because it is basing the

requirements off laws that are out of date! 40 years or more! Can we put up to date regulations on this permit?

Response to Comment 112:

IDEM cannot speculate if potential changes to air regulations would grandfather existing whiskey aging operations from regulation.

See Response to Comment 93 for information on how to get involved in the rulemaking process. See Response to Comment 99 which addresses why IDEM cannot overturn the 2004 OEA *Seagrams* decision.

Additionally, please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

Comment 113:

How can we make the company apply scrubbers or a ventilation system to protect our community?

Response to Comment 113:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC Emissions and Health Concerns

See also Response to Comment 93.

Comment 114:

If this will become Indiana's largest holding facility for storing and aging barrels, how is the black mold not something we need to regulate? Which we all know mold causes breathing issues it is known to make people sick with respiratory issues. That has to be considered an air issue.

How can we keep our children safe from this air? As an air quality specialist would you recommend breathing this amount of ethanol daily? How long have the health effects been studied? How many years would a study be required to know the health effects?

What will happen if the farmers' crops get covered in this mold? Will they be reimbursed?

How can you people sleep at night passing permits you would not allow your family to live near?

How will our town benefit? How will our town not benefit? Why is it so clear to see we have no benefit from taking on these problems to everyone except the few who have the power to decide our faith? They must have something to benefit from that others don't because no one else understands this one sided augment. How can we stop this from happening?

Response to Comment 114:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills
- IDEM, OAQ Response to General Public Comment 8 – Vegetation

On March 4, 2019, Linda and Willard Knueven of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 115:

As a resident of Sunman, IN for 59 years and living close to where MGPI will be storing the whiskey barrels, is a major concern of ours.

There has not been any recent studies on the black fungus in our area. I read Indiana is behind the times for new updates.

And truthfully why should homeowners be responsible for cleaning the fungus off our homes and buildings. And I ask why should we have to deal with this over employment of 8-10 employees? Many will not do this and many more won't care.

Having been to Lawrenceburg and Greendale to see for myself it's a disgrace.

It's a given our home value has decreased already with the knowledge MGPI have moved into the building. Our granddaughter, Ashley Knueven, is a realtor for Lohmiller in Lawrenceburg and this is a fact!

I beg you to stop this, unless this company can put into effect equipment to remove this fungus from our air. And they say it's too expensive, so is our homes and health.

How do we know about our gardens and livestock? I am NOT willing to wait it out for years to see if we contract cancer or any other health issues.

Response to Comment 115:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills
- IDEM, OAQ Response to General Public Comment 8 – Vegetation

On March 4, 2019, Bill McQueary of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 116:

I contemplated whether or not to write this letter, because it comes more from the heart rather than from some legal research which would probably make a more direct impact on your decision to grant MGPI a permit to do business in Sunman. I am a 72 year-old man who moved from Cincinnati, Ohio to Sunman Indiana 15 years ago when I was diagnosed with COPD. I had been a smoker for 40 years when I was diagnosed and I made a decision at that time to quit smoking

and move into an area where the environment was more conducive to keeping my COPD at bay for as long as possible. I found that environment in Sunman, Indiana.

It is hard for me to grasp that a black fungus that will eventually cover my house, my car, and everything that is exposed to it, will not hasten my death from COPD. If we must use gloves to clean it off of inanimate objects, common sense tells me that it is detrimental to my health. There are written laws that are made by mankind that aid us in being civil to each other and keep us from descending into mass chaos. I understand that it is your job to abide by these manmade laws, but at what point does the cost become too high? When we are talking about this black fungus, is the cost measured in property alone, or are human lives considered as well. How many lives is it okay to take for a million dollar profit? There has to be an arbitrary number or none of this makes any sense.

In addition to manmade laws there are moral compasses that should serve to guide us in the direction that God wants us to go. On behalf of the residents of Sunman, I am begging you to use your moral compasses, in conjunction with manmade laws, when you make your decision on whether to grant MPGI a permit to destroy our community.

Sunman, Indiana is not a large area on the map. It is also not a wealthy area. These are two factors that go against us as we try to fight corporate greed at the expense of the health and well-being of our community. We certainly are not opposed to progress and a company's goal to earn a profit but that is a lot more than I can say for MPGI's concern for us. I know we have an uphill battle in this fight for our lives, but I am pleading with you to see us as people, and not numbers, and somehow help us in our fight. I am thanking you in advance for humanizing this process and I hope you have peace with your decision.

Response to Comment 116:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills
- IDEM, OAQ Response to General Public Comment 8 – Vegetation

On March 4, 2019, Shaina Reed of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 117:

Hello. As part of the population of Sunman, I'm concerned with MGPI's permit requested to house an aging/storing facility inside the old Deufol factory.

First off, I'd like to address some statements made in the article from the Indiana State Department of Health:
• "Although there are no known health hazards, if you choose to remove the fungus from surfaces, we recommend you use N95 masks, goggles, and gloves during removal." (Note: No one wants their property and crops having fungus on it!)
• "We did not find any reports of health risks associated with the ingestion of Baudoinia compniacensis. If you choose to consume any produce visibly contaminated with Baudoinia compniacensis, or any fungus, we suggest thoroughly washing to remove any visible contamination."

(So our crop is “safe” to eat, but we have to thoroughly wash it just in case? Why do we need to take all the extra precautions if it’s no concern??)
• "Health risks to animals from Baudoinia compniacensis have not been reported."
• There is little research on how Baudoinia compniacensis impacts soil and water. If Baudoinia compniacensis or any other fungus is found in your private water well, the well should be disinfected and examined by a licensed well professional."
• "People with health conditions that they feel might make them more susceptible to symptoms from exposure to these conditions should discuss these concerns with their physicians."(Then what? What if our doctor suggests not to be exposed to it?)

They make the case that there are no reports PROVING any risks, yet they warn us within the (1+ miles distance) to be sure to take all these precautions, as if they feel there IS a present danger! It sounds as if they have real concerns! It seems as though they’re willing to take these risks, and should any problems arise, then they will check into making any necessary changes. We are concerned about these changes currently, BEFOREHAND! These are our lives, our families, our livelihood (farms), and our properties that are at risk!

Response to Comment 117:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills
- IDEM, OAQ Response to General Public Comment 8 – Vegetation

Comment 118:

We are also extremely concerned about the impact a spill of any significant amount would have on our environment. It seems there has been no testing to determine any adverse effects. Yet, as stated at the meeting on February 28th, nothing would be done until an actual episode occurs. At this point (afterward), they would send someone out here to investigate it. That could be too late! The fact that the aquifer runs immediately beneath and that everyone around here feeds off of that, if it is contaminated, where does that leave all of us?? You may come out and check it out, but who's going to fix it and who's going to provide clean, uncontaminated water for all of our needs throughout the entire effected area??

The same goes for the effect it would have on our soil. We have no idea how far it may spread, but a large portion of the community makes its living off of farming. If the soil and/or crops are damaged through a spill, or just the ethanol emissions themselves, that affects their livelihoods! We understand that this is their business and their livelihood; however, we don't feel we should absorb the risks and the losses that we will incur in the frantic drop of property values, damages to our property, and any health issues that may result (either from breathing or eating), just so that they can be successful with their business. Why could they not target a larger, open area of land somewhere where their business wouldn’t impact so many others negatively? What about purchasing the acreage back from Jeff Meinders on Route 350, where they used to have their storage buildings; he is still interested in selling to them. We’re sure no one from MGPI would want to deal with these issues. Who has time to scrub everything they have every few months? And we invest everything we have into our homesteads, not only for our benefit and enjoyment, but also to pass down to our families. After everything we've all worked so hard for all we have, why should MGPI be permitted to come in and degrade and devalue it all without our welcome? In addition, according to the zoning laws, we feel they would already be in violation of the zoning ordinances from the very beginning! The ordinance prohibits anyone from doing anything that

would affect our use of having and enjoying our property, but how can we do that when our property is covered with this disgusting fungus? We would be constantly working to keep it cleaned, therefore reducing our enjoyment.

Response to Comment 118:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills
- IDEM, OAQ Response to General Public Comment 8 – Vegetation

Comment 119:

We also find it appalling that studies from 40 years ago are being used for all these decisions. As they so eloquently articulated at the meeting, so much has changed, not only in processing procedures, but technological advances, also. We feel it's way overdue they delve back into the issue and search to find out more about these questions/issues before they can pass judgments that affect so many people's lives.

Can there be a stipulation to the permit, that before they begin storage they are required to install the filters or "scrubbers" that were mentioned at the meeting? It was stated that it was mentioned to MGPI to do that, but they said that was too much money to spend. We find that remark extremely offensive! They don't want to do it because it will cost them more money. What about the money their operation is going to cost us in property damages, dropped property values, and possible health issues? Why should we bear all these costs to save them money? They can at least deduct it as operative expenses.

Our hope and prayer is that you will give this your utmost, careful, consideration. Remember that these are our families, our homes, and our livelihoods. And don't forget the fact that there is a daycare directly adjacent to the warehouse property, and the elementary school just a short distance down the road. Would you want your children and/or grandchildren to be breathing this? We're grateful for you taking time to meet with our community, and allowing us to present you our concerns in hopes to come up with a solution to help our community. Thank you and have a beautiful day.

Response to Comment 119:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills
- IDEM, OAQ Response to General Public Comment 8 – Vegetation

See also Response to Comment 99.

On March 4, 2019, Debbie and Mark Harmon of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 120:

We are contacting you about concerns we have regarding this permit allowing release of air pollutants by MGPI near my home. If this permit is issued will there be any requirements in place that MGPI will have to adhere to in order to protect us from the air pollutants they will be releasing from this barrel aging facility? We have seen and smelled the results locally in Greendale and Pierceville that happen near a barrel aging faculty and therefore have reason for concern. We don't know if any requirements were in place there to prevent the harmful effects to the community, but if so, they obviously did not work.

I feel that MGPI is sending up a red flag to the all of us in the community by not talking to anyone or reassuring us that there is no cause for concern so we must assume that they cannot promise no harm to the air our livestock, our crops and ourselves breathe.

If you can explain to us why we should not be concerned about the pollutant release and the approval of the permit, please do so to help us understand.

Thank you for your time and consideration towards our community relating to the approval of this permit.

Response to Comment 120:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills
- IDEM, OAQ Response to General Public Comment 8 – Vegetation

On March 4, 2019, David Bruns of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 121:

I live at 9346 E. Co Rd 1000 N., a little over a quarter mile due east from the proposed MGPI aging facility. I strongly feel that this facility will negatively impact my property in many ways. The black fungus that will appear is a given. I doubt anyone will disagree that this fungus is not a possibility but an eventuality. First discovered in 1872 by Antonin Baudoin in France, in the area where Cognac was first produced, it has plagued every area that houses distilled spirits to this day. The health hazards of this fungus have not been thoroughly evaluated, and little research is available due to the lack of testing. Although the fungus is classified as not harmful to humans or animals, IDEM recommends that anyone attempting to remove the fungus from houses, vehicles or other personal property wear a respirator and gloves. Any food items that may have been contaminated also need to be washed before consumption. This does not lead me to believe that this material is "harmless."

I understand that you and your colleagues in the air quality division have your hands tied and cannot regulate the fugitive emissions and the black fungus that WILL result from this facility. The operation of this facility will undoubtedly damage the property of the citizens living nearby, many of whom, live just outside the town limits. This gives us absolutely no say in what is about to happen to us. My family has owned this property for over 150 years. My kids, myself, my father, my grandfather and my great grandfather have all grown up on this farm. Needless to say, our roots run deep here.

Speaking of roots running deep, why is the air quality division the only group who has a say in the approval of a business that stands to profit from the destruction of the property of others? Our water supply is provided by an aquifer that sits under this proposed facility. There are many creeks and ponds, not to mention wells that are within the impact zone of the fungus that IS going to occur. There is little to no research on the impact of run off and groundwater. There is little to no research on how this business will affect local crop production. Our crops rely on non-contaminated groundwater to grow. There seems to be an emphasis on the 800 or so gallons of diesel fuel storage at this facility, but no mention of the potentially millions of gallons of distilled spirits that will be stored here.

I ask that you share these concerns - as I understand that there is little that you can do to not approve the permit as written - with the agencies that regulate groundwater, runoff, and potential environmental issues that cause damage to personal property and wildlife.

Upon reading IDEM's mission statement, I hope you will be true to your word and require MGPI to provide an environmentally sound operation that is prosperous for the local citizens, not exclusively for the corporation who is only interested in profits.

Response to Comment 121:

The Office of Air Quality only issues air pollution control permits to facilities that emit regulated levels of pollutants to the air. Permits require sources to comply with all health-based and technology-based standards established by the U.S. EPA and the Indiana Air Pollution Control Board. If an applicant demonstrates that they will be able to comply with all Federal and State laws regarding air pollution, IDEM is required by law to issue the air permit.

IDEM's Office of Land Quality (OLQ) and Office of Water Quality (OWQ) are currently evaluating with the source whether any additional permitting actions are necessary.

Additionally, please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills
- IDEM, OAQ Response to General Public Comment 8 – Vegetation

On March 4, 2019, Harley Bruns of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 122:

My name is Harley, and I'm a high school student who lives just down the road from the new whiskey storage warehouse. The building is about a quarter of a mile from my kitchen window. In the last couple of weeks, I have overheard my parents talking about this warehouse that will produce a black fungus on our house and vehicles. I have read news articles that talk about the black fungus that has appeared in Lawrenceburg and Greendale. No one seems to dispute that this is what is going to happen. Why is this allowed to happen? Why is there no one to stand up and fight for the people who will suffer from this? This is very discouraging for someone who is about to enter the adult world, and learning quickly that money is more important than the best interests of the local citizens. I hope that someone will step up and do the right thing, and not allow this to happen. This is my home.

Response to Comment 122:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills
- IDEM, OAQ Response to General Public Comment 8 – Vegetation

On March 4, 2019, Leann Bond of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 123:

I am writing to express my concerns with permitting MGPI in Sunman, IN. Below are my concerns.

The document provided by IDEM states that "There are no acute health effect levels for airborne ethanol," and "Ethanol does have chronic non-cancer health effects at 2200ug/m3." The first statement causes me some confusion. Is that sentence saying that there are no studies describing what levels of ethanol are safe for exposure to prevent acute health effects? If so, we NEED that information. If the sentence means that there are no acute health effects from ethanol, then I'd like to see that study.

The second part regarding chronic non-cancer effects at 2200ug/m3 or greater; I realize that MGPI will not be releasing that much ethanol. But, what about exposure to the lesser volume for years and years, as would be true for citizens of Sunman? Are there studies on that to prove that it truly is safe? Also it references non-cancer health effects. Is ethanol or fungus exposure known to cause cancer? What about miscarriages? What about exasperating asthma in the children who live nearby or go to school at Sunman Elementary School or in elderly adults?

Back to the cancer question - I read that there is a possibility that evaporated ethanol is converting into ethanol, AKA acetaldehyde, which is a known carcinogen by the International Agency for Research on Cancer; it sounds like this needs to be researched more. Are you okay with approving this without knowing for sure this is safe to breathe in?

From the Indiana State Department of Health sheet, it references a study by the ISDH Environmental Public Health Division that states there were no short or long term health risks due to exposure to the fungus. Could that study information be provided? I doubt there is a randomized controlled trial/study truly studying the safety of exposure to the fungus AND another study regarding exposure to the ethanol. And what levels or amount of fungus were studied? How long was the exposure for? There are a lot of variables that I doubt were studied. And, truthfully I doubt the IRB (Institutional Review Board) would even allow a study like that to take place due to the potential health risks.

Can ethanol be changed to be added to the hazardous air pollutant list? I read that ethanol when it evaporates contributes to harmful, ground-level ozone and smog. That sounds like an environmental concern. I also read that this then causes increased ozone-related mortality, asthma, and hospitalizations. Again, I question if we are prioritizing human health or other agendas.

Response to Comment 123:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills
- IDEM, OAQ Response to General Public Comment 8 – Vegetation

Acetaldehyde is not ethanol. Information regarding acetaldehyde is available at https://www.epa.gov/sites/production/files/2016-09/documents/acetaldehyde.pdf on U.S. EPA's website. Acetaldehyde is formed in the human body during the metabolism of ingested alcoholic beverages. IDEM, OAQ is not aware of any research linking airborne ethanol to the formation of acetaldehyde in the ambient air.

U.S. EPA has previously modified the Hazardous Air Pollutants (HAP) list through rulemaking. Information on pending petitions to modify the HAP list, as well as fact sheets, are available at https://www.epa.gov/haps/petitions-add-npb-list-hazardous-air-pollutants and https://www3.epa.gov/airtoxics/pollutants/atwsmod.html on U.S. EPA's website.

Comment 124:

How will MGPI be held responsible if their business produces fungus on nearby houses or businesses? It seems that if black fungus is found after they are in operation that was not there prior, that any black fungus found should be MGPI's responsibility to clean to the standards of the home owner or business owner. This is frustrating for citizens and business owners, as this fungus WILL be present and it IS preventable (with a filter).

I think as "IDEM", you should make it a priority to better protect the citizens of Indiana, rather than waiting to follow changes in federal laws. I think that you should protect us (Indiana citizens) by requiring a device/filter to capture the ethanol before it is dispersed in the environment to be implemented at the business site. This would prevent increased air pollutants.

Response to Comment 124:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

See also Response to Comment 99.

Comment 125:

I, like many other citizens of Sunman, like to have a garden for fresh vegetables. This fungus will be on our vegetables. Will it slow their growth? Will I need to clean the vegetables more thoroughly? The Indiana State Department of Health sheet provided said that "If you choose to consume any produce visibly contaminated" with the fungus; this implies that there is a risk involved. Should we not care about this? It seems that we are not protecting our citizens.

Response to Comment 125:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 8 - Vegetation

Comment 126:

The Indiana Department of Health fact sheets says there is little known about how the fungus affects soil and water. As IDEM, are you okay with this? It also says that if you have a well, you should have it examined and disinfected by a qualified professional. Who pays for this? Why should the everyday citizen have to go through extra steps to assure their safety and health because a business is potentially polluting the area (air, water, soil, etc.)?

Response to Comment 126:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 – Black Fungus
- IDEM, OAQ Response to General Public Comment 6 - Water Related Issues

Comment 127:

Looking at the permit or permit application on Indiana's website, it says, "Pursuant to 326 IAC 6-4 (Fugitive Dust Emissions Limitations), the source 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." Based on this, does this not mean that the "fungus" that results from MGPI's ethanol emissions would be out of compliance?

Thank you for reading my comments and concerns.

Response to Comment 127:

For the purposes of this rule (326 IAC 6-4), "fugitive dust" means the generation of particulate matter to the extent that some portion of the material escapes beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located. Pursuant to 326 IAC 1-2-52, "Particulate matter" or "PM" means any airborne finely divided solid or liquid material, excluding uncombined water, with an aerodynamic diameter smaller than one hundred (100) micrometers (μm). The aging/warehousing stage of whiskey will emit volatile organic compounds (VOC), principally ethanol not particulate matter. The fungus that may result does not meet the definition of particulate matter. Therefore, the source would not be in violation of 326 IAC 6-4.

In addition, please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 – Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns

On March 4, 2019, Joyce and Kenneth Dudley of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 128:

This letter is to address Permit # M137-40667-00051 which would allow alcohol barrel storage at 924 Meridian Street (State Route 101), Sunman, Indiana 47041 by MGPI Company, LLC.

We are extremely opposed to this permit approval. Our property of 50 acres (9706 North State Road 101, Sunman, Indiana 47041) is 1/8th mile south of the proposed storage area.

I was employed by Seagram's Distillery in Lawrenceburg, Indiana in 1969. I have personally witness the black fungus produced by the storage of wooden whiskey barrels. This fungus not only develops at the storage site but affects a 20 mile radius with a bad odor, black fungus covering land and buildings, and untold health issues for people, plants, animals, and land.

It would be wise for the Indiana Department of Environmental Management to do a study of the properties in Pierceville, Indiana (where the whiskey barrels were formerly stored) and Lawrenceburg, Indiana (where the alcohol is made). Check the buildings (inside and outside) and the land which is coated with a black discoloration from the fungus. The buildings and homes in Pierceville had to be torn down several years ago. The land cannot be used for farming.

We have learned the land in Pierceville is available for purchase. MGPI of Indiana, LLC should consider purchasing this land to store their whiskey barrels. Doing this would not destroy another community like our beautiful Sunman.

Our property is very precious to our family. It has value and history. We and all of our neighbors do not want to sacrifice our properties for the profit of a corporation which only concern is greed. The State of Indiana and its politicians' responsibilities should be to protect its citizens from issues concerning our health, property values, and quality of life from the greed of a corporation. We and our neighbors should not have to sacrifice our properties (our biggest investment) and to people who farm, their livelihoods.

Response to Comment 128:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning
- IDEM, OAQ Response to General Public Comment 7 - Fire, Odor, and Spills
- IDEM, OAQ Response to General Public Comment 8 - Vegetation

On March 4, 2019, Roger and Rosemary Weber of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 129:

Please acknowledge this letter as an opposal to the MGPI Company that plans operation in Sunman, Indiana.

We have lived in Sunman since 1980, and we know it to be a very caring neighborhood. We like the small home town feeling.

I was employed for almost 30 years in Lawrenceburg, Indiana and saw firsthand the destruction caused by the gases that are released from the barrels of whiskey production. This was the same barrel aging process that MGPI will use. I know Seagram Distillery, due to a civil lawsuit, had to buy out local property owners. This was due to damage beyond repair. Some of this property still remains for sale today with no prospective buyers due to the black fungus that taints everything. This will be the same situation that will happen in Sunman. Is this what the local people need to do? File a class action lawsuit? It's already been proven in court that they will cause property damage.

My husband and I both have disabilities that will complicate the extra effort that will be needed to maintain our property, not to mention the added extra expense for us to hire professionals needed for repair damage. We are retired individuals with limited income and it is aggravating to think we will have to appropriate funds for damage to our property that was not of our doing. By having a disability reminds me to be aware of air pollution around us. I will be forced to breathe in black gassed air that can only be harmful to me.

We have a nation that eliminated smoking in all public areas due to health risks, I don't see any difference in this. Any time any company, corporation, etc. sends any form of exhaust of any kind in the air, it will have devastating results for miles around.

I don't want to see people die so someone can pad their pockets. Life is precious at all time. Let's keep it that way.

We have enough corrupt government in Washington. Let's not bring this kind of loathsome attitudes to Sunman, Indiana.

With that being said, please not that Roger and Rosemary Weber are against MGPI storage or any other company that brings harm to our door.

Response to Comment 129:

Please refer to the following IDEM, OAQ responses to general comments, above, specifically:

- IDEM, OAQ Response to General Public Comment 3 - Black Fungus
- IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns
- IDEM, OAQ Response to General Public Comment 5 - Property Values and Zoning

On March 4, 2019, Carla Hacker of Sunman, Indiana submitted comments to IDEM, OAQ on the draft New Source Construction and MSOP.

Comment 130:

I know some of my concerns are for other departments or areas of government, but right now, the only agency that we have to listen to our voices is the Indiana Department of Environmental Management, or IDEM. So I'm apologizing early for burdening your department with this concern.

I have worked in Sunman for 24 years and consider the town my work home. Although I live in Brookville, IN, I do all of my community service in Sunman. I love and care for this small town and work very hard along with many others to keep it moving forward.

I wrote a letter to your department during the public comment portion of this process. I spoke of the revitalization efforts that are underway in town and how MGPI, if permitted to come into Sunman, will turn the town from a bedroom community to a ghost town. I still feel this way, but since writing that first letter to you, I have found out so much more and it makes me sick to my stomach to even talk about it.

Our Sunman Town Council signed a confidentiality clause with MGPI, promising not to say anything to the public until a specific date. This gave the warehouse time to get their ducks in a row before the general public found out and began to protest what they were attempting to do. The council member who admitted this (Harvey Dodson) stated that they didn't give them any indication that what they were doing would harm the town. Did they ask what MGPI was doing? No, they did not. (Ridiculous I know, but it's the truth.) You can say that is the Town's fault, but

they were assured that MGPI would be a good neighbor and went with the recommendation that they sign the agreement and keep quiet. Also, why wouldn't they post their notice at the Sunman Town Hall or some other public venue in town rather than where they did. What do they have to hide? I really feel the public notices were posted out of the way where the Sunman residents wouldn't easily see them.

If it is such an upstanding company, why keep quiet about coming to town? When asked about what they would do to be a good neighbor, they had nothing. They wouldn't agree to put anything in writing or commit to what they would do based on their experiences in other communities.

Did you know MGPI won't return phone calls or emails and won't agree to meet with the community? I'm sure they don't want the "mob mentality" at their doorstep and we understand that. But why not set something up through our county council, or our county commissioners? Why not speak to a delegation of 4-6 people rather than avoiding the community? Why are they completely unavailable?

We had a rather tension filled town council meeting last week where we were told repeatedly to ask IDEM or ask MGPI. When we call our state representatives, they refer us back to our town council, who refer us to you or MGPI. I realized just this week how grossly under qualified our council members and town clerk are. It is so discouraging to find that they didn't do their homework when they signed that agreement and then agreed to give them tax abatement. The statements they make to the news media and the things they say during meetings show this very thing. There is so much out there to prompt questions that there is no excuse for not knowing.

Also, on the night of the town meeting, I was contacted by a resident who spoke to Jeff Meiners of Milan. He was in negotiations with MGPI for the sale of his land when MGPI heard Deufol was selling and bought that building in Sunman instead. He wanted the Town and the residents to know that his land is still for sale and he would very much like to talk to MGPI about a possible purchase. There are also two other businesses interested in the Deufol building should MGPI wish to sell.

With that being said, and with another option of where to put the warehouse, why would MGPI come to Sunman knowing what will happen once they begin storing their whiskey? It will kill the town. No doubt about it. All efforts to the contrary will not save it. Like I said in my previous letter, I don't blame them for the opportunity to make money - the demand is there. But WHY do they want to make that money at the expense of destroying a small town where people live and love where they live?

I'm not coming to your doorstep to whine. Like I said above, you're the only government department lending an ear right now. Plus you are the only department between MGPI and their permit. I am asking you to please consider these things I've brought up before issuing that permit. I know you have a job to do, but if everything was not 100% on the up and up, does the permit have to be granted?

Lastly, THANK YOU for hearing our concerns! I'm sure you hear these things every day, but unless you are about to live them, it never truly hits home, as we have all found out over the last month!

Response to Comment 130:

Please refer to IDEM, OAQ Response to General Public Comment 4 – Fugitive VOC and Ethanol Emissions and Health Concerns, above.

IDEM has no authority regulate how a source interacts with the public of the source. IDEM has no authority to regulate how local government officials interact with their constituents or with

sources. The determination of where new businesses or industry may locate is done on the local level through your community or county zoning board or zoning commission. Please contact your local government officials for additional information. IDEM does not have any authority to consider impairment of property values in the community in issuing air permits. IDEM understands that all of these matters are of genuine concern. However, IDEM does not have any authority to consider them.

Additional Changes

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

(a) IDEM, OAQ has added emergency reduction plan requirements to Section C.

(b) IDEM, OAQ has added preventive maintenance plan requirements to Section D.2.

Corrective Actions and Response Steps

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 maintain the most recently submitted written emergency reduction plans (ERPs) consistent with safe operating procedures.

(b) 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.1~~2~~**3** Response to Excursions or Exceedances

...

C.1~~3~~**4** Actions Related to Noncompliance Demonstrated by a Stack Test

...

Record Keeping and Reporting Requirements [326 IAC 2-6.1-5(a)(2)]

C.1~~4~~**5** Malfunctions Report [326 IAC 1-6-2]

...

C.1~~5~~**6** General Record Keeping Requirements [326 IAC 2-6.1-5]

...

C.1~~6~~**7** General Reporting Requirements [326 IAC 2-1.1-11] [326 IAC 2-6.1-2] [IC 13-14-1-13]

...

SECTION D.2 NESHAP

Emissions Unit Description:

(c) One (1) diesel-fired emergency fire pump engine, previously in operation under former site ownership and constructed prior to July 11, 2005, with a maximum capacity of 251 hp.

Under 40 CFR 63, Subpart ZZZZ, this unit is considered as an existing affected source.

(d) One (1) diesel-fired emergency fire pump engine, approved in 2019 for construction, with a maximum capacity of 376 hp.

Under 40 CFR 60, Subpart IIII, this unit is considered as an affected facility.
Under 40 CFR 63, Subpart ZZZZ, this unit is considered as a new affected source.

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

...

Emission Limitations and Standards [326 IAC 2-6.1-5(a)(1)]

D.2.3 Preventive Maintenance Plan [326 IAC 1-6-3]

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

IDEM Contact

(a) If you have any questions regarding this permit, please contact Thomas Uher, Indiana Department Environmental Management, Office of Air Quality, Permits Branch, 100 North Senate Avenue, MC 61-53 IGCN 1003, Indianapolis, Indiana 46204-2251, or by telephone at (317) 232-1782 or (800) 451-6027, and ask for Thomas Uher or (317) 232-1782.

(b) A copy of the findings is available on the Internet at: http://www.in.gov/ai/appfiles/idem-caats/

(c) For additional information about air permits and how the public and interested parties can participate, refer to the IDEM Air Permits page on the Internet at: http://www.in.gov/idem/airquality/2356.htm; and the Citizens' Guide to IDEM on the Internet at: http://www.in.gov/idem/6900.htm.

Indiana Department of Environmental Management
Office of Air Quality

Technical Support Document (TSD) for a New Source Construction and Minor Source Operating Permit (MSOP)

Source Description and Location

Source Name:	**MGPI of Indiana, LLC**
Source Location:	**924 South Meridian Street, Sunman, IN 47041**
County:	**Ripley**
SIC Code:	**2085 (Distilled and Blended Liquors)**
Operation Permit No.:	**M137-40667-00051**
Permit Reviewer:	**Thomas Uher**

On November 5, 2018, the Office of Air Quality (OAQ) received an application from MGPI of Indiana, LLC related to the construction and operation of a new stationary distilled spirits production source.

Source Definition

MGPI of Indiana, LLC (MGPI) has a plant located at 7 Ridge Avenue, Lawrenceburg, Indiana 47025, plant I.D. number 029-00005, that produces distilled spirits. MGPI has a second plant, a distilled spirits warehouse, located at 924 South Meridian Street, Sunman, Indiana 47041, plant I.D. number 137-00051. IDEM, OAQ has examined whether these two plants are part of the same major source. The term "major source" is defined at 326 Indiana Administrative Code (IAC) 2-7-1(22). The entire Indiana Administrative Code is available at http://www.in.gov/legislative/iac/ on the Internet. 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; and,

(3) the plants must be located on contiguous or adjacent properties.

Both plants are owned by MGPI. Since the plants have a common owner, 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 SIC Code is determined by looking at the principal product or activity of each plant. Both plants share the two-digit SIC Code 20 for the Major Group of Food and Kindred Products. Since the plants have the same two-digit SIC Code, the plants meet the second part of the major source definition.

The last part of the definition is whether the plants are on the same, contiguous or adjacent properties. The plants are on separate properties and the properties do not share a common border. Therefore, IDEM, OAQ must determine if the plants are on adjacent properties.

The term "adjacent" is not defined in Indiana's rules. IDEM's Nonrule Policy Document Air-005 applies to the definition of "major source" in 326 IAC 2-7-1(22). All of IDEM's nonrule policies are available at http://www.in.gov/idem/ctap/2485.htm on IDEM's website. NPD Air-005 states:

- Properties that actually abut at any point would satisfy the requirement of contiguous or adjacent property.

- Properties that are separated by a public road or public property would satisfy this requirement, absent special circumstances.

- Other scenarios would be examined on an individual basis with the focus on the distance between the activities and the relationship between the activities.

Under Air-005, the remaining analysis to determine if the plant properties are adjacent focuses on the distance between them and their relationship. The U.S. EPA has a similar view on how to interpret the term “adjacent” when defining a source. Two U.S. EPA letters; the May 21, 1988 letter from U.S. EPA Region 8 to the Utah Division of Air Quality, and the U.S. EPA Region 5 letter dated October 18, 2010 to Scott Huber at Summit Petroleum Corporation, discuss the term “adjacent” as it is used in making major source determinations. These letters are not binding on IDEM but they are persuasive for two reasons. The letters follow the guidance in NPD Air-005 that IDEM will examine both the distance between the sources and their relationship and, secondly, they illustrate a longstanding U.S. EPA analysis used to determine if two sources are “adjacent” going back to the preamble to the 1980 NSR program definition of “major source.” U.S. EPA’s consistent approach is that any evaluation of what is “adjacent” must relate to the guiding principal of a common sense notion of “source.”

All IDEM evaluations of adjacency are done on a case-by-case basis looking at the specific factors for the plants involved. In addition to determining the distance between the plant properties, IDEM asks:

(1) Are materials routinely transferred between the plants?

(2) Do managers or other workers frequently shuttle back and forth to be involved actively in the plants?

(3) Is the production process itself split in any way between the plants?

These questions focus on whether the separate sources are so interrelated that they are functioning as one plant, and whether the distance between them is small enough that it enables them to operate as one plant. U.S. EPA Assistant Administrator Gina McCarty issued a memorandum on September 22, 2009 that confirmed U.S. EPA’s view that each source determination must be done on a case-by-case basis and stated that after that analysis is completed it may be that physical proximity serves as an overwhelming factor in determining if the plants are adjacent.

The plants are 15.8 miles apart. The Lawrenceburg plant will send approximately 25% of its production to the Sunman plant for aging. Once aged, the product will return to the Lawrenceburg plant. While the two plants may share office staff, corporate officers, and maintenance staff, there are no production staff or production managers that frequently travel between the two plants to be actively involved in production at both plants. There is a split in production between the two plants, as aging the distilled spirits is part of the production of a final product. Barreled spirts will be transferred between the plants about once every four years. Considering all of these factors, IDEM, OAQ has determined that the two plants are not located on adjacent properties. Therefore, the plants do not meet the third part of the major source definition.

IDEM, OAQ finds that the plants do not meet all three parts of the major source definition and, therefore, the two plants are not part of the same major source.

Existing Approvals

There have been no previous approvals issued to this source.

County Attainment Status

The source is located in Ripley County.

Pollutant	Designation
SO_2	Better than national standards.
CO	Unclassifiable or attainment effective November 15, 1990.
O_3	Unclassifiable or attainment effective July 20, 2012, for the 2008 8-hour ozone standard.[1]
$PM_{2.5}$	Unclassifiable or attainment effective April 5, 2005, for the annual $PM_{2.5}$ standard.
$PM_{2.5}$	Unclassifiable or attainment effective December 13, 2009, for the 24-hour $PM_{2.5}$ standard.
PM_{10}	Unclassifiable effective November 15, 1990.
NO_2	Cannot be classified or better than national standards.
Pb	Unclassifiable or attainment effective December 31, 2011.
[1]Unclassifiable or attainment effective October 18, 2000, for the 1-hour ozone standard which was revoked effective June 15, 2005.	

(a) Ozone Standards
Volatile organic compounds (VOC) and Nitrogen Oxides (NO_x) are regulated under the Clean Air Act (CAA) for the purposes of attaining and maintaining the National Ambient Air Quality Standards (NAAQS) for ozone. Therefore, VOC and NO_x emissions are considered when evaluating the rule applicability relating to ozone. Ripley County has been designated as attainment or unclassifiable for ozone. Therefore, VOC and NO_x emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2.

(b) $PM_{2.5}$
Ripley County has been classified as attainment for $PM_{2.5}$. Therefore, direct $PM_{2.5}$, SO_2, and NOx emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2.

(c) Other Criteria Pollutants
Ripley County has been classified as attainment or unclassifiable in Indiana for all the other criteria pollutants. Therefore, these emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2.

Fugitive Emissions

(a) The fugitive emissions of criteria pollutants and hazardous air pollutants are counted toward the determination of 326 IAC 2-6.1 (Minor Source Operating Permits) applicability.

(b) Since this type of operation is not one of the twenty-eight (28) listed source categories under 326 IAC 2-2, 326 IAC 2-3, or 326 IAC 2-7, and there is no applicable New Source Performance Standard that was in effect on August 7, 1980, fugitive emissions are not counted toward the determination of PSD, Emission Offset, and Part 70 Permit applicability.

Greenhouse Gas (GHG) Emissions

On June 23, 2014, in the case of *Utility Air Regulatory Group v. EPA*, cause no. 12-1146, (available at http://www.supremecourt.gov/opinions/13pdf/12-1146_4g18.pdf) the United States Supreme Court ruled that the U.S. EPA does not have the authority to treat greenhouse gases (GHGs) as an air pollutant for the purpose of determining operating permit applicability or PSD Major source status. On July 24, 2014, the U.S. EPA issued a memorandum to the Regional Administrators outlining next steps in permitting decisions in light of the Supreme Court's decision. U.S. EPA's guidance states that U.S. EPA will no longer require PSD or Title V permits for sources "previously classified as 'Major' based solely on greenhouse gas emissions."

The Indiana Environmental Rules Board adopted the GHG regulations required by U.S. EPA at 326 IAC 2-2-1(zz), pursuant to Ind. Code § 13-14-9-8(h) (Section 8 rulemaking). A rule, or part of a rule, adopted under Section 8 is automatically invalidated when the corresponding federal rule, or part of the rule, is invalidated. Due to the United States Supreme Court Ruling, IDEM, OAQ cannot consider GHG emissions to determine operating permit applicability or PSD applicability to a source or modification.

Background and Description of Emission Units and Pollution Control Equipment

The Office of Air Quality (OAQ) has reviewed an application, submitted by MGPI of Indiana, LLC on November 5, 2018, relating to the construction and operation of a new distilled spirits aging warehouse facility, which includes the purchase of existing on-site structures. Additionally, VOC emissions (predominantly ethanol) result from the whiskey aging process. Whiskey aging relies on natural ventilation and does not use fans to force air in or out of the warehouse, which would otherwise affect product quality. Therefore, the collection of the VOC emissions would negatively affect product quality. As a result, the VOC emissions cannot be reasonably collected as they pass through the openings in the buildings and are considered as fugitive emissions. In August 2004, the Indiana Office of Environmental Adjudication concluded that the emissions from the openings should be considered fugitive for determining major source status.

The following is a list of the new emission units:

(a) One (1) Sunman #1 Warehouse, identified as WH-1, the structure for which was constructed in 2000 by the prior facility owner and approved in 2019 to store distilled spirits, and exhausting through the building's louvers and other openings.

(b) One (1) Sunman #2 Warehouse, identified as WH-2, the structure for which was constructed in 1998 by the prior facility owner and approved in 2019 to store distilled spirits, and exhausting through the building's louvers and other openings.

(c) One (1) diesel-fired emergency fire pump engine, previously in operation under former site ownership and constructed prior to July 11, 2005, with a maximum capacity of 251 hp.

Under 40 CFR 63, Subpart ZZZZ, this unit is considered as an existing affected source.

(d) One (1) diesel-fired emergency fire pump engine, approved in 2019 for construction, with a maximum capacity of 376 hp.

Under 40 CFR 60, Subpart IIII, this unit is considered as an affected facility.
Under 40 CFR 63, Subpart ZZZZ, this unit is considered as a new affected source.

(e) One (1) diesel fuel storage tank, identified as AST-1, constructed prior to 2005, with a maximum capacity of 300 gallons.

(f) One (1) diesel fuel storage tank, identified DWST-1, approved in 2019 for construction, with a maximum capacity of 500 gallons.

(g) Paved roads and parking lots with public access.

The two (2) warehouses, identified as WH-1 and WH-2, have a combined storage capacity of 320,000 barrels.

Enforcement Issues

There are no pending enforcement actions related to this source.

Emission Calculations

See Appendix A of this TSD for detailed emission calculations.

Permit Level Determination – MSOP

This table reflects the unrestricted potential emissions of the source. If the control equipment has been determined to be integral, the table reflects the potential to emit (PTE) after consideration of the integral control device.

	Unrestricted Source-Wide Emissions (ton/year)								
	PM[1]	**PM_{10}[1]**	**$PM_{2.5}$[1, 2]**	**SO_2**	**NO_X**	**VOC**	**CO**	**Single HAP[3]**	**Total HAPs**
Total PTE of Entire Source Excluding Fugitives*	**0.16**	**0.16**	**0.16**	**0.32**	**2.49**	**0.18**	**0.56**	**negl.**	**negl.**
Title V Major Source Thresholds	NA	100	100	100	100	100	100	10	25
PSD Major Source Thresholds	250	250	250	250	250	250	250	--	--
Total PTE of Entire Source Including Source-Wide Fugitives*	**8.48**	**1.82**	**0.57**	**0.32**	**2.49**	**1104.18**	**0.56**	**negl.**	**negl.**
MSOP Thresholds	25	25	25	25	25	25	100	10	25

[1]Under the Part 70 Permit program (40 CFR 70), PM_{10} and $PM_{2.5}$, not particulate matter (PM), are each considered as a "regulated air pollutant."

[2]$PM_{2.5}$ listed is direct $PM_{2.5}$.

[3]Single highest source-wide HAP is formaldehyde.

*Fugitive HAP emissions are always included in the source-wide emissions.

Appendix A of this TSD reflects the detailed unrestricted potential emissions of the source.

(a) The potential to emit (PTE) (as defined in 326 IAC 2-1.1-1) of VOC (including fugitive and non-fugitive emissions) is greater than one hundred (100) tons per year. However, since this type of operation is not one of the twenty-eight (28) listed source categories under 326 IAC 2-7, and there is no applicable New Source Performance Standard that was in effect on August 7, 1980, fugitive emissions are not counted toward the determination of Part 70 Permit applicability. The PTE of all other regulated criteria pollutants are less than one hundred (100) tons per year. Therefore, the source is subject to the provisions of 326 IAC 2-6.1. A Minor Source Operating Permit (MSOP) will be issued.

(b) The potential to emit (PTE) (as defined in 326 IAC 2-1.1-1) of any single HAP is less than ten (10) tons per year and the PTE of a combination of HAPs is less than twenty-five (25) tons per year. Therefore, this source is an area source under Section 112 of the Clean Air Act (CAA) and not subject to the provisions of 326 IAC 2-7.

Federal Rule Applicability Determination

Federal rule applicability for this source has been reviewed as follows:

New Source Performance Standards (NSPS):

(a) The one (1) 376 hp diesel-fired emergency fire pump engine is subject to the New Source

Performance Standards for Stationary Compression Ignition Internal Combustion Engines, 40 CFR 60, Subpart IIII and 326 IAC 12, because it is a stationary compression ignition (CI) internal combustion engine (ICE) that commenced construction after July 11, 2005.

The one (1) 376 hp diesel-fired emergency fire pump engine is subject to the following portions of Subpart IIII:

(1) 40 CFR 60.4200(a)(2)(ii) and (c)
(2) 40 CFR 60.4205(c)
(3) 40 CFR 60.4206
(4) 40 CFR 60.4207(b)
(5) 40 CFR 60.4208(h) and (i)
(6) 40 CFR 60.4209(a)
(7) 40 CFR 60.4211(a), (c), (f)(1), (f)(2)(i), (f)(3), and (g)(2)
(8) 40 CFR 60.4214(b)
(9) 40 CFR 60.4218
(10) 40 CFR 60.4219
(11) Tables 3 and 4

The requirements of 40 CFR Part 60, Subpart A – General Provisions, which are incorporated as 326 IAC 12-1, apply to the diesel-fired emergency fire pump engine except as otherwise specified in 40 CFR 60, Subpart IIII.

Based on this evaluation, this source is subject to 40 CFR 60, Subpart IIII. On May 4, 2016, the U.S. Court of Appeals for the D.C. Circuit issued a mandate vacating paragraphs 40 CFR 60.4211(f)(2)(ii) - (iii) of NSPS Subpart IIII. Therefore, these paragraphs no longer have any legal effect and any engine that is operated for purposes specified in these paragraphs becomes a non-emergency engine and must comply with all applicable requirements for a non-emergency engine.

For additional information, please refer to the USEPA's Guidance Memo: https://www.epa.gov/sites/production/files/2016-06/documents/ricevacaturguidance041516.pdf

Since the federal rule has not been updated to remove these vacated requirements, the text below shows the vacated language as ~~strikethroug~~h text. At this time, IDEM is not making any changes to the permit's attachment due to this vacatur. However, the permit will not reference the vacated requirements, as applicable.

40 CFR 60.4211(f)(2) You may operate your emergency stationary ICE for any combination of the purposes specified in paragraph~~s~~ (f)(2)(i) ~~through (iii)~~ of this section for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph (f)(3) of this section counts as part of the 100 hours per calendar year allowed by this paragraph (f)(2).

(i) Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator 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 calendar year.

~~(ii) Emergency stationary ICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability~~

~~Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see §60.17), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.~~

~~(iii) Emergency stationary ICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.~~

(b) The requirements of the New Source Performance Standard for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984, 40 CFR 60, Subpart Kb and 326 IAC 12, are not included in the permit for the two (2) warehouses, identified as WH-1 and WH-2, because this subpart does not apply to vessels used to store beverage alcohol. The two (2) diesel fuel storage tanks, identified as AST-1 and DWST-1, are also not subject to the requirements of 40 CFR 60, Subpart Kb, because the storage tanks have a storage capacity less than 75 cubic meters (19,812.9 gallons), each, and store diesel, which is not a volatile organic liquid (VOL), as defined in 40 CFR 60.111b.

(c) The requirements of the New Source Performance Standard for Stationary Compression Ignition Internal Combustion Engines, 40 CFR 60, Subpart IIII and 326 IAC 12, are not included in the permit for the one (1) 251 hp diesel-fired emergency fire pump engine, because it commenced construction before the rule applicability of July 11, 2005.

(d) The requirements of the New Source Performance Standard for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60, Subpart JJJJ and 326 IAC 12, are not included in the permit for the two (2) diesel-fired emergency fire pump engines, because these are not stationary spark ignition (SI) internal combustion engines (ICE).

(e) There are no other New Source Performance Standards (40 CFR Part 60) and 326 IAC 12 included in the permit.

National Emission Standards for Hazardous Air Pollutants (NESHAP):

(a) The two (2) diesel-fired emergency fire pump engines are subject to the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR 63, Subpart ZZZZ, which is incorporated by reference as 326 IAC 20-82, because each is a stationary reciprocating internal combustion engine (RICE) at an area source of HAP emissions. The one (1) 251 hp diesel-fired emergency fire pump engine is considered an existing (construction commenced before June 12, 2006) stationary (RICE). The one (1) 376 hp diesel-fired emergency fire pump engine is considered a new (construction commenced on or after June 12, 2006) stationary (RICE).

The one (1) 251 hp diesel-fired emergency fire pump engine is subject to the following portions of Subpart ZZZZ:

(1) 40 CFR 63.6580
(2) 40 CFR 63.6585(c) and (d)
(3) 40 CFR 63.6590(a)(1)(iii) and (iv)
(4) 40 CFR 63.6595(a)(1), (b), and (c)
(5) 40 CFR 63.6603(a)
(6) 40 CFR 63.6604(b)
(7) 40 CFR 63.6605
(8) 40 CFR 63.6625(e)(3), (f), (h), and (i)
(9) 40 CFR 63.6640(a), (b), (e), (f)(1), (f)(2)(i), and (f)(4)
(10) 40 CFR 63.6645(a)(5)
(11) 40 CFR 63.6650

(12) 40 CFR 63.6655(a), (d), (e)(2), and (f)(2)
(13) 40 CFR 63.6660
(14) 40 CFR 63.6665
(15) 40 CFR 63.6670
(16) 40 CFR 63.6675
(17) Table 2d (item 4)
(18) Table 6 (item 9)
(19) Table 7 (item 4)
(20) Table 8

Note: Existing emergency compression ignition (CI) stationary RICE located at an area source of HAP are not subject to numerical CO or formaldehyde emission limitations, but are only subject to work and management practices under Table 2d and Table 6.

The requirements of 40 CFR Part 63, Subpart A – General Provisions, which are incorporated as 326 IAC 20-1, apply to the one (1) 251 hp diesel-fired emergency fire pump engine except as otherwise specified in 40 CFR 63, Subpart ZZZZ.

The one (1) 376 hp diesel-fired emergency fire pump engine is subject to the following portions of Subpart ZZZZ:

(1) 40 CFR 63.6580
(2) 40 CFR 63.6585(c) and (d)
(3) 40 CFR 63.6590(a)(2)(iii) and (c)(1)
(4) 40 CFR 63.6595(a)(7)
(5) 40 CFR 63.6665
(6) 40 CFR 63.6670
(7) 40 CFR 63.6675

Pursuant to 40 CFR 63.6665, the one (1) 376 hp diesel-fired emergency fire pump engine does not have to meet the requirements of 40 CRF 63, Subpart A (General Provisions), since it is considered a new stationary RICE located at an area source of HAP emissions.

Based on this evaluation, this source is subject to 40 CFR 63, Subpart ZZZZ. On May 4, 2016, the U.S. Court of Appeals for the D.C. Circuit issued a mandate vacating paragraphs 40 CFR 63.6640(f)(2)(ii) - (iii) of NESHAP Subpart ZZZZ. Therefore, these paragraphs no longer have any legal effect and any engine that is operated for purposes specified in these paragraphs becomes a non-emergency engine and must comply with all applicable requirements for a non-emergency engine.

For additional information, please refer to the USEPA's Guidance Memo: https://www.epa.gov/sites/production/files/2016-06/documents/ricevacaturguidance041516.pdf

Since the federal rule has not been updated to remove these vacated requirements, the text below shows the vacated language as ~~strikethrough~~ text. At this time, IDEM is not making any changes to the permit's attachment due to this vacatur. However, the permit will not reference the vacated requirements, as applicable.

40 CFR 63.6640(f)(2) You may operate your emergency stationary RICE for any combination of the purposes specified in paragraph~~s~~ (f)(2)(i) ~~through (iii)~~ of this section for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraphs (f)(3) and (4) of this section counts as part of the 100 hours per calendar year allowed by this paragraph (f)(2).

(i) Emergency stationary RICE may be operated for maintenance checks and readiness

testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator 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 RICE beyond 100 hours per calendar year.

~~(ii) Emergency stationary RICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see §63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.~~

~~(iii) Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.~~

(b) The requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAPs): Organic Liquids Distribution (Non-Gasoline), 40 CFR 63, Subpart EEEE and 326 IAC 20-83, are not included in the permit for the two (2) warehouses, identified as WH-1 and WH-2, since the source does not store or transfer liquids or liquid mixtures that contain 5 percent by weight or greater of the organic HAP listed in Table 1 to this subpart.

(c) There are no other National Emission Standards for Hazardous Air Pollutants under 40 CFR 63, 326 IAC 14 and 326 IAC 20 included in the permit.

Compliance Assurance Monitoring (CAM):

(a) Pursuant to 40 CFR 64.2, Compliance Assurance Monitoring (CAM) is not included in the permit, because the unlimited potential to emit of the source is less than the Title V major source thresholds and the source is not required to obtain a Part 70 or Part 71 permit.

State Rule Applicability Determination

State rule applicability for this source has been reviewed as follows:

326 IAC 1-6-3 (Preventive Maintenance Plan)
The source is subject to 326 IAC 1-6-3.

326 IAC 2-6.1 (Minor Source Operating Permits (MSOP))
MSOP applicability is discussed under the Permit Level Determination – MSOP section above.

326 IAC 2-2 (Prevention of Significant Deterioration(PSD))
This new source is not a major stationary source, under PSD (326 IAC 2-2), because:
(1) The potential to emit all PSD regulated pollutants are less than 250 tons per year
(2) This source is not one of the twenty-eight (28) listed source categories, as specified in 326 IAC 2-2-1(ff)(1).

326 IAC 2-4.1 (Major Sources of Hazardous Air Pollutants (HAP))
The potential to emit of any single HAP is less than ten (10) tons per year and the potential to emit of a combination of HAPs is less than twenty-five (25) tons per year. Therefore, this source is an area source under Section 112 of the Clean Air Act (CAA) and not subject to the provisions of 326 IAC 2-4.1.

326 IAC 2-6 (Emission Reporting)
Pursuant to 326 IAC 2-6-1, this source is not subject to this rule, because it is not required to have an operating permit under 326 IAC 2-7 (Part 70), it is not located in Lake, Porter, or LaPorte County, and it does not emit lead into the ambient air at levels equal to or greater than 5 tons per year. Therefore, 326 IAC 2-6 does not apply.

326 IAC 5-1 (Opacity Limitations)
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:

(1) 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.

(2) 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.

326 IAC 6-4 (Fugitive Dust Emissions Limitations)
Pursuant to 326 IAC 6-4 (Fugitive Dust Emissions Limitations), the source 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.

326 IAC 6-5 (Fugitive Particulate Matter Emission Limitations)
This source is not subject to the requirements of 326 IAC 6-5, because the source has potential fugitive particulate emissions of less than twenty-five (25) tons per year.

326 IAC 12 (New Source Performance Standards)
See Federal Rule Applicability Section of this TSD.

326 IAC 20 (Hazardous Air Pollutants)
See Federal Rule Applicability Section of this TSD.

State Rule Applicability – Individual Facilities

State rule applicability has been reviewed as follows:

Warehouses

326 IAC 8-1-6 (New Facilities; General Reduction Requirements)
The two (2) warehouses, identified as WH-1 and WH-2, are not subject to the requirements of 326 IAC 8-1-6, because only fugitive VOC emissions are emitted during the whiskey aging process.

326 IAC 8-5-6 (Fuel Grade Ethanol Production at Dry Mills)
The two (2) warehouses, identified as WH-1 and WH-2, are not subject to the requirements of 326 IAC 8-1-6, because this operation is not a fuel grade ethanol production plant that uses fermentation, distillation, and dehydration to produce ethanol and dried distillers grain and solubles.

Emergency Fire Pump Engines

326 IAC 6-2 (Particulate Emissions from Indirect Heating Units)
The two (2) diesel-fired emergency fire pump engines are not subject to the requirements of 326 IAC 6-2 since each is not a source of indirect heating.

326 IAC 6-3 (Particulate Emission Limitations for Manufacturing Processes)

Pursuant to 326 IAC 1-2-59, the two (2) diesel-fired emergency fire pump engines are exempt from the requirements of 326 IAC 6-3-2, since liquid and gaseous fuels and combustion air are not considered as part of the process weight rate.

326 IAC 7-1.1 (Sulfur Dioxide Emission Limitations)
The two (2) diesel-fired emergency fire pump engines are not subject to the requirements of 326 IAC 7-1.1, because each has unlimited SO_2 potential emissions of less than twenty-five (25) tons per year, and ten (10) pounds per hour.

326 IAC 8-1-6 (New Facilities; General Reduction Requirements)
The two (2) diesel-fired emergency fire pump engines are not subject to the requirements of 326 IAC 8-1-6, because each has unlimited VOC potential emissions of less than twenty-five (25) tons per year.

Storage Tanks

326 IAC 8-1-6 (New Facilities; General Reduction Requirements)
The two (2) diesel fuel storage tanks, identified as AST-1 and DWST-1, are not subject to the requirements of 326 IAC 8-1-6, because each has unlimited VOC potential emissions of less than twenty-five (25) tons per year.

326 IAC 8-4-3 Petroleum Liquid Storage Facilities
The two (2) diesel fuel storage tanks, identified as AST-1 and DWST-1, are not subject to the requirements of 326 IAC 8-4-3 because the storage tanks located at the source have capacities of less than thirty-nine thousand (39,000) gallons.

326 IAC 8-9 (Volatile Organic Liquid Storage Vessels)
Pursuant to 326 IAC 8-6-9(a)(1), the two (2) diesel fuel storage tanks, identified as AST-1 and DWST-1, are not subject to the requirements of 326 IAC 8-9, because the source is not located in Clark, Floyd, Lake, or Porter County. The source is located in Ripley County.

Compliance Determination, Monitoring and Testing Requirements

There are no compliance requirements applicable to this source.

Conclusion and Recommendation

Unless otherwise stated, information used in this review was derived from the application and additional information submitted by the applicant. An application for the purposes of this review was received on November 5, 2018.

The construction and operation of this source shall be subject to the conditions of the attached proposed New Source Construction and MSOP No. M137-40667-00051. The staff recommends to the Commissioner that this New Source Construction and MSOP be approved.

IDEM Contact

(a) If you have any questions regarding this permit, please contact Thomas Uher, Indiana Department Environmental Management, Office of Air Quality, Permits Branch, 100 North Senate Avenue, MC 61-53 IGCN 1003, Indianapolis, Indiana 46204-2251, or by telephone at (317) 232-1782 or (800) 451-6027, and ask for Thomas Uher or (317) 232-1782.

(b) A copy of the findings is available on the Internet at: http://www.in.gov/ai/appfiles/idem-caats/

(c) For additional information about air permits and how the public and interested parties can participate, refer to the IDEM Air Permits page on the Internet

at: http://www.in.gov/idem/airquality/2356.htm; and the Citizens' Guide to IDEM on the Internet at: http://www.in.gov/idem/6900.htm.

Appendix A: Emissions Calculations
PTE Summary

Company Name: MGPI of Indiana, LLC
Source Address: 924 South Meridian Street, Sunman, IN 47041
Permit Number: M137-40667-00051
Reviewer: Thomas Uher

Uncontrolled Potential to Emit (tons/yr)									
Emission Units	**PM**	**PM10**	**PM2.5**	**SO2**	**NOx**	**VOC**	**CO**	**Single HAP**	**Total HAPs**
Diesel-Fired Emergency Fire Pump Engine (251 hp)	0.14	0.14	0.14	0.13	1.95	0.16	0.42	5.18E-04	1.70E-03
Diesel-Fired Emergency Fire Pump Engine (376 hp)	0.02	0.02	0.02	0.19	0.55	0.02	0.15	7.76E-04	2.55E-03
Storage Tanks	-	-	-	-	-	2.02E-04	-	-	-
Total	**0.16**	**0.16**	**0.16**	**0.32**	**2.49**	**0.18**	**0.56**	**1.29E-03**	**4.25E-03**
Fugitive Emissions									
Sunman #1 Warehouse (WH-1)	-	-	-	-	-	1104.00	-	-	-
Sunman #2 Warehouse (WH-2)	-	-	-	-	-		-	-	-
Paved Roads	8.32	1.66	0.41	-	-	-	-	-	-

Note:
Highest single HAP is formaldehyde.

Appendix A: Emission Calculations
Reciprocating Internal Combustion Engines - Diesel Fuel
Output Rating (<=600 HP)
Maximum Input Rate (<=4.2 MMBtu/hr)

Company Name: MGPI of Indiana, LLC
Source Address: 924 South Meridian Street, Sunman, IN 47041
Permit Number: M137-40667-00051
Reviewer: Thomas Uher

Emissions calculated based on output rating (hp)

Output Horsepower Rating (hp)	251.0
Maximum Hours Operated per Year	500
Potential Throughput (hp-hr/yr)	125,500

	Pollutant						
	PM*	PM10*	direct PM2.5*	SO2	NOx	VOC	CO
Emission Factor in lb/hp-hr	0.0022	0.0022	0.0022	0.00205	0.0310	0.0025	0.00668
Potential Emission in tons/yr	0.14	0.14	0.14	0.13	1.95	0.16	0.42

*PM and PM2.5 emission factors are assumed to be equivalent to PM10 emission factors. No information was given regarding which method was used to determine the factor or the fraction of PM10 which is condensable.

Hazardous Air Pollutants (HAPs)

	Pollutant							
	Benzene	Toluene	Xylene	1,3-Butadiene	Formaldehyde	Acetaldehyde	Acrolein	Total PAH HAPs***
Emission Factor in lb/hp-hr****	#######	2.86E-06	2.00E-06	2.74E-07	8.26E-06	5.37E-06	6.48E-07	1.18E-06
Potential Emission in tons/yr	#######	1.80E-04	1.25E-04	1.72E-05	5.18E-04	3.37E-04	4.06E-05	7.38E-05

***PAH = Polyaromatic Hydrocarbon (PAHs are considered HAPs, since they are considered Polycyclic Organic Matter)
****Emission factors in lb/hp-hr were calculated using emission factors in lb/MMBtu and a brake specific fuel consumption of 7,000 Btu / hp-hr (AP-42 Table 3.3-1).

Potential Emission of Total HAPs (tons/yr)	**1.70E-03**

Methodology
Emission Factors are from AP 42 (Supplement B 10/96) Tables 3.3-1 and 3.3-2.
Potential Throughput (hp-hr/yr) = [Output Horsepower Rating (hp)] * [Maximum Hours Operated per Year]
Potential Emission (tons/yr) = [Potential Throughput (hp-hr/yr)] * [Emission Factor (lb/hp-hr)] / [2,000 lb/ton]

Appendix A: Emission Calculations
Reciprocating Internal Combustion Engines - Diesel Fuel
Output Rating (<=600 HP)
Maximum Input Rate (<=4.2 MMBtu/hr)

Company Name: MGPI of Indiana, LLC
Source Address: 924 South Meridian Street, Sunman, IN 47041
Permit Number: M137-40667-00051
Reviewer: Thomas Uher

Emissions calculated based on output rating (hp)

Output Horsepower Rating (hp)	376.0
Maximum Hours Operated per Year	500
Potential Throughput (hp-hr/yr)	188,000

	Pollutant						
	PM*	PM10*	direct PM2.5*	SO2	NOx	VOC	CO
Emission Factor in lb/hp-hr	0.00024	0.0002425	0.000242509	0.00205	0.0058	0.0002	0.00154
Potential Emission in tons/yr	0.02	0.02	0.02	0.19	0.55	0.02	0.15

*PM and PM2.5 emission factors are assumed to be equivalent to PM10 emission factors. No information was given regarding which method was used to determine the factor or the fraction of PM10 which is condensable.

Hazardous Air Pollutants (HAPs)

	Pollutant							
	Benzene	Toluene	Xylene	1,3-Butadiene	Formaldehyde	Acetaldehyde	Acrolein	Total PAH HAPs***
Emission Factor in lb/hp-hr****	#######	2.86E-06	2.00E-06	2.74E-07	8.26E-06	5.37E-06	6.48E-07	1.18E-06
Potential Emission in tons/yr	#######	2.69E-04	1.88E-04	2.57E-05	7.76E-04	5.05E-04	6.09E-05	1.11E-04

***PAH = Polyaromatic Hydrocarbon (PAHs are considered HAPs, since they are considered Polycyclic Organic Matter)
****Emission factors in lb/hp-hr were calculated using emission factors in lb/MMBtu and a brake specific fuel consumption of 7,000 Btu / hp-hr (AP-42 Table 3.3-1).

Potential Emission of Total HAPs (tons/yr)	**2.55E-03**

Methodology
Emission Factors for NOX, CO, PM, and VOC are from SPP Pumps Submittal Package STL-19-049 (10/04/2018), John Deere Rating Specific Emissions Data. Emission Factor for SO2 and HAPs are from AP 42 (Supplement B 10/96) Tables 3.3-1 and 3.3-2.
Potential Throughput (hp-hr/yr) = [Output Horsepower Rating (hp)] * [Maximum Hours Operated per Year]
Potential Emission (tons/yr) = [Potential Throughput (hp-hr/yr)] * [Emission Factor (lb/hp-hr)] / [2,000 lb/ton]

Appendix A: Emission Calculations
Tanks Summary

Company Name: MGPI of Indiana, LLC
Source Address: 924 South Meridian Street, Sunman, IN 47041
Permit Number: M137-40667-00051
Reviewer: Thomas Uher

Volatile Organic Compound (VOC) Emissions From Storage Tanks (Working and Breathing Losses) Using Output from US EPA TANKS 4.09 Program.

Tank / Materials	Maximum Liquid Volume (gallons)	Product Throughput (gallons/yr)	VOC Working Losses (lbs/yr)	VOC Breathing Losses (lbs/yr)	Total VOC Losses (lbs/yr)	VOC Working Losses (tons/yr)	VOC Breathing Losses (tons/yr)	Total VOC Losses (tons/yr)
Aboveground Storage Tank (AST-1) / Diesel Fuel	300	6,366	0.13	0.06	0.18	6.40E-05	2.76E-05	**9.16E-05**
Double-Walled Storage Tank (DWST-1) / Diesel Fuel	500	9,400	0.19	0.03	0.22	9.46E-05	1.56E-05	**1.10E-04**
							Total	**2.02E-04**

Methodology
Maximum annual fuel usage in gallons for AST-1 calculated using engine hp, a brake specific fuel consumption of 7,000 Btu / hp-Hr (AP-42 Table 3.3-1), a diesel high heating value of 0.138 MMBtu/gal (40 CFR 98 Subpart C, Table C-1), and 500 hours/year operation.
Maximum annual fuel usage in gallons for DWST-01 calculated using 18.8 gal/hr maximum fuel consumption from engine specification sheet and 500 hours/year operation.

Appendix A: Emissions Calculations
Summary of Emissions

Company Name: MGPI of Indiana, LLC
Source Address: 924 South Meridian Street, Sunman, IN 47041
Permit Number: M137-40667-00051
Reviewer: Thomas Uher

Sunman #1 and #2 Warehouse Fugitive Emissions

Source	Emission Factor (lb/barrel/yr)	# Barrels	VOC Emissions (lb/yr)	VOC Emissions (ton/yr)
Sunman #1 Warehouse (WH	6.9	320,000	2,208,000	1,104.00
Sunman #2 Warehouse (WH	6.9			

Methodology:

Emission factor taken from AP-42 Table 9.12.3-1
Emissions (ton/yr) = # barrels x EF (lb/barrel/yr) / 2,000 lb/ton

Appendix A: Emission Calculations
Fugitive Dust Emissions - Paved Roads

Company Name: MGPI of Indiana, LLC
Source Address: 924 South Meridian Street, Sunman, IN 47041
Permit Number: M137-40667-00051
Reviewer: Thomas Uher

Paved Roads at Industrial Site
The following calculations determine the amount of emissions created by paved roads, based on 8,760 hours of use and AP-42, Ch 13.2.1 (1/2011).

Vehicle Information (provided by source)

Type	Maximum number of vehicles per day	Number of one-way trips per day per vehicle	Maximum trips per day (trip/day)	Maximum Weight Loaded (tons/trip)	Total Weight driven per day (ton/day)	Maximum one-way distance (feet/trip)	Maximum one-way distance (mi/trip)	Maximum one-way miles (miles/day)	Maximum one-way miles (miles/yr)
Spotter Tractor	-	-	20.0	30.0	600.0	1325	0.251	5.0	1831.9
Semi Tractor Trailers	-	-	20.0	40.0	800.0	2850	0.540	10.8	3940.3
Employee Passenger Vehicles	-	-	6.0	4.0	24.0	1350	0.256	1.5	559.9
		Totals	**46.0**		**1424.0**			**17.3**	**6332.2**

Average Vehicle Weight Per Trip = 31.0 tons/trip
Average Miles Per Trip = 0.38 miles/trip

Unmitigated Emission Factor, Ef = [k * (sL)^0.91 * (W)^1.02] (Equation 1 from AP-42 13.2.1)

	PM	PM10	PM2.5	
where k =	0.011	0.0022	0.00054	lb/VMT = particle size multiplier (AP-42 Table 13.2.1-1)
W =	31.0	31.0	31.0	tons = average vehicle weight (provided by source)
sL =	9.7	9.7	9.7	g/m^2 = silt loading value for paved roads at iron and steel production facilities - Table 13.2.1-3)

Taking natural mitigation due to precipitation into consideration, Mitigated Emission Factor, Eext = E * [1 - (p/4N)] (Equation 2 from AP-42 13.2.1)
Mitigated Emission Factor, Eext = Ef * [1 - (p/4N)]
where p = 130 days of rain greater than or equal to 0.01 inches (see Fig. 13.2.1-2)
N = 365 days per year

	PM	PM10	PM2.5	
Unmitigated Emission Factor, Ef =	2.884	0.577	0.1416	lb/mile
Mitigated Emission Factor, Eext =	2.627	0.525	0.1290	lb/mile
Dust Control Efficiency =	0%	0%	0%	(pursuant to control measures outlined in fugitive dust control plan)

Process	Mitigated PTE of PM (Before Control) (tons/yr)	Mitigated PTE of PM10 (Before Control) (tons/yr)	Mitigated PTE of PM2.5 (Before Control) (tons/yr)	Mitigated PTE of PM (After Control) (tons/yr)	Mitigated PTE of PM10 (After Control) (tons/yr)	Mitigated PTE of PM2.5 (After Control) (tons/yr)
Spotter Tractor	2.41	0.48	0.12	2.41	0.48	0.12
Semi Tractor Trailers	5.18	1.04	0.25	5.18	1.04	0.25
Employee Passenger Vehicles	0.74	0.15	0.04	0.74	0.15	0.04
Totals	**8.32**	**1.66**	**0.41**	**8.32**	**1.66**	**0.41**

Methodology

Total Weight driven per day (ton/day)	= [Maximum Weight Loaded (tons/trip)] * [Maximum trips per day (trip/day)]
Maximum one-way distance (mi/trip)	= [Maximum one-way distance (feet/trip) / [5280 ft/mile]
Maximum one-way miles (miles/day)	= [Maximum trips per year (trip/day)] * [Maximum one-way distance (mi/trip)]
Average Vehicle Weight Per Trip (ton/trip)	= SUM[Total Weight driven per day (ton/day)] / SUM[Maximum trips per day (trip/day)]
Average Miles Per Trip (miles/trip)	= SUM[Maximum one-way miles (miles/day)] / SUM[Maximum trips per year (trip/day)]
Unmitigated PTE (tons/yr)	= [Maximum one-way miles (miles/yr)] * [Unmitigated Emission Factor (lb/mile)] * (ton/2000 lbs)
Mitigated PTE (Before Control) (tons/yr)	= [Maximum one-way miles (miles/yr)] * [Mitigated Emission Factor (lb/mile)] * (ton/2000 lbs)
Mitigated PTE (After Control) (tons/yr)	= [Mitigated PTE (Before Control) (tons/yr)] * [1 - Dust Control Efficiency]

Abbreviations
PM = Particulate Matter
PM10 = Particulate Matter (<10 um)
PM2.5 = Particle Matter (<2.5 um)
PTE = Potential to Emit

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We Protect Hoosiers and Our Environment.
100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

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

TO: Mr. William Graves
MGPI of Indiana, LLC
7 Ridge Avenue
Lawrenceburg, IN 47025

DATE: April 10, 2019

FROM: Jenny Acker, Branch Chief
Permits Branch
Office of Air Quality

SUBJECT: Final Decision
MSOP – New Source Construction
137-40667-00051

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:
Mike Templin, Plant Manager
Mike Wieczorek, Ramboll Environ; Ramboll US Corporation

In addition, the Notice of Decision has been sent to the 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.

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Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

April 10, 2019

TO: Osgood Public Library – Milan Branch

From: Jenny Acker, Branch Chief
Permits Branch
Office of Air Quality

Subject: **Important Information for Display Regarding a Final Determination**

Applicant Name: **MGPI of Indiana, LLC**
Permit Number: **137-40667-00051**

You previously received information to make available to the public during the public comment period of a draft permit. Enclosed is a copy of the final decision and supporting materials for the same project. Please place the enclosed information along with the information you previously received. To ensure that your patrons have ample opportunity to review the enclosed permit, **we ask that you retain this document for at least 60 days.**

The applicant is responsible for placing a copy of the application in your library. If the permit application is not on file, or 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.

Enclosures
Final Library 1/9/2017

Mail Code 61-53

IDEM Staff	VBIDDLE 4/10/2019 MGPI of Indiana LLC 137- 40667-00051 FINAL		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	Type of Mail: **CERTIFICATE OF MAILING ONLY**

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		William Graves MGPI of Indiana LLC 7 Ridge Ave Lawrenceburg IN 47025 (Source CAATS)									
2		Mike Templin Plant Manager MGPI of Indiana LLC 7 Ridge Ave Lawrenceburg IN 47025 *(RO CAATS)*									
3		Nicholas and Amber Scholl 9323East County Road 1300 North Sunman IN 47041 *(Affected Party)*									
4		Ms. Amelia Short 8235 E. County Road 1000 North Sunman IN 47041 *(Affected Party)*									
5		Ms. Elaine Weber 701 N. Meridian Street Sunman IN 47041 *(Affected Party)*									
6		Ryan and Jennipher White 919 Doesprings Drive Sunman IN 47041 *(Affected Party)*									
7		Mr. George Zimmer 1199 Woliung Road Sunman IN 47041 *(Affected Party)*									
8		Ms. Kara Schott 22093 Shale Road Sunman IN 47041 *(Affected Party)*									
9		Darrell and Lisa Lawrence 8889 North County Road 550 East Sunman IN 47041 *(Affected Party)*									
10		Ms. Jamie Roope 6609 East County Road 1300 North Sunman IN 47041 *(Affected Party)*									
11		Patrick and Lori Trimble 10658 N. Stephens Lane East Sunman IN 47041 *(Affected Party)*									
12		Douglas and Marlene Emsweller 1899 E. County Road 1300 North Batesvo;;e OM 47006 *(Affected Party)*									
13		Mr. Brian Zimmerman 24156 W. County Line Road Sunman IN 47041 (Affected Party)									
14		Ms. Jill Hess 941 Eastern Avenue Sunman IN 47041 *(Affected Party)*									
15		Ms. Angela Barnes 811 S. Meridian Street Sunman IN 47041 *(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 ***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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1		Cheryl Barnhorst 1217 Doesprings Drive Sunman IN 47041 (Affected Party)									
2		Sunman Town Council P.O. Box 147 Sunman IN 47041 *(Local Official)*									
3		Ripley County Commissioners 115 North Main Street Rm 130 Versailles IN 47042 *(Local Official)*									
4		Ripley County Health Department 102 W 1st Street, Ste 106, P.O. Box 423 Versailles IN 47042-0423 *(Health Department)*									
5		Mr. Mike Wieczorek Ramboll Environ 333 W Wacker Dr, Ste 2700 Chicago IL 60606 *(Consultant)*									
6		Osgood Public Library - Milan 1171 North Warpath Milan IN 47031 *(Library)*									
7		Kevin Green Greensburg Daily News 135 S Franklin St Greensburg IN 47240 *(Affected Party)*									
8		Debbie Blank The Herald-Tribune 475 N Huntersville Road Batesville IN 47006 *(Affected Party)*									
9		Chandra Mattingly Rising Sun Recorder and Ohio County News 235 Main St Rising Sun IN 47040 *(Affected Party)*									
10		Mr. John Loichinger 1246 State Road 229 Batesville IN 47006 *(Affected Party)*									
11		Ms. Leanne Jenner 9111 East County Road 1000 N. Sunman IN 47041 *(Affected Party)*									
12		Mr. Stephen Allen 1179 Brick Yard Drive Sunman IN 47041 *(Affected Party)*									
13		Ms. Gertrude Ammerman 825 North Meridian Street Sunman IN 47041 (Affected Party)									
14		Mr. Matthew and April Berne 24713 Van Wedding Road Sunman IN 47041 *(Affected Party)*									
15		Ms. Rebecca Brashear 881 S. Meridian St. Sunman IN 47041 *(Affected Party)*									

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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		Karen Craig P. O. Box 511 Sunman IN 47041 (Affected Party)									
2		Mr. William Craig PO Box 511 Sunman IN 47041 *(Affected Party)*									
3		Ms. Carol Eckstein 831 South Meridian Street Sunman IN 47041 *(Affected Party)*									
4		Mark and Deborah Harmon 10831 N. County Line Road Sunman IN 47041 *(Affected Party)*									
5		Ms. Alison Knue 12347 W. County Line Road Sunman IN 47041 *(Affected Party)*									
6		Ms. Ashley Knueven Lohmiller RealEstate 325 Walnut Street Lawrenceburg IN 47025 *(Affected Party)*									
7		Randolph and Donna Metzner 23294 Weisburg Rd Sunman IN 47041 *(Affected Party)*									
8		James and Melinda Middlebrooks 821 S. Meridian Street Sunman IN 47041 *(Affected Party)*									
9		Mr. Nick Niehaus 223 Maple Drive Sunman IN 47041 *(Affected Party)*									
10		Mr. Richard Noel 10959 State Road 48 Sunman IN 47041 *(Affected Party)*									
11		Ms. Angie Pflum 12219 Walters Road Sunman IN 40667 *(Affected Party)*									
12		Brad and Lissa Rullman 23002 Kammeyer Road Sunman IN 47041 *(Affected Party)*									
13		Harold and Patricia Scharf 337 Fawnmeadow Drive Sunman IN 47041 (Affected Party)									
14		Ms. Rebecca Stutz 917 S. Meridian Street Sunman IN 47041 *(Affected Party)*									
15		Ms. Mendi Tidwell 10731 N. County Line Road Sunman IN 47041 *(Affected Party)*									

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1		Janie White PO Box 133 Sunman IN 47041 (Affected Party)									
2		Ms. Chasity Willoughby Medical Assistant, Obstetrics & Gynecology The Christ Hospital Health Network 5885 Harrison Avenue, Suite 3100 Cincinnati OH 45248 *(Affected Party)*									
3		Mr. Karl Zoller 422 S. Meridian Street Sunman IN 47041 *(Affected Party)*									
4		Mr. Mark and Margie Abplanalp 8352 East County Road 1250 North Sunman IN 47041 *(Affected Party)*									
5		Byron and Carol Bruns 401 Deer Trail Road Sunman IN 47041 *(Affected Party)*									
6		Warren and Cindy Bruns 9210 E. County Road 1000 North Sunman IN 47041 *(Affected Party)*									
7		David and April Bruns 9346 E. County Road 1000 North Sunman IN 47041 *(Affected Party)*									
8		Garry and Jessica Cox 458 Fawnmeadows Drive Sunman IN 47667 *(Affected Party)*									
9		Ms. Bruce and Nancy Denni 11226 North County Road 400 East Batesville IN 47006 *(Affected Party)*									
10		Edmund and Thelma Eckstein 10770 N. Stephens Lane E Sunman IN 47041-9500 *(Affected Party)*									
11		Ms. Sandra Harmon 210 Kuebel Street Sunman IN 47041 *(Affected Party)*									
12		Mr. Alvin Hoff 9229 E. County Road 1000 North Sunman IN 47041 *(Affected Party)*									
13		James and Barbara Horton 9306 N. State Road 101 #8 Sunman IN 47041-8432 (Affected Party)									
14		Clifford and Nancy Kamphaus 9423 N. State Road 101 Sunman IN 47041 *(Affected Party)*									
15		Ms. Marea Kamphaus 9429 N. State Road 101 Sunman IN 47041 *(Affected Party)*									

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1		Jerry and Leslie Latta 9364 N. State Road 101 Sunman IN 47041 (Affected Party)									
2		Daniel and Jackie Mills 388 Fawnmeadows Drive Sunman IN 47041 *(Affected Party)*									
3		Ms. Mary Malloni 8952 E. County Road 1000 North Sunman IN 47041 *(Affected Party)*									
4		Mr. Tom and Lavonne Moorman 826 S. Meridian Street Sunman IN 47041 *(Affected Party)*									
5		Jerry and Shaina and Paula Reed 9424 N. State Road 101 Sunman IN 47041 *(Affected Party)*									
6		Joe and Tonia Riesenbeck 910 Doesprings Drive Sunman IN 47041 *(Affected Party)*									
7		Leslie Roepke 9865 N. County Line Road Sunman IN 47041 *(Affected Party)*									
8		Ms. Karyl Schmidt 981 Eastern Avenue Sunman IN 47041 *(Affected Party)*									
9		Ms. Renee Bauer 13200 State Road 46 Sunman IN 47041 *(Affected Party)*									
10		Cody and Leann Bond 9558 E. State Road 46 Sunman IN 47041 *(Affected Party)*									
11		Ms. Christina Dieselberg 1216 Doesprings Drive Sunman IN 47041 *(Affected Party)*									
12		Ms. John and Amber Farricker 14103 N. County Line Road Sunman IN 47041 *(Affected Party)*									
13		Ms. Robin Gesell 12127 Walters Road Sunman IN 47041 (Affected Party)									
14		Mr. Jon Hartman 25377 Legion Road Sunman IN 47041 *(Affected Party)*									
15		Mr. Howard Hornberger 12675 N. Spades Road Sunman IN 47041 *(Affected Party)*									

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Mail Code 61-53

IDEM Staff	VBIDDLE 4/10/2019 MGPI of Indiana LLC 40667 137- 40667-00051 FINAL		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	Type of Mail: **CERTIFICATE OF MAILING ONLY**

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		HarleyJo Kennedy PO Box 25 Versailles IN 47042 (Affected Party)									
2		Ms. Amber Knueven 7165 E. County Road 1100 N. Sunman IN 47041 *(Affected Party)*									
3		James and Jane Link PO Box 386 Sunman IN 47041 *(Affected Party)*									
4		Ms. Deanna Lohrum 7771 E. County Road 1250 North Sunman IN 47041 *(Affected Party)*									
5		Ms. Kevin and Wanda Luers 8486 East State Road 46 Sunman IN 47041 *(Affected Party)*									
6		Ms. Mary Nedderman PO Box 394 Sunman IN 47041 *(Affected Party)*									
7		Ms. Peggy Norman 8157 E. County Road 1200 North Sunman IN 47041 *(Affected Party)*									
8		Eric and Lisa Riehle Riehle Farms 8626 E County Road 1100 N, Sunman IN 47041 *(Affected Party)*									
9		Ms. Anita Schuman 24046 Van Wedding Road Sunman IN 47041 *(Affected Party)*									
10		Ms. Dana Schuman 24613 Tree Top Drive Sunman IN 47041 *(Affected Party)*									
11		Mr. Jimmy Snyder 2789 East Mud Pike Road Osgood IN 47037 *(Affected Party)*									
12		Ms. Beth Stenger 9106 Beneker Road Brookville IN 47012 *(Affected Party)*									
13		Mr. Steven & Rebecca Stutz 917 S. Meridian Street Sunman IN 47041 (Affected Party)									
14		Mr. George Weber 703 North Meridian Street Sunman IN 47041 *(Affected Party)*									
15		Ms. Carla Hacker 226 N. Meridian Street P.O. Box 460 Sunman IN 47041 *(Affected Party)*									

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1		Erin Womble 24700 Tree Top Drive Sunman IN 47041 (Affected Party)									
2		Ms. Julie Crawley 5801 Yorkridge Road Guilford IN 47022 *(Affected Party)*									
3		Ms. Marilyn Decker 9032 E. Edgewood Lane Sunman IN 47041 *(Affected Party)*									
4		Ms. Carol Eckstein 831 South Meridian Street Sunman IN 47041 *(Affected Party)*									
5		Ms. Rita Seig SEIG Surveying 28208 State Route 1, Suite 106 West Harrison IN 47060 *(Affected Party)*									
6		Ms. Stephanie Bauer 13200 State Road 46 Sunman IN 47041 *(Affected Party)*									
7		Dan and Kris Schneider PO Box 90 Sunman IN 47041 *(Affected Party)*									
8		Mr. Craig and Noelle Quick 128 Fawn Meadow Drive Sunman IN 47041 *(Affected Party)*									
9		Ms. Susie Collins 10526 North County Road 750 E. Sunman IN 47041 *(Affected Party)*									
10		Mr. Thomas Kamphaus 9429 North State Road 101 Sunman IN 47041 *(Affected Party)*									
11		Mr. Clarence Ritzi 11242 N. Spades Road Sunman IN 47041 *(Affected Party)*									
12		Mr. Ralph and Annie Zimmer 11993 Woliung Road Sunman IN 47041 *(Affected Party)*									
13		Mr. Stephen Todd 12946 North State Road 101 Sunman IN 47041 (Affected Party)									
14		Ms. Sharon Small 23072 Kammeyer Road Sunman IN 47041 *(Affected Party)*									
15		Ms. Jessica Small 23006 Kammeyer Road Sunman IN 47041 *(Affected Party)*									

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1		Stephanie Alexander 12152 Bulach Road Sunman IN 47041 (Affected Party)									
2		Ms. Carrie Derico 23139 Kammeyer Road Sunman IN 47041 *(Affected Party)*									
3		Mr. Noah Arnold 917 S. Meridian Street Sunman IN 47041 *(Affected Party)*									
4		Roger and Donna Lake 13132 N. Dearborn Road Sunman IN 47041 *(Affected Party)*									
5		Ms. Marilee Ege-McGowan 23292 Kammeyer Road Sunman IN 47041 *(Affected Party)*									
6		Ms. Amy Wettering 25178 W. County Line Road Sunman IN 47041 *(Affected Party)*									
7		Mr. Andrew Jackson Ed. D. Sunman-Dearborn Community School Corp. 1 Trojan Lane, Suite B St. Leon IN 47012 *(Affected Party)*									
8		Ms. Ruth Riehle 8626 East County Road Sunman IN 47041 *(Affected Party)*									
9		Mr. Randall Ashcroft 8071 E. Hoff Road Sunman IN 47041 *(Affected Party)*									
10		Ms. Constance Anderson 306 Kuebel Street Sunman IN 47041 *(Affected Party)*									
11		Ms. Wanda Burnett PO Box 158 Versailles IN 47042 *(Affected Party)*									
12		Ms. Rita Carleton 6618 East County Road 800 North Sunman IN 47041 *(Affected Party)*									
13		Mr. John Czarneela 23038 Weisburg Road Sunman IN 47041 (Affected Party)									
14		Ms. Eileen Eicher 7743 E. County Road 1000 North Sunman IN 47041 *(Affected Party)*									
15		Mr. Donald Foley 901 Eastern Avenue Sunman IN 47041 *(Affected Party)*									

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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	Type of Mail: **CERTIFICATE OF MAILING ONLY**

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