

STATE OF INDIANA)
) SS: BEFORE THE INDIANA DEPARTMENT OF
COUNTY OF MARION) ENVIRONMENTAL MANAGEMENT

IN RE:

Request For Extension of)
Compliance Deadline for)
Boiler MACT Standard)
Rule 40 CFR Part 63,)
Subpart DDDDD)
Logansport Municipal Utilities)

C.A.R.E.'s MOTION TO INTERVENE,
PETITION FOR ADMINISTRATIVE REVIEW,
AND FOR A STAY

Citizens Alliance for Responsible Energy (CARE), by counsel Jim Brugh, says as follows:

1. IDEM's air permit to LMU for Boiler Unit 5 and Boiler Unit 6 was set to expire January 31, 2016. LMU has not purchased additional controls to meet the HCI and mercury limits related to burning coal as a fuel.

2. CARE is a group of Logansport residents and LMU electricity ratepayers who oppose LMU's incineration plans (to make electricity) for more than two years. CARE has associational standing to object to IDEM's one-year extension of LMU's air permit which was granted by the attached Order, dated October 27, 2015, and Notice, dated November 6, 2015. Members of CARE are subject to the pollution created by LMU continuing to burn coal and the permit to now burn plastic. LMU's pollution

puts CARE members and families' health and quality of life at risk. CARE petitions for intervention, pursuant to I.C. 4-21.5-3-21.

3. On September 29, 2015, LMU filed its request for Boiler MACT compliance extension. LMU gave no notice to the public.

4. CARE objects to IDEM's one-year extension because:

A. It permits LMU to keep burning coal without LMU's compliance with the new controls to limit dangerous emissions.

B. It permits LMU to experiment with the community's health by mixing plastic ("pellets") as a fuel which is untested. LMU's application letter includes no scientific testing as a basis for this experiment.

C. LMU Superintendent Hartman's September 24 letter to IDEM gives the misleading impression that there is a business relationship between LMU and Greenwood Fuels, related to the pellet fuel, containing plastic. While such a business relation was proposed; it never developed into a contract with the City. The contract was scheduled for a public hearing on October 21, 2015, but the proposed developer S.G. Preston withdrew. There is no contractual, legal basis as a premise for LMU's air permit extension.

4. CARE requests administrative review with the relief that LMU's air permit extension be denied.

5. Pursuant to I.C. 4-21.5-3-5(h), CARE requests the administrative law judge to stay LMU's continued burning of coal without the new controls and stay the experimental burning of plastic without adequate engineering guidance in advance of the experiment.

Jim Brugh
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Logansport, IN 46947
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CERTIFICATE OF SERVICE

Service of this C.A.R.E.'s Motion To Intervene, Petition For Administrative Review, And For A Stay was made by placing a copy in the U.S. mail, first class postage pre-paid, to Randy Head, 212 S. Fifth Street, Logansport, IN 46947 on this 4th day of December, 2015.

Jim Brugh

APPROVAL OF REQUEST FOR EXTENSION

On September 29, 2015 the Indiana Department of Environmental Management, Office of Air Quality (IDEM, OAQ) received from Logansport Municipal Utilities (source ID 017-00006) a request for a one-year extension of the January 31, 2016 compliance date for the standards set forth in 40 CFR Part 63, Subpart DDDDD. The one year extension is requested for Logansport Municipal Utilities Boiler Units 5 and 6, and is attached and labeled as Attachment A.

IDEM, OAQ has made the following determination pursuant to 40 CFR Part 63.6(i)(9): Logansport Municipal Utilities has made a demonstration sufficient to show that the coal-fired boilers, identified as Boiler Unit 5 (constructed 1955) and Boiler Unit 6 (constructed 1962), shall have a one-year extension of the January 31, 2016 compliance date to and including January 30, 2017 for the standards set forth in 40 CFR Part 63, Subpart DDDDD subject to the following ORDER of the Commissioner of the Indiana Department of Environmental Management.

ORDER

Pursuant to Indiana Code § 13-14-2-6 and in order to secure compliance with 40 CFR Part 63, Subpart DDDDD, Logansport Municipal Utilities is subject to the following ORDER:

1. Logansport Municipal Utilities shall submit a status report within fifteen (15) days of completion of the following milestones indicating the actual dates of completion:
 - a. The date on-site construction for the installation of the emission control equipment identified in Attachment A for Boiler Units 5 and 6 is initiated, and
 - b. The date on-site construction for the installation of the emission control equipment identified in Attachment A for Boiler Units 5 and 6 is completed.
 - c. The date by which final compliance with 40 CFR Part 63, Subpart DDDDD for Boiler Units 5 and 6 is achieved.
2. Logansport Municipal Utilities, Boiler Units 5 and 6 shall comply with the standards set forth in 40 CFR Part 63, Subpart DDDDD no later than January 31, 2017.
3. Logansport Municipal Utilities shall request a significant permit modification of its Part 70 permit pursuant to 326 IAC 2-7-12 within six (6) months of the date of this order to add the compliance schedule requirements contained in Order Paragraphs 1 and 2.

Pursuant to IC 4-21.5-3-5 this Agency Determination and Order is effective eighteen (18) days after service of this notice pursuant to IC 4-21.5-3-2, unless a petition for stay is filed with a petition for administrative review that meet the requirements of IC 4-21.5-3-7. Please refer to the enclosed Notice of Decision for your rights regarding appeal.

Dated at Indianapolis, Indiana this 27th day of October, 2015



Carol S. Comer
Commissioner

cc: Alexis Cain, EPA