

BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
IN THE MATTER OF

Clean Air Act Title V (Part 70) Operating Permit No. T003-47378-00530, as
modified by Significant Permit Modification No. 003-48840-00530

Issued to Hatchworks, LLC, for a data center in Fort Wayne, Allen County,
Indiana

Issued by the Indiana Department of Environmental Management, Office of Air
Quality

PETITION TO OBJECT TO TITLE V OPERATING PERMIT NO. T003-47378-00530
(AS MODIFIED BY SIGNIFICANT PERMIT MODIFICATION NO. 003-48840-
00530)

Pursuant to Clean Air Act §505(b)(2), 42 U.S.C. §7661d(b)(2), and 40 CFR §70.8(d)

I. Introduction and Summary of Petition

Pursuant to Clean Air Act (CAA) §505(b)(2), 42 U.S.C. §7661d(b)(2), and 40 CFR §70.8(d), Petitioners Kimberly Koczan, Jorge Fernandez, Isaac Keller, Roma Eastes, and Ashley Sharp (collectively, “Petitioners”) hereby petition the United States Environmental Protection Agency (‘EPA’) to object to **Part 70 Operating Permit No. T003-47378-00530, as modified by Significant Permit Modification No. 003-48840-00530** (‘the Permit’), issued by the Indiana Department of Environmental Management (‘IDEM’), Office of Air Quality, to Hatchworks, LLC (‘Permittee’), on April 10, 2026, and re-issued by Notice of Decision on June 1, 2026.¹

The Permit authorizes a Hatchworks, LLC data center to construct and operate the following equipment at 7510 Zodiac Way, Fort Wayne, Indiana 46816:

¹ CAA §505(b)(2), 42 U.S.C. §7661d(b)(2). Any person may petition the Administrator to object to a state-issued Part 70 permit within 60 days after the expiration of EPA’s 45-day review period. If the Administrator finds that the petition demonstrates that the permit is not in compliance with applicable requirements under the CAA, the Administrator shall object to the permit. 40 CFR §70.8(d). IDEM issued Significant Permit Modification No. 003-48840-00530 jointly with a companion Significant Source Modification, No. 003-48739-00530; both were issued April 10, 2026 and re-issued by Notice of Decision on June 1, 2026. This petition is directed to the Title V permit as modified by Significant Permit Modification No. 003-48840-00530.

- 174 diesel-fired emergency generators with a combined capacity of approximately 525 megawatts (approximately 703,482 HP) — the equivalent of a medium-sized power plant;
- 179 diesel fuel storage tanks with a combined capacity of 1,074,000 gallons;
- 64 cooling towers, each with a rated maximum recirculation rate of 6,000 gallons per minute, drawing source water from the Fort Wayne City Utilities Three Rivers Water Filtration Plant; and
- Associated ancillary generators and emergency fire pumps.

This Permit is not in compliance with applicable requirements under the CAA for the following reasons, each of which independently warrants EPA objection:

Ground	Basis	Key Authority
I	Self-monitoring insufficient to assure compliance	40 CFR §70.6(a)(3); CAA §504
II	Assumed emission factors never verified; no mandatory testing tied to compliance	40 CFR §70.6(a)(3),(c); CAA §504; AP-42 compliance limitations
III	Synthetic minor limits not practically enforceable; PSD review avoided (incl. no BACT analysis and incremental permitting of a single project)	CAA §165, §169; 326 IAC 2-2; EPA NSR aggregation policy; 40 CFR §52.21
IV	Facility-wide VOC (and CO/PM) PTE not shown below PSD thresholds; 179 storage tanks uncounted	CAA §165; 40 CFR §52.21; AP-42 Ch. 7.1

V	Deficient public notice — actual scope not disclosed	40 CFR §70.7(h); CAA §502
VI	Cooling tower drift — no monitoring to assure compliance with PM/PM ₁₀ /PM _{2.5} limits; drift carries HAPs and radionuclides	40 CFR §70.6(a)(3); CAA §504; CAA §112 HAPs (lead, chromium, nickel); radioactive contaminants; ATSD permit record
VII	Cooling tower treatment chemicals — unfinalized, unmonitored	40 CFR §70.6(a)(3); CAA §504

II. Jurisdiction, Standing, and Timeliness

A. Jurisdiction

EPA has jurisdiction over this petition pursuant to CAA §505(b)(2), 42 U.S.C. §7661d(b)(2), which provides that any person may petition the EPA Administrator to object to a state-issued Part 70 permit within 60 days after the expiration of EPA's 45-day review period, if the petitioner demonstrates that the permit is not in compliance with applicable CAA requirements. The Administrator shall object if such demonstration is made.²

B. Standing

Under CAA §505(b)(2), *any person* may petition the Administrator to object to a Part 70 permit; the statute imposes no additional standing requirement. Petitioners are residents of Fort Wayne and New Haven, Allen County, Indiana, who live near the facility, breathe the air into which it will emit, and are directly and adversely affected by the deficiencies described below. Petitioners Koczan, Fernandez, Keller, and Eastes submitted written comments, provided oral testimony, or both to IDEM's Office of Air Quality during the public comment period; Petitioner Sharp is the nearest residential neighbor to the facility:

- **Kimberly Koczan** — Fort Wayne, IN; approximately 6.5 miles from the facility. Submitted written comments (Oct. 4 and Nov. 17, 2025) and testified at the Nov. 13, 2025 hearing.

² 40 CFR §70.8(c)(1): EPA has 45 days from receipt of a proposed Part 70 permit to review it and object if it is not in compliance with CAA requirements. 40 CFR §70.8(d): Following that period, any person may petition EPA to object.

- **Jorge Fernandez** — Fort Wayne, IN; approximately 5.5 miles southwest. Submitted written comments (Sept. 27 and Nov. 17, 2025) and testified at the Nov. 13, 2025 hearing.
- **Isaac Keller** — New Haven, IN; approximately 2.8 miles downwind. Father of three (one child with asthma). Submitted written comments Nov. 15, 2025.
- **Roma Eastes** — Fort Wayne, IN; approximately 8.8 miles. Submitted written comments Nov. 16, 2025, and testified Nov. 13, 2025, specifically raising the failure to analyze the 1-hour NO₂ NAAQS.
- **Ashley Sharp** — Fort Wayne, IN; approximately 1,700 feet from the facility — the closest petitioner. Operates Fox and Fodder Farm, directly downwind of the facility.

C. Timeliness

According to IDEM’s Air Quality Permit Status record for this source, IDEM submitted the proposed permit to EPA for its 45-day review on April 10, 2026, and EPA’s 45-day review period ended on May 25, 2026; IDEM issued the final Significant Permit Modification No. 003-48840-00530 on June 1, 2026.³ Under 40 CFR §70.8(d), any person may petition EPA to object within 60 days after the expiration of EPA’s 45-day review period. Sixty days after May 25, 2026 is July 24, 2026. This petition, filed on July 24, 2026, is therefore timely.

III. Facility Background

Hatchworks, LLC operates a stationary data center at 7510 Zodiac Way, Fort Wayne, Indiana 46816, in Allen County. The facility holds Part 70 Operating Permit No. T003-47378-00530, originally issued September 6, 2024, and now modified by the Permit at issue.

Parameter	Detail
Facility	Hatchworks, LLC — Stationary Data Center
Location	7510 Zodiac Way, Fort Wayne, Indiana 46816 (Allen County)
SIC Code	7374 — Computer Processing and Data Preparation Services

³ These dates are drawn from IDEM’s Air Quality Permit Status record for Source ID 003-00530 / Permit No. 003-48840-00530 (Milestones: “Submitted to EPA 04/10/2026–05/25/2026”; “Issued Permit 06/01/2026”), available through IDEM’s online Air Quality Permit Status Search. April 10, 2026 plus 45 days is May 25, 2026; May 25, 2026 plus 60 days is July 24, 2026. The 60-day petition period under 40 CFR §70.8(d) runs from the expiration of EPA’s 45-day review period.

testing, recordkeeping, and reporting sufficient to assure compliance with the terms and conditions of the permit. 40 CFR §70.6(a)(3), (c)(1); *see Sierra Club v. EPA*, 536 F.3d 673 (D.C. Cir. 2008). To be enforceable, permit terms must be enforceable as a practical matter — unambiguous, verifiable, and capable of informing regulators and the public what is required. *See In the Matter of Plains Marketing, L.P.*, Order on Petition Nos. IV-2023-1 and IV-2023-3, at 30 (Sept. 18, 2023).

Under CAA §505(b)(2) and 40 CFR §70.8(d), any person may petition the Administrator to object, and the Administrator must object if the petitioner demonstrates that the permit is not in compliance with applicable requirements. The burden is on the petitioner to make that demonstration with supporting reasoning, evidence, and citations. *See MacClarence v. EPA*, 596 F.3d 1123, 1130–33 (9th Cir. 2010). For each claim, and consistent with 40 CFR §70.12(a)(2)(i)–(iii), (v)–(vi), this petition identifies (1) the specific grounds for objection, citing the relevant permit term where applicable; (2) the applicable requirement that is not met; (3) an explanation of how the permit, permit record, or permit process is inadequate; (4) where the issue was raised with reasonable specificity during the public comment period (or why it was impracticable to do so, or that the grounds arose after that period); and (5) where the permitting authority responded and why its response is inadequate.

V. Grounds for Objection

Ground I — Monitoring Insufficient to Assure Compliance

The Permit’s compliance mechanism relies entirely on Permittee self-reporting of operating hours, from which monthly emissions are calculated. No continuous emissions monitoring (CEMS) is required. No independent verification of operating hours is mandated. This does not constitute monitoring ‘sufficient to yield reliable data from the relevant time period that are representative of the source’s compliance with the permit’ as required by **40 CFR §70.6(a)(3)(i)(B)**.⁴

This gap is especially significant given that: (a) 174 individual emission units each require independent hour tracking; (b) the facility has both the capability and a financial incentive to operate the generators well beyond the testing-only assumptions underlying its potential to emit — Hatchworks filed a demand-response plan with the state regulatory commission that was placed in the record entirely redacted, so neither the public nor EPA can determine whether that plan

⁴ 40 CFR §70.6(a)(3). Part 70 permits must include monitoring requirements sufficient to yield reliable data from the relevant time period that are representative of the source’s compliance with the permit. EPA has held that monitoring must be capable of independent verification.

contemplates dispatching these diesel generators for PJM demand response; if it does, actual operating hours (and therefore actual emissions) could far exceed the testing-only assumption on which the synthetic-minor PTE depends, and the Permit's reliance on self-reported hours provides no mechanism to detect it (under 40 CFR §§60.4211(f) and 63.6640(f), an emergency engine dispatched for non-emergency demand response loses its emergency status and becomes subject to non-emergency standards; potential revenue on the order of \$2.6–13M/year at peak pricing reinforces the incentive to operate beyond the emergency envelope); and (c) once the facility's ancillary emission units — three ancillary emergency generators (DEAG1–3) and two emergency fire pumps (DEP1–2) — are added to the 244-ton generator cap, as IDEM's own emission calculations do, the source-wide NO_x potential to emit is approximately 249.22 tons/year — only about 0.78 tons/year below the 250-ton PSD major source threshold — so even slight underreporting could mask a threshold exceedance.

The Permit also contains no monitoring capable of detecting short-term NO₂ emission spikes. Because the only NO_x limits are 12-month rolling mass caps, nothing in the Permit requires monitoring of hourly or short-term emission rates, even though simultaneous operation of many generators could produce short-term NO₂ concentrations well above what the annual average implies. Whatever the merits of the underlying 1-hour NO₂ modeling question (a construction-permit matter not before EPA here), the Title V permit's complete absence of any short-term monitoring provision is itself a monitoring-sufficiency defect under 40 CFR §70.6(a)(3).

EPA has repeatedly objected to Title V permits that fail to set forth monitoring sufficient to assure compliance, and has granted petitions where the absence of a defined, verifiable methodology left compliance to the source's discretion. *See In the Matter of Mountain Coal Co., LLC, West Elk Mine*, Order on Petition No. VIII-2024-3, at 31–34 (May 24, 2024) (granting objection where ambiguity rendered monitoring insufficient to assure compliance with emission limits); *In the Matter of XTO Energy Inc., Wildcat Compressor Station*, Order on Petition No. VI-2023-4, at 19–21 (Aug. 7, 2023) (objecting where a permit failed to set forth a monitoring methodology sufficient to assure compliance); *In the Matter of Lucid Energy Delaware, LLC, Frac Cat and Big Lizard Compressor Stations*, Order on Petition Nos. VI-2022-5 and VI-2022-11, at 15–19 (Nov. 16, 2022).

EPA should object and require, at minimum: tamper-proof data-logging hour meters on all 174 generators; monthly electronic transmission of hour data to IDEM; and quarterly third-party verification audits.

Preservation (40 CFR §70.12(a)(2)). This objection was raised with reasonable specificity during the comment period. Commenters challenged the enforceability of the operating-hour limits — including the 500-hour non-emergency operating assumption relative to the federal limits on emergency-engine operation in 40 CFR §§60.4211(f) and 63.6640(f) (100 hours per year for maintenance and testing, of which no more than 50 may be non-emergency, and none for demand response) — and the adequacy of compliance-assurance monitoring. Petitioner Fernandez detailed compliance-plan deficiencies under 326 IAC 2-7-4 (Exhibit 3, ATSD pp. 131–141) and, at the November 13, 2025 hearing, challenged the enforceability of the 500-hour operating assumption (Exhibit 3, ATSD pp. 33, 141). Commenter Megan Anderson expressly questioned how IDEM’s synthetic NOx limit would be enforced and when the source would exceed 244 tons/year, including the treatment of units excluded from the “Total PTE of Entire Source” (Exhibit 3, ATSD pp. 83–86; see also Exhibit 5, ATSD Appendix A). Petitioner Roma Eastes’s comments likewise identified “the absence of essential monitoring and enforceable limits” (Exhibit 1; Exhibit 3, ATSD p. 143). IDEM’s responses did not cure the monitoring deficiency.

Ground II — Assumed Emission Factors Never Verified; No Mandatory Testing Tied to Compliance

The entire synthetic-minor determination — and therefore the facility’s avoidance of PSD review — rests on assumed emission factors that the Permit never requires anyone to verify. Compliance with the 244-ton/year NOx limit is calculated by multiplying self-reported operating hours by fixed, assumed emission factors drawn from AP-42 averages and NSPS engine-certification values. Those factors are estimates of the average performance of a population of tested engines; EPA’s own AP-42 documentation cautions that such factors are not appropriate for determining compliance with emission limits at a specific source. Nothing in the Permit or the Technical Support Document validates these factors for the 174 engines actually installed at this facility.⁵

The Permit contains no monitoring adequate to close this gap, as **40 CFR §70.6(a)(3)** and **§70.6(c)** require. The only testing provision is discretionary — the commissioner “may require” stack testing — and even that discretionary testing is not tied to the assumed emission factors that drive the compliance calculation. A facility whose entire minor-source status turns on the accuracy of unverified

⁵ EPA, *Compilation of Air Pollutant Emission Factors (AP-42)*, Introduction (5th ed.) (AP-42 factors represent the average of a range of source emission rates and EPA does not recommend their use as source-specific permit limits or for determining compliance with emission limits). Emission factors derived from NSPS engine-certification values (40 CFR Part 60, Subpart IIII) are likewise generic certification values, not source-specific measured rates. Under 40 CFR §70.6(a)(3) and (c), a Part 70 permit must contain monitoring, testing, recordkeeping, and reporting sufficient to assure compliance with the terms and conditions of the permit.

factors, and that sits only about 0.78 tons/year below the 250-ton PSD threshold on IDEM's own source-wide NO_x accounting (approximately 249.22 tons/year), cannot demonstrate ongoing compliance through assumed values that no one is required to test.

The record confirms the factors are not merely uncertain but internally inconsistent. In the 2024 permitting of the first 34 generators, IDEM's analysis compared specific engine models using per-model NO_x emission factors (in pounds per gallon of fuel) at defined load levels, and one model (a Rolls-Royce unit) showed nearly twice the NO_x emission factor of another at low load. The 2025 modification adding 140 more generators abandoned that model-specific approach in favor of a single set of uniform assumed emission factors, without explaining in the Technical Support Document why the earlier model-specific differences no longer mattered. Relatedly, potential emissions did not increase proportionally between the 2024 and 2025 permits despite a more-than-fourfold increase in generator count, and the Technical Support Document does not explain or defend that result. These unexplained discrepancies underscore that the assumed factors cannot bear the compliance weight the Permit places on them.

Reliance on unverified emission factors to demonstrate compliance with an enforceable limit — with no methodology by which EPA, the State, or the public can confirm the result — renders the monitoring and recordkeeping unenforceable as a practical matter and is a recognized basis for a Title V objection. *See West Elk Mine*, Order on Petition No. VIII-2024-3, at 31–34 (May 24, 2024); *Wildcat*, Order on Petition No. VI-2023-4, at 19–21 (Aug. 7, 2023). EPA should object and require the Permit to include mandatory post-construction performance testing of a representative sample of the installed engines, with the results used to validate or correct the emission factors on which the synthetic-minor limits depend.

Preservation (40 CFR §70.12(a)(2)). This objection was raised with reasonable specificity during the public comment period. In her written comments filed November 16, 2025, Petitioner Roma Eastes devoted a titled section — Comment 1(a), “The Permit Relies on Unverified and Unsupported Emission Factors for 174 Diesel Generators” — to precisely this defect. She objected that “the Draft Permit relies primarily on emission factors provided by engine manufacturers” while the Technical Support Document “provides no description of ... [the] emissions testing protocols used to validate the factors,” and that compliance rests “almost exclusively on self-reported hours of operation and manufacturer-supplied

emission factors, which are not validated by stack testing or continuous emissions monitoring.” The same comment identified as a monitoring deficiency that “[n]o stack testing is required to verify emission factors” and asked IDEM to “[r]equire stack testing where necessary to verify certification-based emission factors.” See Exhibit 1 (Eastes Written Comment); Exhibit 3 (ATSD / Response to Comments), Comment 1(a) (Roma Eastes), at pp. 145–46.

IDEM’s written response did not cure the deficiency. In its “IDEM Response to Roma Eastes Comments” (Exhibit 3, ATSD at p. 161), IDEM stated only that the generators are EPA-certified and subject to 40 CFR Part 60, Subpart IIII and 40 CFR Part 63, Subpart ZZZZ; that the permit uses a mass-based emission limit with recordkeeping and reporting; and that “[n]o changes to the draft permit were made as a result of these comments.” IDEM never explained how certification-based or assumed emission factors — which EPA’s own AP-42 guidance states are not appropriate for determining compliance with emission limits — can assure compliance without any required validation testing at a source operating only 0.78 tons/year below the PSD major-source threshold. That response is inadequate, and the objection is preserved under 40 CFR §70.12(a)(2)(v).

Ground III — Synthetic Minor Limits Not Practically Enforceable; PSD Review Improperly Avoided

The Permit establishes facility-wide NO_x, CO, and VOC limits of 244 tons/year each on the 174 generators. Once the facility’s ancillary emission units — three ancillary emergency generators (DEAG1–3) and two emergency fire pumps (DEP1–2) — are added, as reflected in IDEM’s own emission calculations, the source-wide NO_x potential to emit is approximately 249.22 tons/year — a margin of just 0.78 tons/year below the 250-ton PSD major source threshold under **CAA §165 and 326 IAC 2-2**. These synthetic minor limits — paper constraints rather than physical controls — are the sole basis for avoiding PSD major source review, which would require a formal BACT analysis, air quality impact modeling, and more rigorous public participation.⁶

Where synthetic minor limits depend entirely on self-reported operating hours with no independent verification mechanism, they do not satisfy EPA’s ‘practically enforceable’ standard. EPA should object and require IDEM to conduct a formal analysis of PSD applicability under a monitoring framework adequate to independently verify compliance.

⁶ EPA Guidance, ‘Limiting Potential to Emit in New Source Permitting’ (1989). Synthetic minor limits must be ‘practically enforceable’ — meaning independently verifiable. Where compliance depends exclusively on self-reported operating hours with no continuous monitoring, the limits lack the practical enforceability required.

The 244-ton cap is not, moreover, a meaningful physical constraint on operation. If all 174 generators ran simultaneously, the facility would reach the 244-ton NO_x cap in roughly 83 hours of operation — fewer hours than EPA’s rules allow each emergency engine for maintenance and readiness testing alone (100 hours per calendar year under 40 CFR §§60.4211(f)(2) and 63.6640(f)(2)), and far fewer than the unlimited hours permitted for genuine emergencies. Federal law sharply limits any non-emergency use: no more than 50 of those 100 hours may be non-emergency, and those hours may not be used for peak shaving or demand response (§§60.4211(f)(3), 63.6640(f)(4)) — an emergency engine dispatched for demand response loses its emergency status entirely and becomes subject to non-emergency standards. *See Delaware v. EPA*, 785 F.3d 1 (D.C. Cir. 2015) (vacating the prior 100-hour emergency demand-response allowance). The Permit imposes no restriction on simultaneous operation and no hourly or short-term rate limit. A synthetic-minor cap that can be exceeded within the very operating envelope the federal rules expressly permit, and that relies solely on self-reported cumulative hours to detect the exceedance, is not practically enforceable.

Because the facility avoided PSD review through these synthetic-minor limits, IDEM never conducted the Best Available Control Technology (BACT) analysis that PSD requires. The Permit specifies ‘using no control’ for all 174 diesel-fired generators — no Selective Catalytic Reduction, Diesel Particulate Filter, or Diesel Oxidation Catalyst — and the record contains no evaluation of demonstrated cleaner alternatives such as Tier 4 engines, natural gas, or battery storage, each of which can materially reduce NO_x and PM.⁷ If PSD review was improperly avoided, that failure also deprived the public of the controls analysis a major source must undergo.

The PSD-avoidance concern is heightened by the incremental structure of the permitting. IDEM approved 34 generators in 2024 (Gen 1–34) and then 140 more in 2025 (Gen 35–174) at the same facility, for the same purpose, owned by the same entity — a combined project of approximately 525 MW and \$500–600M. Where a single large project is divided into increments that each stay below 250 tpy only through synthetic-minor limits that are not practically enforceable, it raises the concern that PSD review has been circumvented. EPA should require IDEM to confirm, through an aggregation analysis consistent with EPA’s NSR aggregation policy and 40 CFR §52.21, that the combined project is genuinely a minor source.⁸

⁷ CAA §169(3), 42 U.S.C. §7479(3). BACT is required for major PSD sources. EPA’s RACT/BACT/LAER Clearinghouse (RBLC) documents precedents for emission controls on stationary diesel generators, including SCR and DPF applications on generators above 500 HP.

Preservation (40 CFR §70.12(a)(2)). This objection was raised with reasonable specificity during the comment period. Commenter Megan Anderson’s written comments squarely raised the practical enforceability and completeness of the synthetic-minor limits — asking when the site would exceed the “Total PTE of Entire Source Excluding” certain units, whether the 244 tons/year NO_x limit could be exceeded before the 100-hour non-emergency cap applied, and how IDEM’s synthetic limit would be enforced (Exhibit 3, ATSD pp. 83–86; see also Exhibit 5, ATSD Appendix A (249.22 tpy source-wide NO_x PTE) and Exhibit 4 (Section D.1 limits)). These comments placed the 244-versus-250 tpy PSD-avoidance issue squarely before IDEM.

Ground IV — Facility-Wide VOC, CO, and PM Potential to Emit Not Demonstrated Below PSD Thresholds

The Permit treats this facility as a synthetic minor source for all regulated pollutants. The burden of demonstrating that a source is minor rests on the applicant and the permitting authority — a synthetic-minor determination must be supported by a transparent showing that facility-wide potential to emit (PTE) stays below the applicable major-source thresholds for each regulated pollutant. The permit record presents a detailed source-wide accounting for NO_x, but no comparable accounting establishing that volatile organic compounds (VOC), carbon monoxide (CO), or particulate matter (PM₁₀/PM_{2.5}) remain below their applicable PSD thresholds once every emission unit is counted.

This gap is most concrete for the facility’s 179 diesel fuel storage tanks (combined capacity 1,074,000 gallons). Diesel storage tanks emit VOC through breathing and working losses, quantifiable using EPA’s AP-42 Chapter 7.1 methodology.⁹ The permit record does not appear to quantify these tank emissions at all, or to add them to the VOC emissions of the 174 generators and ancillary units in a single source-wide total. The deficiency Petitioners raise is the absence of the demonstration itself: a synthetic-minor determination that never sets out its VOC, CO, and PM math cannot be verified by EPA or the public.

⁸ EPA, ‘Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation and Project Netting,’ 74 Fed. Reg. 2376 (Jan. 15, 2009) (the 2009 NSR Aggregation Action), reaffirmed by EPA’s final action on project aggregation, 83 Fed. Reg. 57324 (Nov. 15, 2018). Under EPA’s aggregation policy, nominally separate activities that are substantially related — technically or economically interdependent, jointly planned, and close in time — should be evaluated together for NSR/PSD applicability. ‘Project’ is defined at 40 CFR §52.21(b)(52).

⁹ EPA, Compilation of Air Pollutant Emission Factors (AP-42), Chapter 7.1 (Organic Liquid Storage Tanks), provides the standard methodology for calculating VOC breathing and working losses from fixed-roof storage tanks. (EPA has retired the standalone TANKS software and directs users to the AP-42 Chapter 7.1 equations.) VOC is a regulated PSD pollutant with a 250 tpy major-source threshold under the general PSD program (40 CFR §52.21(b)(1)).

Petitioners do not contend, on the present record, that facility-wide VOC, CO, or PM PTE exceeds the applicable PSD thresholds. The point is narrower and rests entirely on the record: IDEM has not adequately demonstrated that the facility's source-wide VOC, CO, and PM potential to emit remains below the applicable PSD thresholds, and has not accounted for all emitting units — the same completeness defect that undermines the facility's NOx synthetic-minor claim, applied to the pollutants the permit leaves unquantified. EPA should object and require IDEM to prepare and place in the record a complete, source-wide PTE analysis for VOC, CO, and PM that accounts for every emission unit — including the 179 diesel storage tanks — before the synthetic-minor determination can stand.

Preservation (40 CFR §70.12(a)(2); CAA §505(b)(2)). The general PSD-avoidance and source-wide completeness issue was raised in comments: Commenter Megan Anderson questioned whether all emission units were counted toward the source-wide PTE and how the synthetic limit would be enforced (Exhibit 3, ATSD pp. 83–86). To the extent the VOC and storage-tank dimension is apparent only from the Technical Support Document and permit record — which quantify NOx source-wide but never set out a comparable VOC, CO, and PM accounting — that omission could not have been fully evaluated until the proposed permit record issued, and it was impracticable to raise the specific completeness defect within the comment period.

Ground V — Deficient Public Notice

The public notice that preceded the Permit failed to provide an adequate description of the nature and scope of the proposed modification, in violation of **40 CFR §70.7(h)(2)** and the public participation requirements foundational to Title V.¹⁰

The public notice stated only that ‘Hatchworks LLC has applied to add new diesel-fired emergency generators and new cooling towers.’ The notice did not state that 140 generators were being added. It did not identify the quantity of diesel storage tanks (143) or cooling towers (49) being added. It did not disclose the combined facility capacity of approximately 525 MW. It did not disclose the combined diesel storage of 858,000 gallons being added in this single permit modification.

The inadequacy is proven by the face of the approved Permit itself. Section A.2(b) states: *‘One hundred and forty (140) diesel-fired emergency generators, identified as Gen 35 through Gen 174, approved in 2025 for construction, each with a rated*

¹⁰ 40 CFR §70.7(h)(2). Public notices for permit modifications must include a description of the nature of the request or proposed action sufficient for the public to understand the scope and significance of the proposed activity and decide whether to participate.

maximum of 4043 Bhp (3015 kW). IDEM possessed this complete information at the time of public notice. The public did not. A reasonable member of the affected community reading the notice would have had no basis to understand that they were commenting on a project of this magnitude.

The deficient notice impaired the affected community's ability to formulate fully informed comments and materially limited public participation. EPA should object to the Permit and require IDEM to: issue a corrected notice accurately disclosing the equipment inventory; restart the public comment period for no less than 60 days; and hold a public hearing in a venue and format adequate to accommodate the anticipated public participation.

The single public hearing IDEM held was also not conducted so as to afford meaningful public participation. Petitioner Koczan notified IDEM at least three times — beginning approximately three weeks before the hearing — that the chosen venue would not seat the anticipated number of participants, and requested by telephone that IDEM either relocate the hearing or provide a livestreamed overflow room in which waiting speakers could hear the proceedings and be alerted when their turn to testify arrived. IDEM made no such accommodation. On the evening of November 13, 2025, members of the public arrived well before the start time but were delayed by a slow sign-in process and could not enter the room in time to hear IDEM's opening summary and instructions. More than 100 residents were kept waiting in a long line and could not get into the hearing room until well into the proceeding — many for about an hour — because the room had reached its fire-code capacity and admitted additional people only as others left. An undersized venue of which IDEM had weeks of advance notice, combined with the premature 8:57 p.m. Eastern adjournment while residents still waited to testify, deprived affected members of the public of a meaningful opportunity to participate, contrary to the public-participation guarantees of CAA §502 and 40 CFR §70.7(h). The pre-hearing venue-capacity requests and the hearing-day access described above are set out in the accompanying Declaration of Kimberly Koczan (Exhibit 6).

Preservation (40 CFR §70.12(a)(2); CAA §505(b)(2)). Public-participation defects in this proceeding were raised with reasonable specificity during the comment period: commenters requested one or more additional public meetings, which IDEM denied, and objected to the conduct of the public hearing, which was brought to a close at 8:57 p.m. Eastern while members of the public were still waiting to testify. Petitioner Koczan additionally raised the venue-capacity problem with IDEM directly and in advance — by telephone on multiple

occasions beginning approximately three weeks before the hearing — so the inadequate-accommodation objection was squarely presented to IDEM before and during the hearing itself. Petitioners Koczan and Fernandez each submitted written comments expressly requesting both a public hearing and a public meeting, and Koczan stated that the scope of the project was “far beyond” what the public understood (Exhibit 2 (Koczan Written Comment); Exhibit 3, IDEM ATSD / Response to Comments (“RTC”), at pp. 49–50 (Koczan) and p. 32 (Fernandez)). IDEM denied the public-meeting requests. The public hearing was also brought to a close prematurely, at 8:57 p.m. Eastern, while attendees were still waiting to testify, including community member Lori Coleman. To the extent the notice’s failure to disclose the true scope of the project (140 added generators; ~525 MW combined capacity) could not have been challenged during the comment period, it was impracticable to raise that defect within the period because the deficient notice itself deprived the public of the information necessary to comment on the project’s scale.

Ground VI — Cooling Tower Drift: No Monitoring to Assure Compliance with PM/PM₁₀/PM_{2.5} Limits (HAPs and Radionuclides in the Drift)

This ground rests on IDEM’s own Addendum to the Technical Support Document (ATSD) for the Permit. The Permit imposes particulate matter limits (PM, PM₁₀, and PM_{2.5}) on the 64 cooling towers, and under CAA §504 and 40 CFR §70.6(a)(3) the Permit must contain monitoring sufficient to assure compliance with those limits. Yet IDEM’s own ATSD analysis confirms that cooling-tower drift continuously aerosolizes — 8,760 hours per year — the very particulate-borne contaminants that make up that PM, including CAA §112 hazardous air pollutants (lead, chromium, nickel), radioactive contaminants (radium 226/228 and gross alpha emitters), PFAS compounds, agricultural herbicides, and disinfection byproducts, and the Permit requires no monitoring of the drift or its particulate loading of any kind. The composition of that drift — CAA §112 HAPs and radioactive contaminants, which are unaffected by recent changes to EPA’s PFAS drinking water rule — is what makes the absence of any drift or PM-drift monitoring a failure to assure compliance under 40 CFR §70.6(a)(3).

A. What the ATSD Discloses

The ATSD for this permit contains IDEM’s own analysis of cooling tower drift emissions based on Fort Wayne City Utilities 2024 Annual Drinking Water Quality Report. IDEM calculated the Potential to Emit (PTE) of contaminants aerosolized

through cooling tower spray drift at a drift loss rate of 0.45 gallons/minute across 64 cooling towers operating at 8,760 hours/year.¹¹

The following contaminants were identified by IDEM as present in cooling tower drift emissions:

Contaminant	Concentration in Source Water	PTE (tons/year)	Regulatory Concern
Perfluorohexanoic Acid (PFHxA)	0.0017 ppb	1.7E-09	PFAS — persistent, bioaccumulative; not covered by 2024 SDWA drinking water rule (which regulated PFOA, PFOS, PFHxS, PFNA, HFPO-DA, PFBS); no air emission standard exists; no monitoring required by permit
Perfluoropentanoic Acid (PFPeA)	0.0057 ppb	5.6E-09	PFAS — persistent, bioaccumulative; not covered by 2024 SDWA drinking water rule; no air emission standard exists; no monitoring required by permit

¹¹ ATSD for SPM No. 003-48840-00530 (the operating-permit modification challenged here; joint with SSM No. 003-48739-00530), Hatchworks LLC, Fort Wayne, Indiana. IDEM Permit Reviewer: Omar El-Rjoob. IDEM Response to General Statement 4 — Cooling Towers, “Cooling Tower Overview,” “Cooling Tower Potential Emissions,” and “Cooling Tower Water Additives,” ATSD pp. 22–24 (Exhibit 3). The ATSD constitutes part of the permit record.

Combined Radium 226/228	1.49 ppb	1.5E-06	Radioactive — carcinogen; continuous aerosolization
Gross Alpha (excl. radon/uranium)	0.298 ppb	2.9E-07	Radioactive — alpha particle emitter
Lead	3.84 ppb	3.8E-06	CAA §112 HAP; no safe exposure level
Chromium	0.9 ppb	8.9E-07	CAA §112 HAP; hexavalent chromium is carcinogenic
Nickel	1.5 ppb	1.5E-06	CAA §112 HAP
Atrazine	0.24 ppb	2.4E-07	Agricultural herbicide; endocrine disruptor
2,4-D	1.4 ppb	1.4E-06	Agricultural herbicide; possible carcinogen
Metolachlor	0.32 ppb	3.2E-07	Agricultural herbicide
Dicamba	0.22 ppb	2.2E-07	Agricultural herbicide
Chlorine	2070 ppb	2.0E-03	Reactive gas; respiratory irritant
Total Trihalomethanes (TTHM)	20.6 ppb	2.0E-05	Disinfection byproducts; carcinogens
Haloacetic Acids (HAA5)	17.2 ppb	1.7E-05	Disinfection byproducts; carcinogens

B. CAA §112 Hazardous Air Pollutants in Cooling Tower Drift

The contaminant table above identifies lead, chromium, and nickel in cooling tower drift. Lead compounds, chromium compounds, and nickel compounds are each listed as hazardous air pollutants under CAA §112(b), 42 U.S.C. §7412(b). Lead has no safe exposure level established by EPA. Hexavalent chromium is a known human carcinogen. Nickel compounds are classified as reasonably anticipated human carcinogens. The Permit imposes no emission limits, no fence-line monitoring, and no air dispersion modeling for any of these CAA §112 HAPs from cooling tower drift — despite IDEM identifying them in its own ATSD analysis.¹² Although IDEM quantified a potential to emit for each of these HAPs in the ATSD, the Permit neither aggregates them into a source-wide HAP potential-to-emit total nor subjects them to any monitoring or limit, leaving the permit record incomplete as to HAPs the agency itself identified.

PFAS compounds — specifically PFHxA and PFPeA identified in the Fort Wayne municipal water supply — are also present in cooling tower drift. These specific PFAS were not covered by EPA’s 2024 Safe Drinking Water Act rule (which regulated PFOA, PFOS, PFHxS, PFNA, HFPO-DA, and PFBS), and the drinking water standards for four of those six compounds have since been subject to rescission. However, the absence of a specific drinking water MCL for PFHxA and PFPeA does not diminish the concern: PFAS compounds are persistent and bioaccumulative by definition, they do not break down in the environment or in the human body, and they are being continuously aerosolized by 64 cooling towers with no air emission standard, no monitoring, and no permit condition requiring IDEM notification if cooling water PFAS concentrations change.

Petitioners recognize that certain PFAS are regulated under the Safe Drinking Water Act, which is a separate statutory scheme. The question presented by this petition ground is different and arises under the Clean Air Act: whether a Part 70 permit that identifies CAA §112 HAPs being continuously aerosolized from an industrial facility can issue without any monitoring requirement for those HAPs. Under CAA §504 and 40 CFR §70.6(a)(3), the answer is no.

C. Radioactive Contaminants

Radium 226/228 and gross alpha particle emitters are identified in the cooling tower drift analysis. These are radioactive contaminants classified as

¹² EPA, ‘PFAS National Primary Drinking Water Regulation’ (April 2024). EPA set individual MCLs of 4 parts per trillion for PFOA and PFOS; individual MCLs of 10 parts per trillion for PFHxS, PFNA, and HFPO-DA (GenX); and a Hazard Index MCL for mixtures of two or more of PFHxS, PFNA, HFPO-DA, and PFBS. EPA has stated there is no known safe level of exposure to PFOA or PFOS. PFHxA and PFPeA are structurally related PFAS compounds subject to ongoing regulatory review.

carcinogens. Their continuous aerosolization from 64 cooling towers operating year-round in proximity to residential areas represents a public health concern that the Permit does not address.¹³ Petitioners note that the radium 226/228 and gross-alpha concentration and PTE figures set out in the table above are IDEM's own, as stated in its ATSD; radionuclide levels are conventionally reported in picocuries per liter (pCi/L) of activity rather than the mass-based units used in that analysis.

D. The Monitoring Gap

Despite identifying these contaminants in its own analysis, IDEM imposed no monitoring requirements for any of them. The Permit contains no:

- Fence-line monitoring for the contaminants controlled or identified in the permit record — including CAA §112 HAPs, VOCs, PFAS, radioactive particulate, heavy metals, and herbicides — from cooling tower drift
- Air dispersion modeling for cooling tower drift contaminants in surrounding residential areas
- Limits on any cooling tower drift contaminant other than general PM, PM₁₀, and PM_{2.5}
- Requirement to notify IDEM or the public if cooling water contaminant concentrations change

EPA should object to the Permit on this ground and require monitoring sufficient to assure compliance with the cooling towers' existing PM, PM₁₀, and PM_{2.5} limits under 40 CFR §70.6(a)(3) — the drift being the vehicle for that particulate — including: (1) fence-line monitoring for CAA §112 HAPs (lead, chromium, nickel) and PFAS compounds from cooling tower drift; (2) air dispersion modeling for all contaminants identified in the ATSD; (3) enforceable emission limits or operational controls for CAA §112 HAPs in cooling tower drift; and (4) a requirement that Hatchworks notify IDEM if cooling water contaminant concentrations materially change from the baseline values used in the ATSD analysis.

Preservation (40 CFR §70.12(a)(2); CAA §505(b)(2)). The grounds for this objection arose from, and could not have been raised before, IDEM's own Addendum to the Technical Support Document: the potential-to-emit analysis quantifying CAA §112

¹³ Radium 226 and 228 are naturally occurring radioactive materials (NORM). EPA's drinking water maximum contaminant level for combined radium 226/228 is 5 pCi/L. Aerosolized radioactive particulate can be inhaled, representing a different exposure pathway than ingestion.

HAPs, radionuclides, and other contaminants aerosolized in cooling-tower drift first appeared in the ATSD issued with the proposed permit, and the total absence of any monitoring requirement for those contaminants was therefore not ascertainable during the public comment period. It was accordingly impracticable to raise this specific objection within that period.

Ground VII — Unfinalized Cooling Tower Treatment Chemicals: No Monitoring Required

The ATSD states that ‘final chemicals to be used to treat cooling tower water at this proposed data center have not been finalized’ and that ‘Hatchworks has stated there will be no VOC and HAP components in the cooling tower treatment chemicals.’ On the basis of this unverified self-certification alone, IDEM concluded that ‘no monitoring of the cooling tower treatment chemicals is warranted.’¹⁴

Cooling tower treatment chemicals typically address corrosion, scale, and microbiological growth — and commonly include biocides, scale inhibitors, and corrosion inhibitors, some of which contain HAPs or VOCs. The permit issues before chemicals are selected; once chemicals are chosen, no monitoring requirement exists to verify they are consistent with the self-certification. This creates an unverifiable compliance gap in a permit that is otherwise entirely reliant on self-reporting.

This gap also implicates Legionella risk. The ATSD does not address Legionella monitoring or control requirements for 64 cooling towers operating continuously.¹⁵

EPA should require that the Permit be conditioned on: (1) disclosure of final cooling tower treatment chemicals to IDEM before initial operation; (2) independent verification that chemicals contain no VOCs or HAPs; and (3) ongoing monitoring and reporting of treatment chemical composition if formulations change.

Preservation (40 CFR §70.12(a)(2); CAA §505(b)(2)). It was impracticable to raise this objection during the comment period because the treatment chemicals had not been selected: the ATSD states the “final chemicals ... have not been

¹⁴ ATSD for SPM No. 003-48840-00530 (joint with SSM No. 003-48739-00530), “Cooling Tower Water Additives at Hatchworks,” ATSD p. 24 (Exhibit 3). IDEM accepted Hatchworks’s self-certification regarding cooling tower treatment chemical composition without requiring independent verification or post-selection monitoring.

¹⁵ CDC and ASHRAE Standard 188-2018 establish water management program requirements for cooling towers to prevent Legionella growth. Large cooling tower systems have been associated with community Legionella outbreaks. The Permit contains no Legionella monitoring or control requirements.

finalized.” A commenter could not have challenged the absence of monitoring for chemicals that did not yet exist in the record. The grounds for this objection thus arose after, and could not have been raised within, the public comment period.

VI. Relief Requested

Petitioners respectfully request that the EPA Administrator:

1. **Object** to Part 70 Operating Permit No. T003-47378-00530, as modified by Significant Permit Modification No. 003-48840-00530, on each of the grounds set forth above, any one of which independently warrants objection;
2. **Direct IDEM** to correct the deficiencies identified herein before the Permit may be issued or continue in effect — including, as to the respective grounds, imposing monitoring sufficient to assure compliance, including independently verifiable operating-hour data on all 174 generators (Ground I); requiring mandatory post-construction performance testing of a representative sample of the installed engines to validate the assumed emission factors that underlie the compliance calculations (Ground II); conducting a properly supported PSD-applicability analysis under practically enforceable limits — including, if PSD applies, a Best Available Control Technology analysis and an aggregation review of the combined 2024–2025 build-out (Ground III); preparing a complete source-wide potential-to-emit analysis for VOC, CO, and PM that accounts for all emission units, including the 179 diesel storage tanks (Ground IV); issuing a corrected public notice and reopening the public comment period with a public hearing (Ground V); and establishing enforceable limits, fence-line monitoring, and dispersion modeling for the CAA §112 HAPs, radionuclides, and other contaminants IDEM identified in cooling-tower drift, and for cooling-tower treatment chemicals (Grounds VI, VII);
3. **Retain** jurisdiction to ensure IDEM’s response adequately addresses each ground; and
4. **Grant** such other and further relief as the Administrator deems appropriate. Petitioners reserve the right to supplement this petition upon receipt of additional permit-record materials.

VII. Contacts and Service

A. Petitioner Contacts

All correspondence regarding this petition should be directed to the designated contact:

- **Kimberly Koczan** (designated contact for all Petitioners) — Kimberly@earthcharterindiana.org · (215) 290-5685.

The remaining Petitioners — Jorge Fernandez, Isaac Keller, Roma Eastes, and Ashley Sharp — join in this petition and may be reached through the designated contact.

B. Service

As required by 40 CFR §70.12, copies of this petition are simultaneously served on the permitting authority and the permit applicant:

- **Indiana Department of Environmental Management, Office of Air Quality** (permitting authority) — 100 N. Senate Ave., MC 61-53, Indianapolis, IN 46204 (jlacker@idem.in.gov; kwilleve@idem.in.gov).
- **Hatchworks, LLC** (permit applicant) — 7510 Zodiac Way, Fort Wayne, IN 46816, to Marc Stern, Responsible Official (marcstern@google.com), and Braylon Perry, EHS Program Manager (braylonperry@google.com), with a copy to the applicant's counsel of record — Mark Finley, Sean Griggs, and Joel Bowers, Barnes & Thornburg LLP, 11 S. Meridian St., Indianapolis, IN 46204 (MFinley@btlaw.com; Sean.Griggs@btlaw.com; Joel.Bowers@btlaw.com).

A courtesy copy is also provided to EPA Region 5, Air & Radiation Division (Indiana Title V contact).

C. Attachments (Exhibit Index)

The following exhibits are filed with and incorporated into this petition. Consistent with 40 CFR §70.12(a)(2), every argument is set out in the body of the petition above; these exhibits are cited by specific page where relied upon and are not incorporated by reference.

Exhibit	Document	Supports
1	Roma Eastes, Written Public Comment (Nov. 16, 2025), 18 pp.	Grounds I & II — Comment 1(a) (emission factors) and Comment 11 (1-hour NO ₂)
2	Kimberly Koczan,	Grounds I & V

Exhibit	Document	Supports
	Written Public Comment (Oct. 4, 2025)	
3	IDEM Addendum to the Technical Support Document (ATSD) — Comments and IDEM Responses (Response to Comments), joint SSM 003-48739-00530 / SPM 003-48840-00530 — excerpts of the cited commenter sections and IDEM responses: Fernandez (ATSD pp. 32–33, 131–141); Anderson (pp. 83–86); Koczan (pp. 49–50); Eastes (pp. 143–161, incl. Comment 1(a) at 145–46 and IDEM’s response at 161); and General Statement 4 — Cooling Towers (pp. 22–24)	Preservation and inadequate-response showing for all grounds
4	SPM 003-48840-00530 permit conditions — Section C general recordkeeping/reporting and Section D.1 emission limits & NOx/CO/VOC compliance determination (6 pp.)	Grounds I, II & III (challenged permit terms)
5	IDEM ATSD Appendix A — Emission Calculations (8 pp.)	Grounds II, III & IV — 249.22 tpy source-wide NOx PTE and IDEM’s emission-factor derivation, including the

Exhibit	Document	Supports
		80% NO _x / 20% VOC split IDEM applied to the combined NO _x + NMHC standard (ATSD Appendix A, Note 1, citing 40 CFR 1039.740(c))
6	Declaration of Kimberly Koczan (public-hearing venue and access)	Ground V — pre-hearing venue-capacity requests to IDEM and hearing-day access limitations

The complete SPM 003-48840-00530 permit and the full administrative record are already in EPA's possession as the proposed-permit record under 40 CFR §70.8; the entire permit is therefore not re-attached. Exhibit 3 comprises the specific commenter comments and IDEM responses cited in this petition; the complete Response to Comments remains available in the permit record and can be furnished in full on request.

VIII. Certification

The undersigned certify that the statements in this petition are true and correct to the best of their knowledge and belief, and that this petition is filed in good faith.

Respectfully submitted,

Kimberly Koczan, Petitioner (on behalf of all Petitioners)
Kimberly@earthcharterindiana.org · (215) 290-5685

Date: July 24, 2026

Co-Petitioners: Jorge Fernandez; Isaac Keller; Roma Eastes; Ashley Sharp.

IX. Certificate of Service

I certify that on July 24, 2026, I served a true and correct copy of this Petition to Object and all accompanying exhibits by electronic mail on the following:

- **Indiana Department of Environmental Management, Office of Air Quality** (permitting authority) — jlacker@idem.in.gov; kwilleve@idem.in.gov.

Permit Status	Part 70 Major Source; Minor Source for PSD; Area Source for HAPs
Air Quality Status	Attainment area — all criteria pollutants, Allen County
Total Generators	174 diesel-fired emergency generators (34 approved 2024 + 140 in this permit)
Combined Capacity	~525 MW (~703,482 HP) diesel generation (174 × 4,043 Bhp)
Diesel Storage	179 tanks × 6,000 gallons = 1,074,000 gallons on-site
Cooling Towers	64 towers × 6,000 GPM = 384,000 GPM total recirculation
Water Source	Fort Wayne City Utilities Three Rivers Water Filtration Plant
Capital Investment	Estimated \$500–600 million

Scale Context	At approximately 525 MW, the combined generation capacity of this facility is equivalent to a medium-sized power plant, yet the generators are permitted as ‘emergency’ units. The scale of the installation — 174 generators, 179 diesel storage tanks holding 1,074,000 gallons of fuel on-site, and 64 cooling towers — is described here for context; the legal significance of the ‘emergency’ classification and the source-wide potential to emit is addressed in Grounds III and IV below.
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IV. Legal Standard

A Title V permit must include emission limitations and such other conditions as are necessary to assure compliance with all applicable requirements of the Clean Air Act. 42 U.S.C. §7661c(a), (c); 40 CFR §70.6(a)(1), (c)(1). This includes monitoring,

- **Hatchworks, LLC** (permit applicant) — Marc Stern, Responsible Official (marcstern@google.com); Braylon Perry, EHS Program Manager (braylonperry@google.com); and its counsel of record, Mark Finley, Sean Griggs, and Joel Bowers, Barnes & Thornburg LLP (MFinley@btlaw.com; Sean.Griggs@btlaw.com; Joel.Bowers@btlaw.com).

A courtesy copy was also provided to EPA Region 5, Air & Radiation Division.

Kimberly Koczan, Petitioner (on behalf of all Petitioners)

Date: July 24, 2026