



Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
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TO: Interested Parties / Applicant
DATE: April 28, 2005
RE: Bucko Construction Co., Inc. / F 089-15810-00179
FROM: Paul Dubenetzky
Chief, Permits Branch
Office of Air Quality

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 enclosed matter. 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 1049, 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.

Enclosures
FNPER.dot 1/10/05



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**FEDERALLY ENFORCEABLE STATE
OPERATING PERMIT (FESOP) RENEWAL
OFFICE OF AIR QUALITY
and Gary Department of Environmental Affairs**

**Bucko Construction Co., Inc.
1501 Michigan Street
Gary, Indiana 46402**

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit.

The Permittee must comply with all conditions of this permit. Noncompliance with any provisions of this permit is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Noncompliance with any provision of this permit, except any provision specifically designated as not federally enforceable, constitutes a violation of the Clean Air Act. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. An emergency does constitute an affirmative defense in an enforcement action provided the Permittee complies with the applicable requirements set forth in Section B, Emergency Provisions.

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-8 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17.

Operation Permit No.: F 089-15810-00179	
Issued by: Original signed by Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: April 28, 2005 Expiration Date: April 28, 2010

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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) and Gary Department of Environmental Affairs. The information describing the source contained in Conditions A.1 through A.3 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 2-8-3(b)]

The Permittee owns and operates a stationary hot mix asphalt production source.

Authorized individual:	President
Source Address:	1501 Michigan Street, Gary, Indiana 46402
Mailing Address:	890 Chase Street, Gary, Indiana 46404
General Source Phone:	(219) 949-0331
SIC Code:	2951
Source Location Status:	Lake County
	Nonattainment for 1-hour ozone, 8-hour ozone, PM _{2.5} , PM ₁₀ and SO ₂
	Attainment for all other criteria pollutants
Source Status:	Federally Enforceable State Operating Permit (FESOP)
	Minor Source, under PSD and Emission Offset Rules;
	Minor Source, Section 112 of the Clean Air Act

A.2 Emission Units and Pollution Control Equipment Summary [326 IAC 2-8-3(c)(3)]

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

- (a) One (1) aggregate batch mixer, constructed in 1998, equipped with a baghouse for PM control and exhausted to Stack SV1, capacity: 400 tons per hour.
- (b) One (1) aggregate dryer burner, constructed in 1998, firing natural gas, No. 2 fuel oil, No. 4 fuel oil, or No. 5 residual oil, exhausting to Stack SV1, rated at 150 million British thermal units per hour.
- (c) One (1) hot oil heater, constructed in 1998, firing natural gas, capacity: 2.0 million British thermal units per hour.
- (d) One (1) storage tank, constructed in 1998, capacity: 15,000 gallons.
- (e) Two (2) storage tanks, constructed in 1998, capacity: 30,000 gallons of liquid asphalt, each.
- (f) One (1) storage tank, constructed in 1998, capacity: 20,000 gallons of liquid asphalt.

A.3 Insignificant Activities [326 IAC 2-7-1(21)] [326 IAC 2-8-3(c)(3)(I)]

This stationary source also includes the following insignificant activities, as defined in 326 IAC 2-7-1(21):

- (a) Combustion source flame safety purging on startup.
- (b) The following VOC and HAP storage containers: Vessels storing lubricating oil, hydraulic oils, machining oils, and machining fluids.

- (c) The following equipment related to manufacturing activities not resulting in the emission of HAPs: brazing equipment, cutting torches, soldering equipment, welding equipment.
- (d) Closed loop heating and cooling systems.
- (e) Replacement or repair of electrostatic precipitators, bags in baghouses and filters in other air filtration equipment.
- (f) On-site fire and emergency response training approved by the department.
- (g) A laboratory as defined in 326 IAC 2-7-1(21)(D).
- (h) One (1) portable recycled asphalt crusher, identified as CR-1, capacity: 125 tons of asphalt per hour. [326 IAC 6-1-2(g)]

A.4 FESOP Applicability [326 IAC 2-8-2]

This stationary source, otherwise required to have a Part 70 permit as described in 326 IAC 2-7-2(a), has applied to the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ) to renew a Federally Enforceable State Operating Permit (FESOP).

A.5 Prior Permits Superseded [326 IAC 2-1.1-9.5]

- (a) All terms and conditions of previous permits issued pursuant to permitting programs approved into the state implementation plan have been either
 - (1) incorporated as originally stated,
 - (2) revised, or
 - (3) deletedby this permit.
- (b) All previous registrations and permits are superseded by this permit.

SECTION B GENERAL CONDITIONS

B.1 Permit No Defense [IC 13]

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 FESOP under 326 IAC 2-8.

B.2 Definitions [326 IAC 2-8-1]

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 2-7) shall prevail.

B.3 Permit Term [326 IAC 2-8-4(2)] [326 IAC 2-1.1-9.5]

This permit 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.

B.4 Enforceability [326 IAC 2-8-6]

- (a) 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 and Gary Department of Environmental Affairs, the United States Environmental Protection Agency (U.S. EPA) and by citizens in accordance with the Clean Air Act.
- (b) Unless otherwise stated, all terms and conditions in this permit that are local requirements, including any provisions designed to limit the source's potential to emit, are enforceable by Gary Department of Environmental Affairs.

B.5 Termination of Right to Operate [326 IAC 2-8-9] [326 IAC 2-8-3(h)]

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 nine (9) months prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-8-3(h) and 326 IAC 2-8-9.

B.6 Severability [326 IAC 2-8-4(4)]

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.7 Property Rights or Exclusive Privilege [326 IAC 2-8-4(5)(D)]

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

B.8 Duty to Provide Information [326 IAC 2-8-4(5)(E)]

- (a) The Permittee shall furnish to IDEM, OAQ, and Gary Department of Environmental Affairs within a reasonable time, any information that IDEM, OAQ, and Gary Department of Environmental Affairs 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. The submittal by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1). Upon request, the Permittee shall also furnish to IDEM, OAQ, and Gary Department of Environmental Affairs 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.9 Compliance Order Issuance [326 IAC 2-8-5(b)]

IDEM, OAQ and Gary Department of Environmental Affairs may issue a compliance order to this Permittee upon discovery that this permit is in nonconformance with an applicable requirement. The order may require immediate compliance or contain a schedule for expeditious compliance with the applicable requirement.

B.10 Certification [326 IAC 2-8-3(d)] [326 IAC 2-8-4(3)(C)(i)] [326 IAC 2-8-5(1)]

- (a) Where specifically designated by this permit or required by an applicable requirement, any application form, report, or compliance certification submitted shall contain certification by an authorized individual of truth, accuracy, and completeness. This certification, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (b) One (1) certification shall be included, using the attached Certification Form, with each submittal requiring certification.
- (c) An authorized individual is defined at 326 IAC 2-1.1-1(1).

B.11 Annual Compliance Certification [326 IAC 2-8-5(a)(1)]

- (a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. All certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted in letter form no later than April 15 of each year to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204

and

Gary Department of Environmental Affairs
Suite 1012
504 North Broadway
Gary, Indiana 46402

- (b) The annual compliance certification report 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, and Gary Department of Environmental Affairs on or before the date it is due.
- (c) The annual compliance certification report shall include the following:
 - (1) The appropriate identification of each term or condition of this permit that is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether compliance was continuous or intermittent;
 - (4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-8-4(3); and

- (5) Such other facts as specified in Sections D of this permit, IDEM, OAQ, and Gary Department of Environmental Affairs may require to determine the compliance status of the source.

The notification which shall be submitted by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

B.12 Preventive Maintenance Plan [326 IAC 1-6-3] [326 IAC 2-8-4(9)] [326 IAC 2-8-5(a)(1)]

- (a) If required by specific condition(s) in Section D of this permit, the Permittee shall maintain and implement Preventive Maintenance Plans (PMPs), 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.
- (b) The Permittee shall implement the PMPs, including any required record keeping, as necessary to ensure that failure to implement a PMP does not cause or contribute to an exceedance of any limitation on emissions or potential to emit.
- (c) A copy of the PMPs shall be submitted to IDEM, OAQ, and Gary Department of Environmental Affairs upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ, and Gary Department of Environmental Affairs. IDEM, OAQ, and Gary Department of Environmental Affairs 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 or potential to emit. The PMP does not require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (d) 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.13 Emergency Provisions [326 IAC 2-8-12]

- (a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation, except as provided in 326 IAC 2-8-12.
- (b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a health-based or technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describes the following:
 - (1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;
 - (2) The permitted facility was at the time being properly operated;

- (3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;
- (4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ, the Gary Department of Environmental Affairs, and the IDEM Northwest Regional Office, within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

Telephone No.: 1-800-451-6027 (ask for Office of Air Quality, Compliance Section)
or,
Telephone No.: 317-233-5674 (ask for Compliance Section)
Facsimile No.: 317-233-5967
Gary Department of Environmental Affairs: 219-882-3007, facsimile 219-882-3012
Northwest Regional Office: 219-881-6712, facsimile 219-881-6745

- (5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204

and

Gary Department of Environmental Affairs
Suite 1012
504 North Broadway
Gary, Indiana 46402

within two (2) working days of the time when emission limitations were exceeded due to the emergency.

The notice fulfills the requirement of 326 IAC 2-8-4(3)(C)(ii) and must contain the following:

- (A) A description of the emergency;
- (B) Any steps taken to mitigate the emissions; and
- (C) Corrective actions taken.

The notification which shall be submitted by the Permittee does not require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (6) The Permittee immediately took all reasonable steps to correct the emergency.
- (c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.

- (d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.
- (e) IDEM, OAQ and Gary Department of Environmental Affairs, may require that the Preventive Maintenance Plans required under 326 IAC 2-8-3(c)(6) be revised in response to an emergency.

or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-8 and any other applicable rules.

- (g) Operations may continue during an emergency only if the following conditions are met:
 - (1) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.
 - (2) If an emergency situation causes a deviation from a health-based limit, the Permittee may not continue to operate the affected emissions facilities unless:
 - (A) The Permittee immediately takes all reasonable steps to correct the emergency situation and to minimize emissions; and
 - (B) Continued operation of the facilities is necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw material of substantial economic value.

Any operations shall continue no longer than the minimum time required to prevent the situations identified in (g)(2)(B) of this condition.

- (h) Permittee shall include all emergencies in the Quarterly Deviation and Compliance Monitoring Report.

B.14 Deviations from Permit Requirements and Conditions [326 IAC 2-8-4(3)(C)(ii)]

- (a) Deviations from any permit requirements (for emergencies see Section B - Emergency Provision), the probable cause of such deviations, and any response steps or preventive measures taken shall be reported to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204

and

Gary Department of Environmental Affairs
Suite 1012
504 North Broadway
Gary, Indiana 46402

using the attached Quarterly Deviation and Compliance Monitoring Report, or its equivalent. A deviation required to be reported pursuant to an applicable requirement that exists

independent of this permit, shall be reported according to the schedule stated in the applicable requirement and does need to be included in this report.

The Quarterly Deviation and Compliance Monitoring Report does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (b) A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit.

B.15 Permit Modification, Reopening, Revocation and Reissuance, or Termination [326 IAC 2-8-4(5)(C)] [326 IAC 2-8-7(a)] [326 IAC 2-8-8]

- (a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a FESOP modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated non-compliance does not stay any condition of this permit. [326 IAC 2-8-4(5)(C)] The notification by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAQ or Gary Department of Environmental Affairs determines any of the following:
 - (1) That this permit contains a material mistake.
 - (2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.
 - (3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-8-8(a)]
- (c) Proceedings by IDEM, OAQ or Gary Department of Environmental Affairs, to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-8-8(b)]
- (d) The reopening and revision of this permit, under 326 IAC 2-8-8(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAQ or Gary Department of Environmental Affairs, at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAQ or Gary Department of Environmental Affairs, may provide a shorter time period in the case of an emergency. [326 IAC 2-8-8(c)]

B.16 Permit Renewal [326 IAC 2-8-3(h)]

- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ and Gary Department of Environmental Affairs and shall include the information specified in 326 IAC 2-8-3. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40). The renewal application does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

Request for renewal shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue

Indianapolis, Indiana 46204

and

Gary Department of Environmental Affairs
Suite 1012
504 North Broadway
Gary, Indiana 46402

(b) Timely Submittal of Permit Renewal [326 IAC 2-8-3]

(1) A timely renewal application is one that is:

(A) Submitted at least nine (9) months prior to the date of the expiration of this permit; and

(B) 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, and Gary Department of Environmental Affairs on or before the date it is due.

(2) If IDEM, OAQ, and Gary Department of Environmental Affairs upon receiving a timely and complete 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.

(c) Right to Operate After Application for Renewal [326 IAC 2-8-9]

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 2-8 until IDEM, OAQ, and Gary Department of Environmental Affairs 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 in writing by IDEM, OAQ, and Gary Department of Environmental Affairs, any additional information identified as needed to process the application.

B.17 Permit Amendment or Revision [326 IAC 2-8-10] [326 IAC 2-8-11.1]

(a) Permit amendments and revisions are governed by the requirements of 326 IAC 2-8-10 or 326 IAC 2-8-11.1 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
Permits Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204

and

Gary Department of Environmental Affairs
Suite 1012
504 North Broadway
Gary, Indiana 46402

Any such application shall be certified by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (c) The Permittee may implement the administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-8-10(b)(3)]
- (d) No permit amendment or modification is required for the addition, operation or removal of a nonroad engine, as defined in 40 CFR 89.2.

B.18 Operational Flexibility [326 IAC 2-8-15] [326 IAC 2-8-11.1]

- (a) The Permittee may make any change or changes at this source that are described in 326 IAC 2-8-15(b) through (d), without prior permit revision, if each of the following conditions is met:

- (1) The changes are not modifications under any provision of Title I of the Clean Air Act;
- (2) Any approval required by 326 IAC 2-8-11.1 has been obtained;
- (3) The changes do not result in emissions which exceed the emissions allowable under this permit (whether expressed herein as a rate of emissions or in terms of total emissions);
- (4) The Permittee notifies the:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204

and

Gary Department of Environmental Affairs
Suite 1012
504 North Broadway
Gary, Indiana 46402

and

United States Environmental Protection Agency, Region V
Air and Radiation Division, Regulation Development Branch - Indiana (AR-18J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

in advance of the change by written notification at least ten (10) days in advance of the proposed change. The Permittee shall attach every such notice to the Permittee's copy of this permit; and

- (5) The Permittee maintains records on-site which document, on a rolling five (5) year basis, all such changes and emissions trading that are subject to 326 IAC 2-8-15(b) through (d) and makes such records available, upon reasonable request, to public review.

Such records shall consist of all information required to be submitted to IDEM, OAQ and Gary Department of Environmental Affairs, in the notices specified in 326 IAC 2-8-15(b)(2), (c)(1), and (d).

- (b) Emission Trades [326 IAC 2-8-15(c)]
The Permittee may trade increases and decreases in emissions in the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-8-15(c).
- (c) Alternative Operating Scenarios [326 IAC 2-8-15(d)]
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-8-4(7). No prior notification of IDEM, OAQ or U.S. EPA is required.

B.19 Permit Revision Requirement [326 IAC 2-8-11.1]

A modification, construction, or reconstruction is governed by the requirements of 326 IAC 2 and 326 IAC 2-8-11.1.

B.20 Inspection and Entry [326 IAC 2-8-5(a)(2)] [IC 13-14-2-2] [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, Gary Department of Environmental Affairs, U.S. EPA, or an authorized representative to perform the following:

- (a) Enter upon the Permittee's premises where a FESOP 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.21 Transfer of Ownership or Operational Control [326 IAC 2-8-10]

- (a) The Permittee must comply with the requirements of 326 IAC 2-8-10 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
Permits Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204

and

Gary Department of Environmental Affairs
Suite 1012
504 North Broadway
Gary, Indiana 46402

The application which shall be submitted by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-8-10(b)(3)]

B.22 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-8-4(6)] [326 IAC 2-8-16][326 IAC 2-1.1-7]

- (a) The Permittee shall pay annual fees to IDEM, OAQ, within thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ the applicable fee is due April 1 of each year.
- (b) Failure to pay may result in administrative enforcement action, or revocation of this permit.
- (c) 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.23 Credible Evidence [326 IAC 2-8-4(3)][326 IAC 2-8-5][62 FR 8314][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

Emissions Limitations and Standards [326 IAC 2-8-4(1)]

C.1 Overall Source Limit [326 IAC 2-8]

The purpose of this permit is to limit this source's potential to emit to less than major source levels for the purpose of Section 502(a) of the Clean Air Act.

- (a) Pursuant to 326 IAC 2-8:
 - (1) The potential to emit volatile organic compounds (VOCs) from the entire source shall be limited to less than twenty-five (25) tons per twelve (12) consecutive month period. This limitation shall also satisfy the requirements of 326 IAC 2-3 (Emission Offset);
 - (2) The potential to emit any regulated pollutant from the entire source, except particulate matter (PM) and volatile organic compounds (VOCs), shall be limited to less than one-hundred (100) tons per twelve (12) consecutive month period;
 - (3) The potential to emit any individual hazardous air pollutant (HAP) from the entire source shall be limited to less than ten (10) tons per twelve (12) consecutive month period; and
 - (4) The potential to emit any combination of HAPs from the entire source shall be limited to less than twenty-five (25) tons per twelve (12) consecutive month period.
- (b) Pursuant to 326 IAC 2-3 (Emission Offset), potential to emit particulate matter (PM) from the entire source shall be limited to less than one-hundred (100) tons per twelve (12) consecutive month period.
- (c) This condition shall include all emission points at this source including those that are insignificant as defined in 326 IAC 2-7-1(21). The source shall be allowed to add insignificant activities not already listed in this permit, provided the source's potential to emit does not exceed the above specified limits.
- (d) Section D of this permit contains independently enforceable provisions to satisfy this requirement.

C.2 Opacity [326 IAC 5-1]

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:

- (a) Opacity shall not exceed an average of twenty percent (20%) 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.3 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.4 Incineration [326 IAC 4-2] [326 IAC 9-1-2(3)]

The Permittee shall not operate an incinerator or incinerate any waste or refuse except as provided in 326 IAC 4-2 and in 326 IAC 9-1-2.

C.5 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.6 Fugitive Dust Emissions [326 IAC 6-1-11.1]

Pursuant to 326 IAC 6-1-11.1 (Lake County Fugitive Particulate Matter Control Requirements), the particulate matter emissions from source wide activities shall meet the following requirements:

- (a) The average instantaneous opacity of fugitive particulate emissions from a paved road shall not exceed ten percent (10%).
- (b) The average instantaneous opacity of fugitive particulate emissions from an unpaved road shall not exceed ten percent (10%).
- (c) The average instantaneous opacity of fugitive particulate emissions from batch transfer shall not exceed ten percent (10%).
- (d) The opacity of fugitive particulate emissions from continuous transfer of material onto and out of storage piles shall not exceed ten percent (10%) on a three (3) minute average.
- (e) The opacity of fugitive particulate emissions from storage piles shall not exceed ten percent (10%) on a six (6) minute average.
- (f) There shall be a zero (0) percent frequency of visible emission observations of a material during the inplant transportation of material by truck or rail at any time.
- (g) The opacity of fugitive particulate emissions from the inplant transportation of material by front end loaders and skip hoists shall not exceed ten percent (10%).
- (h) There shall be a zero (0) percent frequency of visible emission observations from a building enclosing all or part of the material processing equipment, except from a vent in the building.
- (i) The PM₁₀ emissions from building vents shall not exceed twenty-two thousandths (0.022) grains per dry standard cubic foot and ten percent (10%) opacity.
- (j) The opacity of particulate emissions from dust handling equipment shall not exceed ten percent (10%).
- (k) Any facility or operation not specified in 326 IAC 6-1-11.1(d) shall meet a twenty percent (20%), three (3) minute average opacity standard.

The Permittee shall achieve these limits by controlling fugitive particulate matter emissions according to the Fugitive Dust Control Plan, submitted on June 28, 2002. The plan consists of:

- (a) adequate wet suppression of dust from unpaved roadways on an "as needed" basis;
- (b) adequate wet suppression of dust from aggregate storage piles on an "as needed" basis.
- (c) sweeping of all areas inside and outside of plant area to collect any possible fugitive dust on an "as needed" basis.
- (d) maintenance and inspections of baghouse, in accordance with permit conditions.

C.7 Operation of Equipment [326 IAC 2-8-5(a)(4)]

Except as otherwise provided by statute, rule or in this permit, all air pollution control equipment listed in this permit and used to comply with an applicable requirement shall be operated at all times that the emission units vented to the control equipment are in operation.

C.8 Stack Height [326 IAC 1-7]

The Permittee shall comply with the applicable provisions of 326 IAC 1-7 (Stack Height Provisions), for all exhaust stacks through which a potential (before controls) of twenty-five (25) tons per year or more of particulate matter or sulfur dioxide is emitted.

C.9 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
Asbestos Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204

and

Gary Department of Environmental Affairs
Suite 1012
504 North Broadway
Gary, Indiana 46402

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. The notifications do not require a certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (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 Accredited 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 Accredited Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos. The requirement to use an Indiana Accredited Asbestos inspector is not federally enforceable.

Testing Requirements [326 IAC 2-8-4(3)]

C.10 Performance Testing [326 IAC 3-6]

- (a) All testing shall be performed according to the provisions of 326 IAC 3-6 (Source Sampling Procedures), except as provided elsewhere in this permit, utilizing any applicable procedures and analysis methods specified in 40 CFR 51, 40 CFR 60, 40 CFR 61, 40 CFR 63, 40 CFR 75, or other procedures approved by IDEM, OAQ.

A test protocol, except as provided elsewhere in this permit, shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204

and

Gary Department of Environmental Affairs
Suite 1012
504 North Broadway
Gary, Indiana 46402

no later than thirty-five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ and Gary Department of Environmental Affairs not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ, and Gary Department of Environmental Affairs, if the source 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.11 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 2-8-4] [326 IAC 2-8-5(a)(1)]

C.12 Compliance Monitoring [326 IAC 2-8-4(3)] [326 IAC 2-8-5(a)(1)]

Unless otherwise specified in this permit, all monitoring and recordkeeping requirements not already legally required shall be implemented upon issuance of this permit. If required by Section D, the Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment.

Unless otherwise specified in the approval for the new emissions unit, compliance monitoring for new emission units or emission units added through a permit revision shall be implemented when operation begins.

C.13 Monitoring Methods [326 IAC 3] [40 CFR 60] [40 CFR 63]

Any monitoring or testing required by Section D of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, 40 CFR 60 Appendix B, 40 CFR 63 or other approved methods as specified in this permit.

C.14 Pressure Gauge and Other Instrument Specifications [326 IAC 2-1.1-11] [326 IAC 2-8-4(3)] [326 IAC 2-8-5(1)]

-
- (a) Whenever a condition in this permit requires the measurement of pressure drop across any part of the unit or its control device, the gauge employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent ($\pm 2\%$) of full scale reading.
 - (b) Whenever a condition in this permit requires the measurement of a temperature or flow rate, the instrument employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent ($\pm 2\%$) of full scale reading.
 - (c) The Permittee may request the IDEM, OAQ approve the use of a pressure gauge or other instrument that does not meet the above specifications provided the Permittee can

demonstrate an alternative pressure gauge or other instrument specification will adequately ensure compliance with permit conditions requiring the measurement of pressure drop or other parameters.

Corrective Actions and Response Steps [326 IAC 2-8-4] [326 IAC 2-8-5(a)(1)]

C.15 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 prepare written emergency reduction plans (ERPs) consistent with safe operating procedures.

(b) These ERPs shall be submitted for approval to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204

and

Gary Department of Environmental Affairs
Suite 1012
504 North Broadway
Gary, Indiana 46402

within ninety (90) days from the date of issuance of this permit.

The ERP does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

(c) If the ERP is disapproved by IDEM, OAQ and Gary Department of Environmental Affairs, the Permittee shall have an additional thirty (30) days to resolve the differences and submit an approvable ERP.

(d) These ERPs shall state those actions that will be taken, when each episode level is declared, to reduce or eliminate emissions of the appropriate air pollutants.

(e) Said ERPs shall also identify the sources of air pollutants, the approximate amount of reduction of the pollutants, and a brief description of the manner in which the reduction will be achieved.

(f) Upon direct notification by IDEM, OAQ and Gary Department of Environmental Affairs, 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.16 Risk Management Plan [326 IAC 2-8-4] [40 CFR 68]

If a regulated substance, as defined in 40 CFR 68, is present at a source in more than a threshold quantity, the source must comply with the applicable requirements of 40 CFR 68.

C.17 Compliance Response Plan - Preparation, Implementation, Records, and Reports [326 IAC 2-8-4] [326 IAC 2-8-5]

(a) The Permittee is required to prepare a Compliance Response Plan (CRP) for each compliance monitoring condition of this permit. A CRP shall be submitted to IDEM, OAQ and Gary Department of Environmental Affairs upon request. The CRP shall be prepared within ninety (90) days after issuance of this permit by the Permittee, supplemented from time to time by the Permittee, maintained on site, and is comprised of:

- (1) Reasonable response steps that may be implemented in the event that a response step is needed pursuant to the requirements of Section D of this permit; and an expected time frame for taking reasonable response steps.
- (2) If, at any time, the Permittee takes reasonable response steps that are not set forth in the Permittee's current Compliance Response Plan and the Permittee documents such response in accordance with subsection (e) below, the Permittee shall amend its Compliance Response Plan to include such response steps taken.

(b) For each compliance monitoring condition of this permit, reasonable response steps shall be taken when indicated by the provisions of that compliance monitoring condition as follows:

- (1) Reasonable response steps shall be taken as set forth in the Permittee's current Compliance Response Plan; or
- (2) If none of the reasonable response steps listed in the Compliance Response Plan is applicable or responsive to the excursion, the Permittee shall devise and implement additional response steps as expeditiously as practical. Taking such additional response steps shall not be considered a deviation from this permit so long as the Permittee documents such response steps in accordance with this condition.
- (3) If the Permittee determines that additional response steps would necessitate that the emissions unit or control device be shut down, and it will be ten (10) days or more until the unit or device will be shut down, then the Permittee shall promptly notify the IDEM, OAQ of the expected date of the shut down. The notification shall also include the status of the applicable compliance monitoring parameter with respect to normal, and the results of the response actions taken up to the time of notification.
- (4) Failure to take reasonable response steps shall be considered a deviation from the permit.

(c) The Permittee is not required to take any further response steps for any of the following reasons:

- (1) A false reading occurs due to the malfunction of the monitoring equipment and prompt action was taken to correct the monitoring equipment.
- (2) The Permittee has determined that the compliance monitoring parameters established in the permit conditions are technically inappropriate, has previously sub-

- mitted a request for an administrative amendment to the permit, and such request has not been denied.
- (3) An automatic measurement was taken when the process was not operating.
 - (4) The process has already returned or is returning to operating within "normal" parameters and no response steps are required.
- (d) When implementing reasonable steps in response to a compliance monitoring condition, if the Permittee determines that an exceedance of an emission limitation has occurred, the Permittee shall report such deviations pursuant to Section B-Deviations from Permit Requirements and Conditions.
 - (e) The Permittee shall record all instances when, in accordance with Section D, response steps are taken. In the event of an emergency, the provisions of 326 IAC 2-8-12 (Emergency Provisions) requiring prompt corrective action to mitigate emissions shall prevail.
 - (f) Except as otherwise provided by a rule or provided specifically in Section D, all monitoring as required in Section D shall be performed when the emission unit is operating, except for time necessary to perform quality assurance and maintenance activities.

C.18 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-8-4] [326 IAC 2-8-5]

- (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 take appropriate response actions. The Permittee shall submit a description of these response actions to IDEM, OAQ, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize excess emissions from the affected facility while the response actions are being implemented.
- (b) A retest to demonstrate compliance shall be performed within one hundred twenty (120) days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAQ that retesting in one-hundred and twenty (120) 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.

The response action documents submitted pursuant to this condition do require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]

C.19 Emission Statement [326 IAC 2-6] [326 IAC 2-8-4(3)]

- (a) Pursuant to 326 IAC 2-6-3(a)(1), the Permittee shall submit an emission statement by July 1 following a calendar year when the source emits oxides of nitrogen into the ambient air equal to or greater than twenty-five (25) tons. The emission statement shall contain, at a minimum, the information specified in 326 IAC 2-6-4.

The statement must be submitted to:

Indiana Department of Environmental Management
Technical Support and Modeling Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204

and

Gary Department of Environmental Affairs
Suite 1012
504 North Broadway
Gary, Indiana 46402

The emission statement does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (b) The emission statement 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, and Gary Department of Environmental Affairs on or before the date it is due.

C.20 General Record Keeping Requirements [326 IAC 2-8-4(3)] [326 IAC 2-8-5]

- (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 or Gary Department of Environmental Affairs makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner or Gary Department of Environmental Affairs within a reasonable time.
- (b) Unless otherwise specified in this permit, all recordkeeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance.

C.21 General Reporting Requirements [326 IAC 2-8-4(3)(C)] [326 IAC 2-1.1-11]

- (a) The source shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported. This report shall be submitted within thirty (30) days of the end of the reporting period. The Quarterly Deviation and Compliance Monitoring Report shall include the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (b) The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204

and

Gary Department of Environmental Affairs
Suite 1012
504 North Broadway
Gary, Indiana 46402

- (c) 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, and Gary Department of Environmental Affairs on or before the date it is due.

- (d) Unless otherwise specified in this permit, all reports required in Section D of this permit shall be submitted within thirty (30) days of the end of the reporting period. All reports do require the certification by the “authorized individual” as defined by 326 IAC 2-1.1-1(1).
- (e) Reporting periods are based on calendar years.

Portable Source Requirement

C.22 Relocation of Portable Sources [326 IAC 2-14-4]

- (a) The portable asphalt crusher (CR-1) is approved for operation in all areas in Indiana.
- (b) A request to relocate the portable asphalt crusher (CR-1) shall be submitted to IDEM, OAQ at least thirty (30) days prior to the intended date of relocation. This submittal shall include the following:
 - (1) A list of governmental officials entitled to receive notice of application to relocate. IC 13-15-3-1
 - (2) A list of adjacent landowners that the Permittee will send written notice to not more than ten (10) days after submission of the request to relocate. IC 13-15-8

The notification by the Permittee does require the certification by an “authorized individual” as defined by 326 IAC 2-1.1-1(1).
- (c) A “Relocation Site Approval” letter shall be obtained prior to relocating the portable asphalt crusher (CR-1) to any site other than 890 Chase Street, Gary, Indiana or 1501 Michigan Street, Gary, Indiana.
- (d) The Permittee shall also notify the applicable local air pollution control agency when relocating the portable asphalt crusher (CR-1) to, or from, one the following:
 - (1) Madison County - (Anderson Office of Air Management)
 - (2) City of Evansville plus four (4) miles beyond the corporate limits but not outside Vanderburgh County - (Evansville EPA)
 - (3) City of Gary - (Gary Department of Environmental Affairs)
 - (4) City of Hammond - (Hammond Department of Environmental Management)
 - (5) Marion County - (Indianapolis Office of Environmental Services)
 - (6) St. Joseph County - (St. Joseph County Health Department)
 - (7) Vigo County - (Vigo County Air Pollution Control)
- (e) A valid operation permit consists of this document and any subsequent “Relocation Site Approval” letter specifying the current location of the portable asphalt crusher (CR-1).

Stratospheric Ozone Protection

C.23 Compliance with 40 CFR 82 and 326 IAC 22-1

Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with the standards for recycling and emissions reduction:

- (a) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices pursuant to 40 CFR 82.156
- (b) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.
- (c) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.

SECTION D.1 FACILITY OPERATION CONDITIONS

<p>Facility Description [326 IAC 2-8-4(10)]:</p> <ul style="list-style-type: none">(a) One (1) aggregate batch mixer, constructed in 1998, equipped with a baghouse for PM control and exhausted to Stack SV1, capacity: 400 tons per hour.(b) One (1) aggregate dryer burner, constructed in 1998, firing natural gas, No. 2 fuel oil, No. 4 fuel oil, or No. 5 residual oil, exhausting to Stack SV1, rated at 150 million British thermal units per hour.(c) One (1) hot oil heater, constructed in 1998, firing natural gas, capacity: 2.0 million British thermal units per hour.(d) One (1) storage tank, constructed in 1998, capacity: 15,000 gallons.(e) Two (2) storage tanks, constructed in 1998, capacity: 30,000 gallons of liquid asphalt, each.(f) One (1) storage tank, constructed in 1998, capacity: 20,000 gallons of liquid asphalt.(g) One (1) portable recycled asphalt crusher, identified as CR-1, capacity: 125 tons of asphalt per hour. [326 IAC 6-1-2(g)] <p>(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.)</p>

Emission Limitations and Standards [326 IAC 2-8-4(1)]

D.1.1 General Provisions Relating to NSPS [326 IAC 12-1] [40 CFR 60, Subpart A]

The provisions of 40 CFR 60 Subpart A - General Provisions, which are incorporated as 326 IAC 12-1, apply to the affected facilities described in this section except when otherwise specified in 40 CFR 60 Subpart I or 40 CFR 60 Subpart Kb.

D.1.2 Volatile Organic Compounds (VOC) [326 IAC 2-3] [326 IAC 2-8-4]

- (a) Pursuant to 326 IAC 2-8-4, the input of natural gas to the aggregate dryer burner shall be limited to less than 363 million cubic feet per twelve (12) consecutive month period, with compliance determined at the end of each month, equivalent to VOC emissions less than 1.0 ton per year.
- (b) For purposes of determining compliance based on VOC emissions, each kilogallon of No. 2 fuel oil, No. 4 fuel oil, or No. 5 residual oil shall be equivalent to 0.0363 million cubic feet of natural gas.
- (c) The total diluent usage in the production of cold mix cutback asphalt shall be limited to less than 25.16 tons of diluent per twelve (12) consecutive month period, with compliance determined at the end of each month. This is equivalent to VOC emissions less than 23.9 tons per year based on ninety-five percent (95%) volatilization.

Therefore, the Part 70 Permit Program (326 IAC 2-7) and Emission Offset (326 IAC 2-3) rules do not apply.

D.1.3 Nitrogen Oxides (NO_x) [326 IAC 2-8-4]

- (a) Pursuant to 326 IAC 2-8-4, the input of No. 4 fuel oil to the aggregate dryer burner shall be limited to less than 4,218 kilogallons per twelve (12) consecutive month period, with

compliance determined at the end of each month, equivalent to NO_x emissions less than 98.8 tons per year. Therefore, the Part 70 Permit Program (326 IAC 2-7) rules do not apply.

- (b) For purposes of determining compliance based on NO_x emissions, each million cubic feet of natural gas shall be equivalent to 4.043 kilogallons of No. 4 fuel oil, each kilogallon of No. 2 fuel oil shall be equivalent to 0.5106 kilogallons of No. 4 fuel oil, and each kilogallon of No. 5 residual oil shall be equivalent to 1.0 kilogallon of No. 4 fuel oil.

D.1.4 Sulfur Dioxide (SO₂) [326 IAC 2-3] [326 IAC 2-8-4] [326 IAC 7-1.1] [326 IAC 7-4-1.1]

- (a) The input of No. 2 fuel oil to the aggregate dryer burner shall be limited to less than 5,359.4 kilogallons per twelve (12) consecutive month period, with compliance determined at the end of each month, equivalent to SO₂ emissions less than twenty-five (25) tons per year.
- (b) For purposes of determining compliance based on SO₂ emissions, each million cubic feet of natural gas shall be equivalent to 0.0645 kilogallons of No. 2 fuel oil, each kilogallon of No. 4 fuel oil or No. 5 residual oil shall be equivalent to 1.0 kilogallon of No. 2 fuel oil.
- (c) The sulfur content of the No. 2 fuel oil shall be limited to 0.0657%, which is equivalent to SO₂ emissions less than ten (10) pounds per hour at a higher heating value of 0.140 million British thermal units per gallon and a maximum heat input rate of 150 million British thermal units per hour.
- (d) The sulfur content of the No. 4 fuel oil shall be limited to 0.0622%, which is equivalent to SO₂ emissions less than ten (10) pounds per hour at a higher heating value of 0.140 million British thermal units per gallon and a maximum heat input rate of 150 million British thermal units per hour.
- (e) The sulfur content of the No. 5 residual oil shall be limited to 0.0594%, which is equivalent to SO₂ emissions less than ten (10) pounds per hour at a higher heating value of 0.140 million British thermal units per gallon and a maximum heat input rate of 150 million British thermal units per hour.

Compliance with the above fuel usage limitations and sulfur content limits will ensure that the requirements of 326 IAC 7-1 and 326 IAC 7-4-1.1 do not apply.

D.1.5 Particulate Matter (PM and PM₁₀) [326 IAC 2-8-4] [326 IAC 2-2] [326 IAC 2-3]

- (a) The emissions of particulate matter 10 microns or less in diameter (PM₁₀) from the aggregate dryer/mixer shall not exceed 0.1508 pounds per ton of asphalt produced, including both filterable and condensable fractions.
- (b) Particulate matter (PM) emissions from the aggregate dryer/mixer shall not exceed 0.0672 pounds per ton of asphalt produced.
- (c) The source shall produce less than 1,000,000 tons of asphalt per twelve (12) consecutive month period, with compliance determined at the end of each month, equivalent to PM₁₀ emissions less than 75.4 tons per year based on the 0.1508 pounds of PM₁₀ per ton of asphalt produced, and equivalent to PM emissions less than 33.6 tons per year based on the 0.0672 pounds of PM per ton of asphalt produced. Compliance with these limits will satisfy the requirements of 326 IAC 2-8-4. Therefore, the Part 70 Permit Program (326 IAC 2-7), PSD (326 IAC 2-2) and Emission Offset (326 IAC 2-3) rules do not apply.

D.1.6 Particulate Matter (PM) [326 IAC 6-1]

- (a) Pursuant to 326 IAC 6-1-2(a), the Permittee shall not allow or permit discharge to the atmosphere of any gases from the one (1) batch mixer which contain particulate matter in excess of 0.03 grains per dry standard cubic foot.
- (b) Pursuant to FESOP 089-8980-00179, issued on May 7, 1998, and 326 IAC 6-1-2(g), the one (1) portable recycled asphalt crusher, identified as CR-1, shall comply with the requirements of 326 IAC 5-1 and 326 IAC 6-4.

D.1.7 Particulate Matter (PM) [326 IAC 12] [40 CFR 60.90]

Pursuant to the New Source Performance Standard, 326 IAC 12, (40 CFR Part 60.90, Subpart I), no owner or operator subject to the provisions of Subpart I shall discharge into the atmosphere from any affected facility any gases which:

- (a) Contain particulate matter in excess of 0.04 grains per dry standard cubic foot.
- (b) Exhibit twenty (20%) percent opacity, or greater.

D.1.8 Volatile Organic Compounds (VOC) [326 IAC 8-5-2]

Pursuant to 326 IAC 8-5-2 (Miscellaneous Operations: Asphalt Paving), no person shall cause or allow the use of cutback asphalt or asphalt emulsion containing more than seven percent (7%) oil distillate by volume of emulsion for any paving application except:

- (a) penetrating prime coating
- (b) stockpile storage
- (c) application during the months of November, December, January, February, and March

D.1.9 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

A Preventive Maintenance Plan, in accordance with Section B - Preventive Maintenance Plan of this permit, is required for the aggregate mixer/dryer and any control devices.

Compliance Determination Requirements

D.1.10 Testing Requirements [326 IAC 2-8-5(1)]

Pursuant to FESOP 089-8980-00179, issued on May 7, 1998, in order to demonstrate compliance with Conditions D.1.5, D.1.6, and D.1.7, the Permittee shall perform PM and PM₁₀ testing for the aggregate mixer/dryer prior to June 27, 2005, utilizing methods as approved by the Commissioner. This test shall be repeated at least once every five (5) years from the date of this valid compliance demonstration. PM₁₀ includes filterable and condensable PM₁₀. Testing shall be conducted in accordance with Section C- Performance Testing.

D.1.11 Sulfur Dioxide Emissions and Sulfur Content

Compliance shall be determined utilizing one of the following options.

- (a) Pursuant to 326 IAC 3-7-4, the Permittee shall demonstrate compliance with the sulfur content limitations contained in Condition D.1.4 by:
 - (1) Providing vendor analysis of fuel delivered, if accompanied by a vendor certification; or
 - (2) Analyzing the oil sample to determine the sulfur content of the oil via the procedures in 40 CFR 60, Appendix A, Method 19.

- (A) Oil samples may be collected from the fuel tank immediately after the fuel tank is filled and before any oil is combusted; and
 - (B) If a partially empty fuel tank is refilled, a new sample and analysis would be required upon filling.
- (b) Compliance may also be determined by conducting a stack test for sulfur dioxide emissions from the 150 million British thermal units per hour burner, using 40 CFR 60, Appendix A, Method 6 in accordance with the procedures in 326 IAC 3-6.

A determination of noncompliance pursuant to any of the methods specified in (a) or (b) above shall not be refuted by evidence of compliance pursuant to the other method.

Compliance Monitoring Requirements [326 IAC 2-8-4] [326 IAC 2-8-5(a)(1)]

D.1.12 Particulate Matter (PM)

In order to comply with Conditions D.1.5, D.1.6 and D.1.7, the baghouse for particulate control shall be in operation and control emissions from the aggregate batch mixer and/or aggregate dryer burner at all times that the aggregate batch mixer and/or aggregate dryer burner are in operation.

D.1.13 Visible Emissions Notations

- (a) Visible emission notations of the conveyers, material transfer points, and the aggregate dryer/burner stack exhaust shall be performed once per shift during normal daylight operations when exhausting to the atmosphere. A trained employee shall record whether emissions are normal or abnormal.
- (b) For processes operated continuously, "normal" means those conditions prevailing, or expected to prevail, eighty percent (80%) of the time the process is in operation, not counting startup or shut down time.
- (c) In the case of batch or discontinuous operations, readings shall be taken during that part of the operation that would normally be expected to cause the greatest emissions.
- (d) A trained employee is an employee who has worked at the plant at least one (1) month and has been trained in the appearance and characteristics of normal visible emissions for that specific process.
- (e) The Compliance Response Plan for this unit shall contain troubleshooting contingency and response steps for when an abnormal emission is observed. Failure to take response steps in accordance with Section C - Compliance Response Plan - Preparation, Implementation, Records, and Reports, shall be considered a violation of this permit.

D.1.14 Parametric Monitoring

The Permittee shall record the total static pressure drop across the baghouse used in conjunction with the aggregate batch mixer and aggregate dryer burner, at least once per shift when the dryer and/or dryer burner is in operation. When for any one reading, the pressure drop across the baghouse is outside the normal range of 2.0 and 8.0 inches of water or a range established during the latest stack test, the Permittee shall take reasonable response steps in accordance with Section C - Compliance Response Plan - Preparation, Implementation, Records, and Reports. A pressure reading that is outside the above mentioned range is not a deviation from this permit. Failure to take response steps in accordance with Section C - Compliance Response Plan - Preparation, Implementation, Records, and Reports, shall be considered a deviation from this permit.

The instrument used for determining the pressure shall comply with Section C - Pressure Gauge and Other Instruments Specifications, of this permit, shall be subject to approval by IDEM, OAQ, and Gary Department of Environmental Affairs and shall be calibrated at least once every six (6) months.

D.1.15 Baghouse Inspections

An inspection shall be performed each calendar quarter of all bags controlling the aggregate batch mixer and aggregate dryer burner when venting to the atmosphere. Inspections required by this condition shall not be performed in consecutive months. All defective bags shall be replaced.

D.1.16 Broken or Failed Bag Detection

In the event that bag failure has been observed:

- (a) For multi-compartment units, the affected compartments will be shut down immediately until the failed units have been repaired or replaced. Operations may continue only if there are no visible emissions or if the event qualifies as an emergency and the Permittee satisfies the emergency provisions of this permit (Section B - Emergency Provisions). Within eight (8) business hours of the determination of failure, response steps according to the timetable described in the Compliance Response Plan shall be initiated. For any failure with corresponding response steps and timetable not described in the Compliance Response Plan, response steps shall be devised within eight (8) business hours of discovery of the failure and shall include a timetable for completion. Failure to take response steps in accordance with Section C - Compliance Response Plan - Preparation, Implementation, Records, and Reports, shall be considered a violation of this permit. If operations continue after bag failure is observed and it will be 10 days or more after the failure is observed before the failed units will be repaired or replaced, the Permittee shall promptly notify the IDEM, OAQ of the expected date the failed units will be repaired or replaced. The notification shall also include the status of the applicable compliance monitoring parameters with respect to normal, and the results of any response actions taken up to the time of notification.
- (b) For single compartment baghouses, if failure is indicated by a significant drop in the baghouse's pressure readings with abnormal visible emissions or the failure is indicated by an opacity violation, or if bag failure is determined by other means, such as gas temperatures, flow rates, air infiltration, leaks, dust traces or triboflows, then failed units and the associated process will be shut down immediately until the failed units have been repaired or replaced. Operations may continue only if the event qualifies as an emergency and the Permittee satisfies the requirements of the emergency provisions of this permit (Section B - Emergency Provisions).

Record Keeping and Reporting Requirement [326 IAC 2-8-4(3)] [326 IAC 2-8-16]

D.1.17 Record Keeping Requirements

- (a) Production Rate -The Permittee shall maintain monthly records at the source of the following values:
 - (1) Amount of liquid binder used in the production of cold mix cutback asphalt;
 - (2) Average diluent content of the liquid binder; and
 - (3) Amount of asphalt concrete produced.
- (b) To document compliance with Conditions D.1.2, D.1.3 and D.1.4, the Permittee shall maintain records in accordance with (1) through (6) below. Records maintained for (1)

through (6) shall be taken monthly and shall be complete and sufficient to establish compliance with the fuel usage limits and the VOC, SO₂ and NO_x emission limits established in Conditions D.1.2, D.1.3 and D.1.4. Records necessary to demonstrate compliance shall be available within thirty (30) days of the end of each compliance period.

- (1) Calendar dates covered in the compliance determination period;
- (2) Actual fuel usage of each fuel used since last compliance determination period and equivalent VOC, SO₂ and NO_x emissions;
- (3) A certification, signed by the owner or operator, that the records of the fuel supplier certifications represent all of the fuel combusted during the period; and

If the fuel supplier certification is used to demonstrate compliance the following, as a minimum, shall be maintained:

- (4) Fuel supplier certifications;
 - (5) The name of the fuel supplier; and
 - (6) A statement from the fuel supplier that certifies the sulfur content of the fuel oil.
- (c) To document compliance with Condition D.1.5, the Permittee shall maintain monthly records of the amount of asphalt concrete produced.
 - (d) To document compliance with Condition D.1.13, the Permittee shall maintain records of visible emission notations of the conveyers, material transfer points, and the aggregate dryer/ burner stack exhaust once per shift.
 - (e) To document compliance with Condition D.1.14, the Permittee shall maintain records once per shift of the total static pressure drop.
 - (f) To document compliance with Condition D.1.15, the Permittee shall maintain records of the results of the inspections required under Condition D.1.15.
 - (g) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

D.1.18 Reporting Requirements

A quarterly summary of the information to document compliance with Conditions D.1.2, D.1.3, D.1.4, and D.1.5(c) shall be submitted to the addresses listed in Section C - General Reporting Requirements, of this permit, using the reporting forms located at the end of this permit, or their equivalent, within thirty (30) days after the end of the quarter being reported. The reports submitted by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY**

and Gary Department of Environmental Affairs

**FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP)
CERTIFICATION**

Source Name: Bucko Construction Co., Inc.
Source Address: 1501 Michigan Street, Gary, Indiana 46402
Mailing Address: 890 Chase Street, Gary, Indiana 46404
FESOP No.: F 089-15810-00179

This certification shall be included when submitting monitoring, testing reports/results or other documents as required by this permit.

Please check what document is being certified:

Annual Compliance Certification Letter

Test Result (specify) _____

Report (specify) _____

Notification (specify) _____

Affidavit (specify) _____

Other (specify) _____

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Signature:

Printed Name:

Title/Position:

Phone:

Date:

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE BRANCH
100 North Senate Avenue
Indianapolis, Indiana 46204
Phone: 317-233-5674
Fax: 317-233-5967**

Gary Department of Environmental Affairs

**FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP)
EMERGENCY OCCURRENCE REPORT**

Source Name: Bucko Construction Co., Inc.
Source Address: 1501 Michigan Street, Gary, Indiana 46402
Mailing Address: 890 Chase Street, Gary, Indiana 46404
FESOP No.: F 089-15810-00179

This form consists of 2 pages

Page 1 of 2

This is an emergency as defined in 326 IAC 2-7-1(12)

- The Permittee must notify the Office of Air Quality (OAQ), within four (4) business hours (1-800-451-6027 or 317-233-5674, ask for Compliance Section); and
- The Permittee must submit notice in writing or by facsimile within two (2) working days (Facsimile Number: 317-233-5967), and follow the other requirements of 326 IAC 2-7-16

If any of the following are not applicable, mark N/A

Facility/Equipment/Operation:

Control Equipment:

Permit Condition or Operation Limitation in Permit:

Description of the Emergency:

Describe the cause of the Emergency:

If any of the following are not applicable, mark N/A

Page 2 of 2

Date/Time Emergency started:
Date/Time Emergency was corrected:
Was the facility being properly operated at the time of the emergency? Y N Describe:
Type of Pollutants Emitted: TSP, PM-10, SO ₂ , VOC, NO _x , CO, Pb, other:
Estimated amount of pollutant(s) emitted during emergency:
Describe the steps taken to mitigate the problem:
Describe the corrective actions/response steps taken:
Describe the measures taken to minimize emissions:
If applicable, describe the reasons why continued operation of the facilities are necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw materials of substantial economic value:

Form Completed by: _____

Title / Position: _____

Date: _____

Phone: _____

A certification is not required for this report.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE DATA SECTION**

Gary Department of Environmental Affairs

FESOP Quarterly Report

Source Name: Bucko Construction Co., Inc.
Source Address: 1501 Michigan Street, Gary, Indiana 46402
Mailing Address: 890 Chase Street, Gary, Indiana 46404
FESOP No.: F 089-15810-00179
Facility: Cutback asphalt production
Parameter: Total diluent usage (VOC)
Limit: Less than 25.16 tons of diluent per twelve (12) consecutive month period, with compliance determined at the end of each month, equivalent to VOC emissions less than 23.9 tons per year.

YEAR: _____

Month	Diluent used (tons)	Diluent used (tons)	Diluent used (tons)
	This Month	Previous 11 Months	12 Month Total

No deviation occurred in this quarter.

Deviation/s occurred in this quarter.

Deviation has been reported on: _____

Submitted by: _____

Title / Position: _____

Signature: _____

Date: _____

Phone: _____

Attach a signed certification to complete this report.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 OFFICE OF AIR QUALITY
 COMPLIANCE DATA SECTION**

Gary Department of Environmental Affairs

FESOP Quarterly Report

Source Name: Bucko Construction Co., Inc.
 Source Address: 1501 Michigan Street, Gary, Indiana 46402
 Mailing Address: 890 Chase Street, Gary, Indiana 46404
 FESOP No.: F 089-15810-00179
 Facility: The aggregate dryer burner
 Parameter: Total input of natural gas or equivalent (VOC)
 Limit: Less than 363 million cubic feet (mmcf) per twelve (12) consecutive month period, with compliance determined at the end of each month, equivalent to VOC emissions less than 1.0 ton per year. Each kilogallon of No. 2 fuel oil, No. 4 fuel oil, or No. 5 residual oil shall be equivalent to 0.0363 million cubic feet of natural gas.

YEAR: _____

Month	Natural gas burned or equivalent (mmcf)	Natural gas burned or equivalent (mmcf)	Natural gas burned or equivalent (mmcf)
	This Month	Previous 11 Months	12 Month Total

No deviation occurred in this quarter.

Deviation/s occurred in this quarter.

Deviation has been reported on: _____

Submitted by: _____

Title / Position: _____

Signature: _____

Date: _____

Phone: _____

Attach a signed certification to complete this report.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 OFFICE OF AIR QUALITY
 COMPLIANCE DATA SECTION**

Gary Department of Environmental Affairs

FESOP Quarterly Report

Source Name: Bucko Construction Co., Inc.
 Source Address: 1501 Michigan Street, Gary, Indiana 46402
 Mailing Address: 890 Chase Street, Gary, Indiana 46404
 FESOP No.: F 089-15810-00179
 Facility: The aggregate dryer burner
 Parameter: Total input of No. 4 oil or equivalent (NO_x)
 Limit: Less than 4,218 kilogallons per twelve (12) consecutive month period, with compliance determined at the end of each month, equivalent to NO_x emissions less than 98.8 tons per year. Each million cubic feet of natural gas shall be equivalent to 4.043 kilogallons of No. 4 fuel oil, each kilogallon of No. 2 fuel oil shall be equivalent to 0.5106 kilogallons of No. 4 fuel oil, and each kilogallon of No. 5 residual oil shall be equivalent to 1.0 kilogallon of No. 4 fuel oil.

YEAR: _____

Month	No. 4 oil burned or equivalent (kilogallons)	No. 4 oil burned or equivalent (kilogallons)	No. 4 oil burned or equivalent (kilogallons)
	This Month	Previous 11 Months	12 Month Total

No deviation occurred in this quarter.

Deviation/s occurred in this quarter.

Deviation has been reported on: _____

Submitted by: _____

Title / Position: _____

Signature: _____

Date: _____

Phone: _____

Attach a signed certification to complete this report.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 OFFICE OF AIR QUALITY
 COMPLIANCE DATA SECTION**

Gary Department of Environmental Affairs

FESOP Quarterly Report

Source Name: Bucko Construction Co., Inc.
 Source Address: 1501 Michigan Street, Gary, Indiana 46402
 Mailing Address: 890 Chase Street, Gary, Indiana 46404
 FESOP No.: F 089-15810-00179
 Facility: The aggregate dryer burner
 Parameter: Total input of No. 2 oil or equivalent (SO₂)
 Limit: Less than 5,359.4 kilogallons per twelve (12) consecutive month period, with compliance determined at the end of each month, equivalent to SO₂ emissions less than twenty-five (25) tons per year. Each million cubic feet of natural gas shall be equivalent to 0.0645 kilogallons of No. 2 fuel oil, each kilogallon of No. 4 fuel oil or No. 5 residual oil shall be equivalent to 1.0 kilogallon of No. 2 fuel oil.

YEAR: _____

Month	No. 2 oil burned or equivalent (kilogallons)	No. 2 oil burned or equivalent (kilogallons)	No. 2 oil burned or equivalent (kilogallons)
	This Month	Previous 11 Months	12 Month Total

No deviation occurred in this quarter.

Deviation/s occurred in this quarter.

Deviation has been reported on: _____

Submitted by: _____

Title / Position: _____

Signature: _____

Date: _____

Phone: _____

Attach a signed certification to complete this report.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE DATA SECTION**

Gary Department of Environmental Affairs

FESOP Quarterly Report

Source Name: Bucko Construction Co., Inc.
Source Address: 1501 Michigan Street, Gary, Indiana 46402
Mailing Address: 890 Chase Street, Gary, Indiana 46404
FESOP No.: F 089-15810-00179
Facility: Hot-mix asphalt production
Parameter: Total amount of asphalt produced
Limit: Less than 1,000,000 tons per twelve (12) consecutive month period, with compliance determined at the end of each month, equivalent to PM emissions less than 33.6 tons per year, and PM₁₀ emissions less than 75.4 tons per year.

YEAR: _____

Month	Asphalt produced (tons)	Asphalt produced (tons)	Asphalt produced (tons)
	This Month	Previous 11 Months	12 Month Total

No deviation occurred in this quarter.

Deviation/s occurred in this quarter.

Deviation has been reported on: _____

Submitted by: _____

Title / Position: _____

Signature: _____

Date: _____

Phone: _____

Attach a signed certification to complete this report.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE DATA SECTION**

Gary Department of Environmental Affairs

**FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP)
QUARTERLY DEVIATION AND COMPLIANCE MONITORING REPORT**

Source Name: Bucko Construction Co., Inc.
Source Address: 1501 Michigan Street, Gary, Indiana 46402
Mailing Address: 890 Chase Street, Gary, Indiana 46404
FESOP No.: F 089-15810-00179

Months: _____ **to** _____ **Year:** _____

Page 1 of 2

This report shall be submitted quarterly based on a calendar year. Any deviation from the requirements, the date(s) of each deviation, the probable cause of the deviation, and the response steps taken must be reported. Deviations that are required to be reported by an applicable requirement shall be reported according to the schedule stated in the applicable requirement and do not need to be included in this report. Additional pages may be attached if necessary. If no deviations occurred, please specify in the box marked "No deviations occurred this reporting period".	
NO DEVIATIONS OCCURRED THIS REPORTING PERIOD.	
THE FOLLOWING DEVIATIONS OCCURRED THIS REPORTING PERIOD	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	

Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	

No deviation occurred in this quarter.

Deviation/s occurred in this quarter.

Deviation has been reported on: _____

Form Completed By: _____

Title/Position: _____

Date: _____

Phone: _____

Attach a signed certification to complete this report.

Indiana Department of Environmental Management
Office of Air Quality
and Gary Department of Environmental Affairs

Technical Support Document (TSD)
for a Federally Enforceable State Operating Permit (FESOP) Renewal

Source Background and Description

Source Name: Bucko Construction Co., Inc.
Source Location: 1501 Michigan Street, Gary, Indiana 46402
County: Lake
SIC Code: 2951
Operation Permit No.: F 089-15810-00179
Permit Reviewer: Edward A. Longenberger

The Office of Air Quality (OAQ) has reviewed a FESOP renewal application from Bucko Construction Co., Inc. relating to the operation of a stationary hot mix asphalt production source. Bucko Construction Co., Inc. was issued FESOP 089-8980-00179, on May 7, 1998.

Permitted Emission Units and Pollution Control Equipment

The source consists of the following permitted emission units and pollution control devices:

- (a) One (1) aggregate batch mixer, constructed in 1998, equipped with a baghouse for PM control and exhausted to Stack SV1, capacity: 400 tons per hour.
- (b) One (1) aggregate dryer burner, constructed in 1998, firing natural gas, No. 2 fuel oil, No. 4 fuel oil, or No. 5 residual oil, exhausting to Stack SV1, rated at 150 million British thermal units per hour.
- (c) One (1) hot oil heater, constructed in 1998, firing natural gas, capacity: 2.0 million British thermal units per hour.
- (d) One (1) storage tank, constructed in 1998, capacity: 15,000 gallons.
- (e) Two (2) storage tanks, constructed in 1998, capacity: 30,000 gallons of liquid asphalt, each.
- (f) One (1) storage tank, constructed in 1998, capacity: 20,000 gallons of liquid asphalt.

Unpermitted Emission Units and Pollution Control Equipment

There are no unpermitted facilities operating at this source during this review process.

New Emission Units and Pollution Control Equipment Receiving New Source Review Approval

There are no new facilities proposed at this source during this review process.

Insignificant Activities

The source also consists of the following insignificant activities, as defined in 326 IAC 2-7-1(21):

- (a) Combustion source flame safety purging on startup.
- (b) The following VOC and HAP storage containers: Vessels storing lubricating oil, hydraulic oils, machining oils, and machining fluids.
- (c) The following equipment related to manufacturing activities not resulting in the emission of HAPs: brazing equipment, cutting torches, soldering equipment, welding equipment.
- (d) Closed loop heating and cooling systems.
- (e) Replacement or repair of electrostatic precipitators, bags in baghouses and filters in other air filtration equipment.
- (f) On-site fire and emergency response training approved by the department.
- (g) A laboratory as defined in 326 IAC 2-7-1(21)(D).
- (h) One (1) portable recycled asphalt crusher, identified as CR-1, capacity: 125 tons of asphalt per hour. [326 IAC 6-1-2(g)]

Existing Approvals

The source has been operating under the following previous approvals including:

- (a) FESOP 089-8980-00179, issued on May 7, 1998;
- (b) SPR 089-14545-00179, issued on January 28, 2002;
- (c) AAF 089-15916-00179, issued on September 5, 2002; and
- (d) SPR 089-16574-00179, issued on May 5, 2003.

All terms and conditions from previous approvals issued pursuant to the permitting programs approved into the State Implementation Plan have been either incorporated as originally stated, revised, or deleted by this permit. All previous approvals are superseded by this permit.

The following terms and conditions from previous approvals have been determined to be no longer applicable, and, therefore, are not incorporated into this permit:

- (a) FESOP 089-8980-00179, issued on May 7, 1998

Condition D.1.6: The production of asphalt concrete shall be limited to less than 2,897,195 tons per 365-day period, rolled on a daily basis.

Reason not incorporated: Significant Permit Revision 089-14545-00179, issued on January 28, 2002, included an asphalt production limit of 1,000,000 tons per year, making this limitation unnecessary.

- (b) All construction conditions from all previous permits.

Reason not incorporated: All facilities previously permitted have already been constructed. Therefore, the construction conditions are no longer necessary as part of the operating permit. Any facilities that were previously permitted but have not yet been constructed would need new pre-construction approval before beginning construction.

The following terms and conditions from previous approvals have been revised in this permit:

FESOP 089-8980-00179, issued on May 7, 1998

The frequency of the visible emissions notations required by Condition D.1.13 has been changed from daily to once per shift.

Reason: IDEM, OAQ, has determined that daily compliance monitoring is not sufficient to monitor continuous compliance with the applicable rules for these types of operations. Therefore, visible emissions will be required once per shift in the proposed permit.

Enforcement Issue

There are no enforcement actions pending.

Recommendation

The staff recommends to the Commissioner that the FESOP Renewal be approved. This recommendation is based on the following facts and conditions:

Unless otherwise stated, information used in this review was derived from the application and additional information submitted by the applicant.

An administratively complete FESOP Renewal application for the purposes of this review was received on June 28, 2002. Additional information was received on March 20, 2003.

There was no notice of completeness letter mailed to the source.

Emission Calculations

See pages 1 through 11 of 11 of Appendix A of this document for detailed emissions calculations.

Unrestricted Potential Emissions

This table reflects the unrestricted potential emissions of the source, excluding the emission limits that were contained in the previous FESOP.

Pollutant	Unrestricted Potential Emissions (tons/year)
PM	56,454
PM ₁₀	8,002
SO ₂	43.8*
VOC	greater than 100

Pollutant	Unrestricted Potential Emissions (tons/year)
CO	55.9
NO _x	221

* The SO₂ emissions in the above table reflect the low sulfur content of the fuel oil that is used in the aggregate dryer burner. The maximum allowable sulfur content in the fuel oil used at this source has been included in the operating permit as an enforceable condition.

Note: For the purpose of determining Title V applicability for particulates, PM₁₀, not PM, is the regulated pollutant in consideration.

HAPs	Unrestricted Potential Emissions (tons/year)
TOTAL HAPs	13.3

HAPs include benzene, ethyl benzene, formaldehyde, methyl chloroform, naphthalene, toluene, xylene; arsenic, cadmium, chromium, manganese, mercury and nickel compounds. No single HAP exceeds a potential to emit of greater than ten (10) tons per year.

The potential to emit (as defined in 326 IAC 2-1.1-1(16)) of PM₁₀, NO_x and VOC are equal to or greater than one hundred (100) tons per year. Therefore, the source is subject to the provisions of 326 IAC 2-7.

Potential to Emit After Issuance

The source, issued a FESOP on May 7, 1998, has opted to remain a FESOP source, rather than apply for a Part 70 Operating Permit. The table below summarizes the potential to emit, reflecting all limits, of the emission units. Any control equipment is considered enforceable only after issuance of the Federally Enforceable State Operating Permit and only to the extent that the effect of the control equipment is made practically enforceable in the permit.

Process/facility	Limited Potential to Emit (tons/year)						
	PM	PM ₁₀	SO ₂	VOC	CO	NO _x	HAPs
Batch Mixer including Burner (Worst Case)	Less than 33.6	Less than 75.4	Less than 25.0	Less than 1.0	55.2	Less than 99.1	13.3
Hot Oil Heater	0.017	0.067	0.005	0.048	0.736	0.876	-
Conveying/Handling	8.85	0.885	-	-	-	-	-
Screening	54.4	5.44	-	-	-	-	-
Storage Piles	0.306	0.107	-	-	-	-	-
Unpaved Roads	73.7	15.3	-	-	-	-	-

Process/facility	Limited Potential to Emit (tons/year)						
	PM	PM ₁₀	SO ₂	VOC	CO	NO _x	HAPs
Cutback Asphalt	-	-	-	Less than 23.9	-	-	-
Portable Asphalt Crusher	2.76	2.76	-	-	-	-	-
Total Emissions	Less than 100*	Less than 100	25.0	Less than 25.0	59.9	less than 100	Single less than 10 Total less than 25

* Excluding fugitive PM emissions from unpaved roads.

County Attainment Status

The source is located in Lake County.

Pollutant	Status
PM ₁₀	Moderate Nonattainment
SO ₂	Primary Nonattainment
NO ₂	Attainment
Ozone	Severe Nonattainment
CO	Primary Nonattainment
Lead	Attainment

- (a) Volatile organic compounds (VOC) are precursors for the formation of ozone. Lake County has been designated as nonattainment for ozone. Therefore, VOC emissions were reviewed pursuant to the requirements for Emission Offset, 326 IAC 2-3.
- (b) Lake County has also been classified as nonattainment for PM₁₀, SO₂ and CO. Therefore, these emissions were reviewed pursuant to the requirements for Emission Offset, 326 IAC 2-3.
- (c) Lake County has been classified as attainment for all other criteria pollutants. Therefore, these emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2.
- (d) Fugitive Emissions

Although this type of operation is not one of the twenty-eight (28) listed source categories under 326 IAC 2-2, there are applicable New Source Performance Standards that were in effect on August 7, 1980 (40 CFR 60, Subpart I). Therefore, the fugitive emissions are counted toward determination of PSD and Emission Offset applicability.

Pursuant to 40 CFR 60.90(a), the affected facility to which the provisions of Subpart I apply is each hot mix asphalt facility. For the purpose of Subpart I, a hot mix asphalt facility is

comprised only of any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler, systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems. Since unpaved roads are not an affected facility of the applicable NSPS, fugitive PM emissions resulting from unpaved roads are not counted toward determination of PSD and Emission Offset applicability.

Federal Rule Applicability

- (a) This asphalt plant, constructed in 1998, is still subject to the New Source Performance Standard, 326 IAC 12, (40 CFR Part 60.90, Subpart I). No owner or operator subject to the provisions of Subpart I shall discharge into the atmosphere from any affected facility any gases which:
 - (1) contain particulate matter in excess of 0.04 grains per dry standard cubic foot, equivalent to 17.93 pounds per hour at a flow rate of 82,892 acfm and a temperature of 350 degrees Fahrenheit.
 - (2) exhibit 20 percent opacity, or greater.
- (b) The one (1) tank, with a capacity of 15,000 gallons, is subject to the New Source Performance Standard, 326 IAC 12, (40 CFR Part 60.110b, Subpart Kb), because the tank was constructed after July 23, 1984. Since the tank has a capacity less than seventy-five (75) cubic meters, the tank is only subject to 40 CFR Part 60.116b, paragraphs (a) and (b), which require record keeping.

The one (1) tank, with a capacity of 20,000 gallons, and the two (2) tanks, each with a capacity of 30,000 gallons are subject to the New Source Performance Standard, 326 IAC 12, (40 CFR Part 60.110b, Subpart Kb), because the tanks were constructed after July 23, 1984. Since the material stored in these tanks has a maximum true vapor pressure less than fifteen (15) kiloPascals, the tanks are only subject to 40 CFR Part 60.116b, paragraphs (a) and (b), which require record keeping.
- (c) Pursuant to 40 CFR 60.670(b), the one (1) portable asphalt crusher is not subject to the New Source Performance Standard, 326 IAC 12, (40 CFR 60, Subpart OOO) because it follows in the plant process a facility that is subject to the provisions of Subpart I of 40 CFR Part 60.
- (d) There are still no National Emission Standards for Hazardous Air Pollutants (NESHAPs) (326 IAC 14 and 40 CFR Parts 61 and 63) applicable to this source.

Portable Source

Pursuant to FESOP 089-8980-00179, as amended by 089-15916-00179, Bucko Construction, Inc. may relocate the portable asphalt crusher identified as CR-1 to their other Gary asphalt plant, located at 890 Chase Street. A thirty (30) day advanced notice requirement still exists for such a relocation but will not require a "Relocation Site Approval" letter unless the portable asphalt plant is relocated to any other site.

State Rule Applicability - Entire Source

326 IAC 2-2 (Prevention of Significant Deterioration)

This source, located in a severe nonattainment county for ozone (Lake County), was constructed in 1998, and is not one of the twenty-eight (28) listed source categories under 326 IAC 2-2. The potential to emit of NO_x is less than two-hundred fifty (250) tons per year. The potential to emit of PM_{10} , SO_2 and CO are limited to less than one hundred (100) tons per year under 326 IAC 2-8-4, and the potential to emit of VOC is limited to less than twenty-five (25) tons per year under 326 IAC 2-3. Therefore, the requirements of 326 IAC 2-2 are not applicable, and this source is a minor source with respect to this rule.

326 IAC 2-3 (Emission Offset)

This source was constructed in 1998. Because this source is located in Lake County, the amount of VOC shall be limited to less than twenty-five (25) tons per year. Emissions of SO_2 , PM and PM_{10} shall be limited to less than one hundred (100) tons per year.

- (a) The following limitations will ensure that the VOC emissions from this source are less than twenty-five (25) tons per year:
 - (1) The applicant has accepted a VOC limit of 23.9 tons per year from the production of cutback asphalt. The source will limit diluent usage to less than 25.16 tons per twelve (12) consecutive month period, with compliance determined at the end of each month, based on a worst-case 95% volatilization.
 - (2) The applicant has also accepted a natural gas limit to the aggregate dryer burner of less than 363 million cubic feet per twelve (12) consecutive month period, with compliance determined at the end of each month. This fuel usage limitation is equivalent to a VOC potential to emit from the aggregate dryer burner of 1.0 ton per year. The full VOC potential emission rate of 0.048 tons per year from the one (1) hot oil heater, and the VOC limit of 23.9 tons per year from the production of cutback asphalt, has been assumed in computing this limit. For purposes of determining compliance based on VOC emissions, each kilogallon of No. 2 fuel oil, No. 4 fuel oil, or No. 5 residual oil shall be equivalent to 0.0363 million cubic feet of natural gas.
- (b) In order to limit the potential to emit PM from the entire source to less than one hundred (100) tons per year, the PM emissions from the batch mixer (including the burner) will be limited to less than 33.6 tons per year. The source has requested a production limit less than 1,000,000 tons of asphalt produced per twelve (12) consecutive month period, with compliance determined at the end of each month. This production limit, combined with an emission factor not to exceed 0.0672 pounds of PM per ton of asphalt produced, is equivalent to less than 33.6 tons of PM per year.
- (c) In order to limit the potential to emit PM_{10} from the entire source to less than one hundred (100) tons per year, the PM_{10} emissions from the batch mixer (including the burner) will be limited to less than 75.4 tons per year. The source has requested a production limit of less than 1,000,000 tons of asphalt produced per twelve (12) consecutive month period, with compliance determined at the end of each month. This production limit, combined with an emission factor not to exceed 0.1508 pounds of PM_{10} per ton of asphalt produced, is equivalent to less than 75.4 tons of PM_{10} per year.
- (d) The applicant has accepted a limit on SO_2 emissions of less than ten (10) pounds per hour and twenty-five (25) tons per year from the aggregate dryer burner. Details of this limit are

listed in the State Rule Applicability - Individual Facilities section of this document, under the heading of 326 IAC 7-1.1 (Sulfur dioxide emission limitations).

Therefore, the Emission Offset rules (326 IAC 2-3) do not apply. These limits will also ensure that the Part 70 rules (326 IAC 2-7) are not applicable.

326 IAC 2-6 (Emission Reporting)

This source is subject to 326 IAC 2-6 (Emission Reporting), because it has the potential to emit of more than ten (10) tons per year of NO_x and VOC in Lake County. Pursuant to this rule, the owner/operator of the source must submit an emission statement for the source. The statement must be received in accordance with the compliance schedule specified in 326 IAC 2-6 and contain the minimum requirement as specified in 326 IAC 2-6-4. The submittal should cover the period defined in 326 IAC 2-6-2(8).

326 IAC 2-8-4 (FESOP)

- (a) The applicant has accepted a No. 4 fuel oil limit to the dryer/burner of less than 4,218 kilogallons per twelve (12) consecutive month period, with compliance determined at the end of each month, which is equivalent to an NO_x limit of less than 99.1 tons per year (see page 8 of 11 of Appendix A). The full NO_x potential emission rate of 0.876 tons per year from the one (1) hot oil heater has been assumed in computing this limit.
- (b) For purposes of determining compliance based on NO_x emissions, each million cubic feet of natural gas shall be equivalent to 4.043 kilogallons of No. 4 fuel oil, each kilogallon of No. 2 fuel oil shall be equivalent to 0.5106 kilogallons of No. 4 fuel oil, and each kilogallon of No. 5 residual oil shall be equivalent to 1.0 kilogallon of No. 4 fuel oil.
- (c) The applicant has also accepted a limit on SO₂ emissions of less than ten (10) pounds per hour and twenty-five (25) tons per year from the aggregate dryer burner. Details of this limit are listed in the State Rule Applicability - Individual Facilities section of this document, under the heading of 326 IAC 7-1.1 (Sulfur dioxide emission limitations).

Compliance with the above limits, will ensure that the Part 70 Permit rules (326 IAC 2-7) are not applicable.

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:

- (a) Opacity shall not exceed an average of twenty percent (20%) 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.

326 IAC 6-1 (Nonattainment Area Particulate Limitations)

This source is an asphalt concrete plant located in Lake County, which is not specifically listed in sections 8.1 through 18 of 326 IAC 6, but has the potential to emit more than one hundred (100) tons per year of particulate matter. However, this source is not subject to the emission limitation in 326 IAC 6-1-2(c) (Nonattainment Area Particulate Limitations for Asphalt Concrete Plants), because it was constructed after June 11, 1973. Therefore, the source is subject to the particulate limitation contained in 326 IAC 6-1-2(a). Pursuant to this rule, the Permittee shall not allow or permit discharge to the atmosphere of any gases from the one (1) batch mixer which contain particulate matter in excess of 0.03 grains per dry standard cubic foot, equivalent to 13.45 pounds per hour at a flow rate of 82,892 acfm and a temperature of 350 degrees Fahrenheit. Compliance with this rule will assure compliance with NSPS Subpart I.

326 IAC 6-1-10.1 (Lake County PM₁₀ emission requirements)

This source is not one of the sources listed in 326 IAC 6-1-10.1(d). Therefore, the requirements of 326 IAC 6-1-10.1, are not applicable. (Note: Bucko Construction Co. is listed in 326 IAC 6-1-10.1, however this rule refers to the Bucko Construction Co. plant with the source identification number 089-00103, and is not transferable.)

326 IAC 6-1-11.1 (Lake County Fugitive Particulate Matter Control Requirements)

This source is located in Lake County and has the potential to emit fugitive particulate matter in excess of five (5) tons per year, therefore, this source is subject to the requirements of 326 IAC 6-1-11.1. A summary of the requirements is as follows:

- (a) The average instantaneous opacity of fugitive particulate emissions from a paved road shall not exceed ten percent (10%).
- (b) The average instantaneous opacity of fugitive particulate emissions from an unpaved road shall not exceed ten percent (10%).
- (c) The average instantaneous opacity of fugitive particulate emissions from batch transfer shall not exceed ten percent (10%).
- (d) The opacity of fugitive particulate emissions from continuous transfer of material onto and out of storage piles shall not exceed ten percent (10%) on a three (3) minute average.
- (e) The opacity of fugitive particulate emissions from storage piles shall not exceed ten percent (10%) on a six (6) minute average.
- (f) There shall be a zero (0) percent frequency of visible emission observations of a material during the inplant transportation of material by truck or rail at any time.
- (g) The opacity of fugitive particulate emissions from the inplant transportation of material by front end loaders and skip hoists shall not exceed ten percent (10%).
- (h) There shall be a zero (0) percent frequency of visible emission observations from a building enclosing all or part of the material processing equipment, except from a vent in the building.
- (i) The PM₁₀ emissions from building vents shall not exceed twenty-two thousandths (0.022) grains per dry standard cubic foot and ten percent (10%) opacity.
- (j) The opacity of particulate emissions from dust handling equipment shall not exceed ten

percent (10%).

- (k) Any facility or operation not specified in 326 IAC 6-1-11.1(d) shall meet a twenty percent (20%), three (3) minute average opacity standard.

The Permittee shall achieve these limits by controlling fugitive particulate matter emissions according to the Fugitive Dust Control Plan, submitted on June 28, 2002. The plan consists of:

- (a) adequate wet suppression of dust from unpaved roadways on an "as needed" basis;
- (b) adequate wet suppression of dust from aggregate storage piles on an "as needed" basis.
- (c) sweeping of all areas inside and outside of plant area to collect any possible fugitive dust on an "as needed" basis.
- (d) maintenance and inspections of baghouse, in accordance with permit conditions.

326 IAC 6-4 (Fugitive Dust Emissions Limitations)

This rule requires that the source not generate fugitive dust 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.

326 IAC 6-5 (Fugitive Particulate Matter Emissions Limitations)

This source is located in a nonattainment area for particular matter. However, 326 IAC 6-5 is not applicable to this source, because it is located in Lake County. The source must comply with 326 IAC 6-1-11.1 (Lake County Fugitive Particulate Matter Control Requirements).

State Rule Applicability - Individual Facilities

326 IAC 7-1.1 (Sulfur dioxide emission limitations)

The requirements of 326 IAC 7-1.1 are not applicable to the aggregate dryer burner since the potential to emit of SO₂ is limited to less than ten (10) pounds per hour and twenty-five (25) tons per year as follows:

- (a) The sulfur content of No. 2 fuel oil shall be limited to 0.0657%, which is equivalent to SO₂ emissions less than ten (10) pounds per hour at a higher heating value of 0.140 MMBtu/gal and a maximum heat input rate of 150 million British thermal units per hour.
- (b) The sulfur content of No. 4 fuel oil shall be limited to 0.0622%, which is equivalent to SO₂ emissions less than ten (10) pounds per hour at a higher heating value of 0.140 MMBtu/gal and a maximum heat input rate of 150 million British thermal units per hour.
- (c) The sulfur content of No. 5 residual oil shall be limited to 0.0594%, which is equivalent to SO₂ emissions less than ten (10) pounds per hour at a higher heating value of 0.140 MMBtu/gal and a maximum heat input rate of 150 million British thermal units per hour.
- (d) The applicant has accepted a No. 2 fuel oil limit to the dryer burner of less than 5359.4 kilogallons per twelve (12) consecutive month period, with compliance determined at the end of each month, which is equivalent to an SO₂ limit of less than twenty-five (25) tons per year (see page 1 of 1 of Appendix A).

For purposes of determining compliance based on SO₂ emissions, each million cubic feet of natural gas shall be equivalent to 0.0645 kilogallons of No. 2 fuel oil, each kilogallon of No. 4 fuel oil or No. 5 residual oil shall be equivalent to 1.0 kilogallon of No. 2 fuel oil.

Compliance with the above fuel usage limitations and sulfur content limits will ensure that the requirements of 326 IAC 2-3, 326 IAC 2-7, 326 IAC 7-1 and 326 IAC 7-4-1.1 do not apply.

326 IAC 7-4-1.1 (Lake County sulfur dioxide emission limitations)

The requirements of 326 IAC 7-4-1.1 are not applicable to the aggregate dryer burner since the requirements of 326 IAC 7-1.1 (Sulfur dioxide emission limitations) are not applicable. (Note: Bucko Construction Co. is listed in 326 IAC 7-4-1.1(c) as a source which can combust fuel oil at a limit of 0.07 pounds per MMBtu, however this allowance is specific to the Bucko Construction Co. plant with the source identification number 089-00103, and is not transferable.)

326 IAC 8-5-2 (Miscellaneous operations: asphalt paving)

This source was constructed after January 1, 1980, therefore, pursuant to 326 IAC 8-5-1(2), the requirements of 326 IAC 8-5-2 are applicable. Pursuant to this rule, no person shall cause or allow the use of cutback asphalt or asphalt emulsion containing more than seven percent (7%) oil distillate by volume of emulsion for any paving application except the following purposes:

- (a) penetrating prime coating
- (b) stockpile storage
- (c) application during the months of November, December, January, February and March.

State Rule Applicability - Insignificant Activities

326 IAC 6-1 (Nonattainment Area Particulate Limitations)

- (a) Pursuant to 326 IAC 6-1-2(g), the one (1) portable recycled asphalt crusher, identified as CR-1, and classified as an insignificant activity, shall comply with the opacity and fugitive dust requirements contained in 326 IAC 5-1 and 326 IAC 6-4.
- (b) The emissions from the insignificant equipment related to manufacturing activities cannot be vented to any type of stack, therefore, the requirements of 326 IAC 6-1 do not apply.

326 IAC 6-3-2 (Particulate Emissions Limitations from Manufacturing Processes)

The particulate emissions from the insignificant equipment related to manufacturing activities are less than 0.551 pounds per hour, therefore, the requirements of 326 IAC 6-3-2 do not apply.

Testing Requirements

All testing requirements from previous approvals were incorporated into this FESOP.

Stack testing was performed on June 27, 2000. These tests showed that the plant is in compliance with all applicable permit requirements. Pursuant to Condition D.1.10 of FESOP 089-8980-00179, a re-test shall be performed on or before June 27, 2005, which is within five (5) years of this valid compliance demonstration.

Compliance Requirements

Permits issued under 326 IAC 2-8 are required to ensure that sources can demonstrate compliance with applicable state and federal rules on a more or less continuous basis. All state and federal rules contain compliance provisions, however, these provisions do not always fulfill the requirement for a more or less continuous demonstration. When this occurs IDEM, OAQ, in conjunction with the source, must develop specific conditions to satisfy 326 IAC 2-8-4. As a result, compliance requirements are divided into two sections: Compliance Determination Requirements and Compliance Monitoring Requirements.

Compliance Determination Requirements in Section D of the permit are those conditions that are found more or less directly within state and federal rules and the violation of which serves as grounds for enforcement action. If these conditions are not sufficient to demonstrate continuous compliance, they will be supplemented with Compliance Monitoring Requirements, also Section D of the permit. Unlike Compliance Determination Requirements, failure to meet Compliance Monitoring conditions would serve as a trigger for corrective actions and not grounds for enforcement action. However, a violation in relation to a compliance monitoring condition will arise through a source's failure to take the appropriate corrective actions within a specific time period.

All compliance requirements from previous approvals were incorporated into this FESOP. The compliance monitoring requirements applicable to this source are as follows:

- (a) Visible emissions notations of the conveyers, material transfer points, and the aggregate dryer/burner stack exhaust shall be performed once per shift during normal daylight operations. A trained employee will record whether emissions are normal or abnormal. For processes operated continuously "normal" means those conditions prevailing, or expected to prevail, eighty percent (80%) of the time the process is in operation, not counting startup or shut down time. In the case of batch or discontinuous operations, readings shall be taken during that part of the operation that would normally be expected to cause the greatest emissions. A trained employee is an employee who has worked at the plant at least one (1) month and has been trained in the appearance and characteristics of normal visible emissions for that specific process. The Compliance Response Plan for this unit shall contain troubleshooting contingency and response steps for when an abnormal emission is observed. Failure to take response steps in accordance with Section C - Compliance Response Plan - Preparation, Implementation, Records, and Reports, shall be considered a violation of this permit.
- (b) The Permittee shall record the total static pressure drop across the baghouse used in conjunction with the aggregate batch dryer and aggregate dryer burner, at least once per shift when the dryer and/or dryer burner is in operation. When for any one reading, the pressure drop across the baghouse is outside the normal range of 2.0 and 8.0 inches of water or a range established during the latest stack test, the Permittee shall take reasonable response steps in accordance with Section C- Compliance Response Plan - Preparation, Implementation, Records, and Reports. A pressure reading that is outside the above mentioned range is not a deviation from this permit. Failure to take response steps in accordance with Section C - Compliance Response Plan - Preparation, Implementation, Records, and Reports, shall be considered a violation of this permit.
- (c) An inspection shall be performed within the last month of each calendar quarter of all bags controlling the aggregate batch dryer and aggregate dryer burner. All defective bags shall be replaced.
- (d) In the event that bag failure has been observed:
 - (1) For multi-compartment units, the affected compartments will be shut down immediately until the failed units have been repaired or replaced. Operations may continue

only if there are no visible emissions or if the event qualifies as an emergency and the Permittee satisfies the emergency provisions of this permit (Section B- Emergency Provisions). Within eight (8) business hours of the determination of failure, response steps according to the timetable described in the Compliance Response Plan shall be initiated. For any failure with corresponding response steps and timetable not described in the Compliance Response Plan, response steps shall be devised within eight (8) business hours of discovery of the failure and shall include a timetable for completion. Failure to take response steps in accordance with Section C - Compliance Response Plan -Preparation, Implementation, Records, and Reports, shall be considered a violation of this permit.

- (2) For single compartment baghouses, if failure is indicated by a significant drop in the baghouse's pressure readings with abnormal visible emissions or the failure is indicated by an opacity violation, or if bag failure is determined by other means, such as gas temperatures, flow rates, air infiltration, leaks, dust traces or triboflows, then failed units and the associated process will be shut down immediately until the failed units have been repaired or replaced. Operations may continue only if the event qualifies as an emergency and the Permittee satisfies the requirements of the emergency provisions of this permit (Section B - Emergency Provisions).

These monitoring conditions are necessary because the baghouse for the aggregate batch dryer and aggregate dryer burner must operate properly to ensure compliance with NSPS Subpart I, 326 IAC 6-1 (Nonattainment Area Particulate Limitations), 326 IAC 2-3 (Emission Offset) and 326 IAC 2-8 (FESOP).

Conclusion

The operation of this stationary hot mix asphalt production source shall be subject to the conditions of the attached proposed FESOP Renewal No.: **F 089-15810-00179**.

Indiana Department of Environmental Management
Office of Air Quality
and Gary Department of Environmental Affairs

Addendum to the Technical Support Document (TSD) for the
Renewal of a Federally Enforceable State Operating Permit

Source Background and Description

Source Name:	Bucko Construction Co., Inc.
Source Location:	1501 Michigan St., Gary
County:	Lake
Permit No.:	089-15810-00179
SIC Code:	2951
Permit Reviewer:	Edward A. Longenberger, MES

On November 28, 2003, the Office of Air Quality (OAQ) had a notice published in The Times, Munster, Indiana and The Post Tribune, Merrillville, Indiana, stating that Bucko Construction Co., Inc. (Bucko) had applied for Renewal of their Federally Enforceable State Operating Permit (FESOP) to continue to operate a hot mix asphalt production source.

The notice also stated that the OAQ proposed to issue a permit renewal for this source and provided information on how the public could review the draft 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.

On June 10, 2004, the Office of Air Quality (OAQ) had a notice published in the in The Times, Munster, Indiana and The Post Tribune, Merrillville, Indiana, stating that a public hearing would be held to receive comments from citizens. On June 23, 2004, a public hearing was held at the Ivy Tech State College, in Gary, Indiana. Paul Dubenetzky was the hearing officer, and a transcript was made of the hearing by Boss-Owens Stenographic Service. Comments were heard from Gary City Councilwoman Carolyn Rogers, Juliette White-Harris, Christopher Harris, Darnell Blackmon and Patricia Brown.

Comments from the hearing have been summarized when possible are addressed below:

Comment 1: The permit that Bucko is requesting is a Federally Enforceable State Operating Permit (FESOP). This type of permit allows sources to limit their air emission below the major source threshold. What are the major source threshold criteria and has Bucko limited their emissions below these criteria? How can the public know if this has been done?

Response 1: The major source thresholds for a facility operating in Lake County are shown in the table on the next page. Also shown are the limited emissions for the Bucko plant. This table shows that the emissions from this plant are limited to less than the major source thresholds. You can find these and other supporting calculations on Pages 4 and 5 of the TSD, and on Pages 1 through 11 of Appendix A to the TSD.

Process/facility	Limited Potential to Emit (tons/year)						
	PM	PM ₁₀	SO ₂	VOC	CO	NO _x	HAPs
Batch Mixer including Burner (Worst Case)	Less than 33.6	Less than 75.4	Less than 25.0	Less than 1.0	55.2	Less than 99.1	13.3
Hot Oil Heater	0.017	0.067	0.005	0.048	0.736	0.876	-
Conveying/Handling	8.85	0.885	-	-	-	-	-
Screening	54.4	5.44	-	-	-	-	-
Storage Piles	0.306	0.107	-	-	-	-	-
Unpaved Roads	73.7	15.3	-	-	-	-	-
Cutback Asphalt	-	-	-	Less than 23.9	-	-	-
Portable Asphalt Crusher	2.76	2.76	-	-	-	-	-
Total Emissions	Less than 100*	Less than 100	25.0	Less than 25.0	59.9	less than 100	Single less than 10 Total less than 25
Major Source Thresholds	100	100	100	25	100	100	Single less than 10 Total less than 25

* Excluding fugitive PM emissions from unpaved roads. Pursuant to 40 CFR 60.90(a), the affected facility to which the provisions of Subpart I apply is each hot mix asphalt facility. For the purpose of Subpart I, a hot mix asphalt facility is comprised only of any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler, systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems. Since unpaved roads are not an affected facility of the applicable NSPS, fugitive PM emissions resulting from unpaved roads are not counted toward determination of PSD and Emission Offset applicability.

The permit requires Bucko to keep a variety of records on how it operates on a day-to-day basis. For example, VOC emissions are limited by limiting the amount of cutback asphalt that can be produced. Compliance with this limit, along with the fuel and production limits, is determined on a monthly basis, and the reports are submitted quarterly to IDEM and to the Gary Local Agency. These reports are available for public review.

Compliance monitoring conditions, such as once-per-shift visible emissions notations and pressure drop readings of the baghouse are included in the permit to document that the control equipment is operating properly at all times. This is intended to ensure that the plant is in continuous compliance with the permit limitations.

The permit also requires that on or before July 25, 2005, Bucko conduct a "stack test." This is a test that involves using scientific instruments to measure the amount of particulate (PM and PM₁₀) actually being released from that stack on that day. This test is required to ensure compliance with the PM and PM₁₀ limits. The stack test results will be available for public review after it is completed.

Both the quarterly reports and the stack test results can be obtained by contacting either the OAQ Compliance Branch at 1-800-452-6027 ext. 3-0178 or the Gary Local Agency at (219) 882-3007.

Comment 2: Lake County is classified by the U.S. EPA as a non-attainment area for Particulate Matter, which is a harmful irritant to lungs and bronchial membranes. IDEM should take into consideration that any permit issued in a non-attainment county on after June 15th, 2004 must meet the non-attainment area permitting requirements.

Response 2: The particulate emissions from the source are limited to less than 0.03 grains per dry standard cubic feet by rule 326 IAC 6-1, which is the rule that was designed to bring the area into attainment with the PM₁₀ standard. Recently, the U.S. EPA adopted a PM_{2.5} standard, and has designated this area as nonattainment. Under Section 172(b) of the Clean Air Act, the State must submit to the EPA a revision of the State Implementation Plan (SIP) to achieve compliance with the new PM_{2.5} standard by April 5, 2008. After that, the EPA has six (6) months to approve the plan. The plan may result in additional requirements for Bucko if needed to achieve compliance with the PM_{2.5} standard.

Comment 3: IDEM should take into consideration that Particulate Matter is regulated under New Source Performance Standards (NSPS) and it establishes emission limits.

Response 3: The New Source Performance Standard for Hot Mix Asphalt Facilities (40 CFR 60, Subpart I), regulates PM emissions for asphalt plants built after June 11, 1973. This requirement is included in the FESOP as Condition D.1.7, and states that PM emissions from the asphalt plant shall not exceed 0.04 grains per dry standard cubic feet. Furthermore, Indiana state rule 326 IAC 6-1 contains a PM limitation which is more stringent than the federal standard. This limit is 0.03 grains per dry standard cubic feet, and can be found in Condition D.1.6 of the permit. The most recent stack test, which was conducted on June 27, 2000, measured PM emissions from the stack at 0.94 pounds per hour at a stack temperature of 239°F and an exhaust flow rate of 54,662 actual cubic feet per minute to yield 0.0027 grains per dry standard cubic foot, which is less than the allowable emission rates. This test showed that Bucko is in compliance with both of these PM emission limits.

Comment 4: Bucko's draft permit allows it to operate 24 hours a day, 7 days a week. It has the potential to release 56,454 tons of particulate matter. It has the potential to release 8,002 tons of particulate matter that is smaller than ten microns. It could release 221 tons of nitrogen dioxide, and it could release more than 100 tons of Volatile Organic Compounds which contribute to the formation of ozone.

IDEM should take into consideration other environmental issues affecting Northwest Indiana, including a report that the U.S. EPA determined that 24 counties in Indiana, including Lake County, have failed to meet the current standards for ozone.

Response 4: The unrestricted potential emissions represent the absolute worst case situation, that is, if the plant operated every hour of the year and used no pollution control equipment. However, asphalt plants do not operate 24 hours a day 7 days a week. Asphalt plants do not operate in the winter months, for example. Also, the permit does require that Bucko operate their pollution control device at all times. The baghouse systems used at asphalt plants similar to Bucko are very effective at removing particulate matter from the plant exhaust gas stream before the stream is released into the atmosphere.

Although the permit does not include a specific limit on hours of operation, it does include an annual production limit of 1,000,000 tons of asphalt produced. To put that number into perspective, at Bucko's maximum hourly production rate of 400 tons per hour, this plant would reach its limit after 2,500 hours, which is equivalent to approximately 104 days. This production limitation, along with the use of pollution control equipment, is

designed to ensure that the actual emissions from this plant are maintained below major source thresholds and therefore below the unrestricted potential emissions.

Finally, this FESOP does take into consideration the ozone nonattainment status. Lake County was already classified as severe nonattainment for the 1-hour ozone standard. That is why VOC emissions from this plant were limited to less than twenty-five (25) tons per year. This limit ensures that Bucko is not a major source under the nonattainment NSR rules, or 326 IAC 2-3 (Emission Offset).

Comment 5: IDEM should take into consideration President Clinton's Executive Order No. 128-98 regarding environmental justice in minority populations and low-income neighborhoods. IDEM needs to take into consideration the companies that are already here, and IDEM needs to address the environmental justice issues.

Response 5: IDEM does take Environmental Justice concerns into account when reviewing permit applications. One of the things IDEM does is offer additional outreach and education regarding sources in a potential Environmental Justice area. IDEM held both a public meeting and a public hearing to provide citizens with information about the environmental impacts from this source.

In addition, because of public concern, the OAQ conducted an air modeling impact analysis to determine if there will be any violation of the National Ambient Air Quality Standards (NAAQS). The Office of Air Quality utilizes an EPA approved computer model to predict what the impact of the emissions from the proposed plant, along with estimated emissions already in the area, will have on the surrounding area. This is compared to the standards that are established to protect public health (NAAQS).

This analysis indicated that the amount of pollution released from Bucko is not expected to cause or contribute to a violation of any air quality standards.

Comment 6: IDEM should not be able to give a permit to every company because they abide by the rules and regulations.

Response 6: IDEM gets its authority from the federal law, state laws passed by the Indiana General Assembly, and by rules adopted by the Air Pollution Control Board. As a State Agency, IDEM has a legal obligation to issue permits to sources that comply with the rules as they exist. IDEM's role is to develop air approvals that ensure that sources comply with these rules, and to conduct inspections to verify that sources are following the requirements set out in their permits.

Comment 7: Quarterly reports are submitted to IDEM. How often does the company check the data in those reports before they are submitted to IDEM?

Response 7: The permit requires that the applicant perform compliance monitoring once per shift. Conditions D.1.13 and D.1.14 require the Permittee to observe and note any visible emissions, and to record the pressure drop across the baghouse. Any deviations are required to be recorded, and are then submitted to the Office of Air Quality on a quarterly basis. Furthermore, compliance with the fuel and production limits are determined on a monthly basis, and the reports are submitted quarterly.

Comment 8: Are there any long-term health risks besides bronchitis?

Response 8: The U.S. EPA has established the National Ambient Air Quality Standards (NAAQS) to protect public health and the environment. EPA has established NAAQS for six principle air pollutants, often referred to as criteria pollutants. These criteria pollutants are regulated by the health-based standards.

Permits require sources to comply with all health- 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 an air permit. IDEM has evaluated the air quality impact of the emissions from this source and has determined that no health-based standards established by the Clean Air Act will be violated.

EPA reviews these health-based standards on an ongoing basis. Recently the EPA developed new standards fine particulates (PM 2.5), and designated Lake County as "nonattainment" for PM 2.5 effective April 5, 2005. A nonattainment designation means that the U.S. EPA believes that state rules need to be made more strict in order to bring air pollution levels into compliance with health-based air quality standards. If further air quality planning efforts determine that it is necessary to require additional air pollution controls on asphalt plants in Lake County, then those requirements will be established by a rule adopted by the Air Pollution Control Board.

EPA also recently re-validated the ozone standard, and designated Lake County as non-attainment for the 8-hour ozone standard on April 15, 2004. Indiana must develop a plan detailing steps that will bring Lake County into attainment with the 8-hour ozone standard by 2010.

In addition, because of public concern, the OAQ conducted an air modeling impact analysis to determine if there will be any violation of the National Ambient Air Quality Standards (NAAQS). The Office of Air Quality utilizes an EPA approved computer model to predict what the impact of the emissions from the proposed plant, along with estimated emissions already in the area, will have on the surrounding area. This is compared to the standards that are established to protect public health (NAAQS).

This analysis indicated that the amount of pollution released from Bucko is not expected to cause or contribute to a violation of any air quality standards.

Comment 9: Is the company planning to do health monitoring of people in the area? Who will take care of the citizens if they get sick?

Response 9: IDEM provides the Lake County Health Department with copies of draft and final permits, and they may be able to help address local concerns. The Lake County Health Department can be contacted at:

2293 N. Main St.
Crown Point, IN 46307
219-755-3655

Comment 10: Can emission limitations be more strict in the Marshalltown area or the city of Gary due to the concentration of industry in the area?

Response 10: Yes. Local City and County government Agencies may adopt rules that are more stringent than the State and Federal rules.

Comment 11: Does IDEM take the cumulative effect of emissions from other sources, such as U.S. Steel, into account?

Response 11: Yes, IDEM does take into account the cumulative effect of emissions in several ways. IDEM has a network of air monitors which take samples to determine what chemicals are in the air and in what quantity. If the monitoring shows that an area does not meet the standards established by the U.S. EPA, then IDEM takes steps to bring the area into compliance. These steps can include, for example, more stringent permit requirements

for industrial sources, and automobile emission testing. As part of our State Implementation Plan, IDEM develops rules and policies designed to ensure that the entire state will meet the health-based standards established by the U.S. EPA.

Comment 12: Bucko's draft permit allows it to operate 24 hours a day, 7 days a week. Can the permit be written so that they would be allowed to operate from 6:00 a.m. to 5:00 p.m.?

Response 12: No, IDEM does not have the legal authority to limit such in this manner.

Comment 13: Concerns were expressed regarding a specific incident in 2002 regarding ash fallout. Who should citizens contact for weekend complaints?

Response 13: Complaints regarding specific incidents should be addressed to the Local Agency Inspector at:

Rodney Sommerville, Director
Gary Department of Environmental Affairs
839 N. Broadway
Gary, IN 46402
(219) 882-3000
e-mail: rsommerville@ci.gary.in.us

Comment 14: The residents do not want Bucko to operate in this area.

Response 14: IDEM does not have the legal authority to tell a source where it may or may not operate. IDEM's responsibility is to ensure that each source complies with all applicable state and federal rules.

Comment 15: Is there some kind of precaution measure that citizens should take to prevent exposure?

Response 15: IDEM has evaluated the air quality impact of the emissions from this source and has determined that no health-based standards established by the Clean Air Act will be violated. Response number 8, above, discusses the National Ambient Air Quality Standards in more detail. Residents with specific medical questions may wish to check with their physician.

Comment 16: Can samples be taken from the bark of trees south of the plant, or soil samples, to see if the trees and soil are being damaged by the emissions?

Response 16: IDEM does not perform this type of sampling. However, Purdue University has a Cooperative Extension Service in Lake County which may be able to provide assistance. This office can be reached at:

Purdue Cooperative Extension
Lake County Government Center
1193 N. Main St.
Crown Point, IN 46307-1843
Phone: (219) 755-3240

Comment 17: What does this hearing do for the public?

Response 17: This hearing provides citizens with an opportunity to voice their concerns, and to learn about the rules and laws that govern sources that emit air pollution such as Bucko. It also gives citizens an opportunity meet and talk to State and local officials who have the responsibility for ensuring that sources like Bucko are in compliance with their permits. It

gives officials a chance to hear, first hand, citizen's concerns and to see what may be done to address them.

Comment 18: How long as Bucko been operating in Gary?

Response 18: Bucko has been in operation at this location since 1927.

Comment 19: Concerns were expressed regarding cancer rates in Gary, specifically related to 0 cell carcinoma.

Response 19: There are many sources of potential toxins, including emissions from industry, gasoline, cars, and toxins which occur naturally in the environment. IDEM has evaluated the air quality impact of the emissions from this source and has determined that no health- or technology-based standards established by the Clean Air Act will be violated. Response number 8, above, discusses the National Ambient Air Quality Standards in more detail.

Additionally, under the Section 112 of Clean Air Act, the U.S. EPA was required to assess the remaining risk to public health from Hazardous Air Pollutant (HAP) emissions from all major sources emitting HAPs. If necessary, EPA would establish an emission standard for this specific type of industry. EPA has completed this assessment and has determined no asphalt manufacturing facility has the potential to emit HAPs approaching major source levels, and therefore no additional standard is required.

Comment 20: Are inspections announced? During inspections, does IDEM take tests or just look at records?

Response 20: Inspections are unannounced. Full inspections include both an observation of emissions from 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.

The Gary Local Agency performs routine surveillance inspections, including during the early morning hours.

Comment 21: This area is National Lakeshore land. This land is protected by the government. Sources like Bucko, which were built after the National Lakeshore was established, should not be allowed to be built in this area.

Response 21: The Indiana Dunes National Lakeshore Resource Management Division has advised IDEM that Bucko is not located on National Lakeshore property. The Indiana National Lakeshore is comprised of many segments of land, which were established as National Lakeshore property at different times. Many of these segments of land are not connected to each other. Two maps, provided by the Indiana Dunes National Lakeshore staff, are enclosed. Map one is an overview the area, showing where some of the various pieces of National Lakeshore property are located. Map two is a more detailed map, which shows the location of Bucko in relationship to the closest section of Lakeshore property.

Comment 22: Odor is because the chemicals that are being burned. Is there a way that they can be regulated to have to buy more expensive fuels natural gas that will take away some of the odor?

Response 22: Odor is more likely associated with the asphalt, not the chemicals being burned. Furthermore, IDEM, OAQ does not have jurisdiction in specifying and implementing requirements for zoning, odor or noise. For such issues, please contact your local officials.

Comment 23: How can the laws regarding air pollution control be changed to be more stringent, and where can the public get more information?

Response 23: The U.S. EPA and the Indiana Air Pollution Control Board approve the air pollution control rules. IDEM is delegated to enforce those laws as they currently exist, but does not have the sole authority to change them.

Citizens can participate in the process for creating new laws or amending existing laws that govern air pollution by becoming involved with the Air Pollution Control Board meetings. Citizens can request to be informed of the agenda for board meetings contacting the OAQ Rules Section at 1-800-451-6027 ext. 3-0426. The Board Meeting agenda and materials are available on line for viewing online at: www.in.gov/idem/rules/.

Any citizen can also request the Air Pollution Control Board to initiate a rulemaking by providing a petition, which is supported by reasons, accompanied with at least 200 signatures. (IC 13-14-8-5) To make arrangements to present a citizen petition to the Air Pollution Control Board, please contact the OAQ Rules Section at 1-800-451-6027 ext. 3-0426.

Comment 24: Does IDEM offer training to citizens to help them understand issues relating to air quality?

Response 24: Over the past several years, IDEM, EPA, and the Earth Day Coalition have co-sponsored in-depth citizen workshops on both the Title V and the New Source Review permitting programs. In addition, IDEM has conducted two general sessions in Northwest Indiana on the Office of Air Quality's Compliance, Monitoring, Rulemaking, and Permitting programs. No additional workshops are scheduled at this time, however IDEM would be pleased to work with citizens to put together additional meetings in Northwest Indiana. For more information, contact Joanne Smiddie-Brush, Director, Public Participation, at 1-800-451-6027 (ext. 3-0185) or jbrush@idem.IN.gov.

In addition, a great deal of information is available on the Internet to help citizens understand and participate in the permitting process:

"The Proof is in the Permit," written by the New York Public Interest Research Group, (NYPIRG) is a publication specifically written to help citizens understand the Title V permit review process. This publication is available online at: www.epa.gov/oar/oaqps/permits/partic/proof.html

IDEM's "Citizen's Guide to Public Participation" can help citizens understand state and federal environmental laws for air, water, and land programs, and is available online at: www.in.gov/idem/guides/publicparticipation

EPA's "Plain English guide to the Clean Air Act" is a very good source of information for citizens, and includes definitions of important terms. It is available at: www.epa.gov/oar/oaqps/peg_caa/pegcaain.html

This publication is also available from IDEM in a paper format. If you would like to receive a copy, please contact Joanne Smiddie-Brush at the phone number listed above.

Comment 25: How can citizens become involved with inspections and other compliance activities?

Response 25: One of the best ways for a citizen to be involved in the compliance process is by contacting the inspector assigned to their area. Because this source is located within the jurisdiction of the Gary Local Agency, citizens should contact:

Rodney Sommerville, Director
Gary Department of Environmental Affairs
839 N. Broadway
Gary, IN 46402
(219) 882-3000
e-mail: rsommerville@ci.gary.in.us

Comment 26: Can IDEM provide transportation for citizens to attend Indianapolis meetings?

Response 26: No, IDEM does not have the resources to provide transportation to meetings that are held in Indianapolis. However from time to time the Air Board does hold meetings in other parts of the State.

Comment 27: Councilwoman Carolyn Rogers requested that DEM to place an additional air monitor in the area.

Response 27: IDEM currently operates air monitoring stations in East Chicago, Hammond, and Ogden Dunes. Until recently, the OAQ operated an ambient air quality monitoring site at the Gary Federal Building, 6th & Connecticut, for PM₁₀ (respirable particulate) & PM_{2.5} (fine particulate), but that site was discontinued because the building was shut down. OAQ evaluated a variety of potential sites in Gary to relocate this monitor, and determined that the best location is at the Gary Water Treatment facility near 7th & Madison Streets. OAQ expects to relocate this monitor to the new location within the next few months.

For additional information about the monitoring program, please contact Richard Zeiler, Chief of the Air Monitoring Branch, 1-800-451-6027 (ext. 308-3238) or dzeiler@idem.IN.gov.

Numerous other comments and concerns related a variety of issues, including odor, effects on vegetation, vehicle emission testing, and quality of life issues were raised at the public hearing. OAQ recognizes that these concerns are important to those who expressed them; however, they do not have a direct impact on how the Office of Air Quality reviews and makes decisions on air permit applications. The OAQ advises residents to contact their local officials regarding these issues. OAQ's permit review by law cannot address issues for which it does not have direct regulatory authority.

Upon further review, the OAQ has decided to make the following changes to the FESOP renewal. The permit language is changed to read as follows (deleted language appears as strikeouts, new language is bolded):

Change 1:

On June 15, 2004, the US EPA designated Lake County as nonattainment for the 8-hour ozone standard. Lake County was already nonattainment for the 1-hour ozone standard. Recently, the US EPA adopted a PM_{2.5} standard, and has designated this area as nonattainment. Also, in Section A.1 of the permit, Lake County was mistakenly identified as nonattainment for CO. Therefore, the following changes have been made to Section A.1:

A.1 General Information [326 IAC 2-8-3(b)]

The Permittee owns and operates a stationary hot mix asphalt production source.

Authorized individual: President
Source Address: 1501 Michigan Street, Gary, Indiana 46402

Mailing Address: 890 Chase Street, Gary, Indiana 46404
General Source Phone: (219) 949-0331
SIC Code: 2951
Source Location Status: Lake County
Nonattainment for **1-hour ozone, 8-hour ozone, PM_{2.5}, PM₁₀ and SO₂ and CO**
Attainment for all other criteria pollutants
Source Status: Federally Enforceable State Operating Permit (FESOP)
Minor Source, under PSD and Emission Offset Rules;
Minor Source, Section 112 of the Clean Air Act

Change 2:

The following typographical errors were corrected in Conditions B.13(b)(4), B.20 and C.13, as shown:

B.13 Emergency Provisions [326 IAC 2-8-12]

- (b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a health-based or technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describes the following:
- (4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ, the Gary Department of Environmental Affairs, **and the IDEM** Northwest Regional Office, within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

B.20 Inspection and Entry [326 IAC 2-8-5(a)(2)] [IC 13-14-2-2] [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, ~~and~~ Gary Department of Environmental Affairs, U.S. EPA, or an authorized representative to perform the following:

C.13 Monitoring Methods [326 IAC 3] [40 CFR 60] [40 CFR 63]

Any monitoring or testing ~~performed~~ required by Section D of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, 40 CFR 60 Appendix B, 40 CFR 63 or other approved methods as specified in this permit.

Change 3:

The name of the office has changed:

B.22 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-8-4(6)] [326 IAC 2-8-16][326 IAC 2-1.1-7]

- (a) The Permittee shall pay annual fees to IDEM, OAQ, within thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ the applicable fee is due April 1 of each year.
- (b) Failure to pay may result in administrative enforcement action, or revocation of this permit.
- (c) The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-4230 (ask for OAQ, **Billing, Licensing, and Training Section** ~~/M & Billing Section~~), to determine the appropriate permit fee.

Change 4:

Condition B.23 has been added to the permit in order to include rule 326 IAC 1-1-6, which became effective March 16, 2005:

B.23 Credible Evidence [326 IAC 2-8-4(3)][326 IAC 2-8-5][62 FR 8314][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.

Change 5:

This permit does not require pH monitoring, therefore, Condition C.14 has been changed to exclude the references to a pH meter:

C.14 Pressure Gauge and Other Instrument Specifications [326 IAC 2-1.1-11] [326 IAC 2-8-4(3)] [326 IAC 2-8-5(1)]

- (a) Whenever a condition in this permit requires the measurement of pressure drop across any part of the unit or its control device, the gauge employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent ($\pm 2\%$) of full scale reading.
- (b) Whenever a condition in this permit requires the measurement of a temperature **or** flow rate, ~~or pH level~~, the instrument employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent ($\pm 2\%$) of full scale reading.
- ~~(c) The Preventive Maintenance Plan for the pH meter shall include calibration using known standards. The frequency of calibration shall be adjusted such that the typical error found at calibration is less than one pH point.~~
- (cd)** The Permittee may request the IDEM, OAQ approve the use of a pressure gauge or other instrument that does not meet the above specifications provided the Permittee can demonstrate an alternative pressure gauge or other instrument specification will adequately ensure compliance with permit conditions requiring the measurement of pressure drop or other parameters.

Change 6:

IDEM, OAQ has clarified when the Permittee must submit to IDEM, OAQ the expected date of shutdown of an emission unit or control device, as shown:

C.17 Compliance Response Plan - Preparation, Implementation, Records, and Reports [326 IAC 2-8-4] [326 IAC 2-8-5]

- (b) For each compliance monitoring condition of this permit, reasonable response steps shall be taken when indicated by the provisions of that compliance monitoring condition as follows:
 - (3) If the Permittee determines that additional response steps would necessitate that the emissions unit or control device be shut down, **and it will be ten (10) days or more until the unit or device will be shut down, then the Permittee shall**

promptly notify the IDEM, OAQ of the expected date of the shut down. ~~the IDEM, OAQ shall be promptly notified of the expected date of the shut down, The~~ **notification shall also include** the status of the applicable compliance monitoring parameter with respect to normal, and the results of the **response** actions taken up to the time of notification.

Change 7:

The Emissions Reporting rule, 326 IAC 2-6, has changed since this FESOP permit was drafted. Therefore, Condition C.19 has changed as follows:

C.19 Emission Statement [326 IAC 2-6] [326 IAC 2-8-4(3)]

- (a) ~~Pursuant to 326 IAC 2-6-3(a)(1), the Permittee shall submit an emission statement by July 1 following a calendar year when the source emits oxides of nitrogen into the ambient air equal to or greater than twenty-five (25) tons. The emission statement shall contain, at a minimum, the information specified in 326 IAC 2-6-4. The Permittee shall submit an emission statement certified pursuant to the requirements of 326 IAC 2-6. This statement must be received in accordance with the compliance schedule specified in 326 IAC 2-6-3 and must comply with the minimum requirements specified in 326 IAC 2-6-4. The submittal should cover the period defined in 326 IAC 2-6-2(8).~~ **Pursuant to 326 IAC 2-6-3(a)(1), the Permittee shall submit an emission statement by July 1 following a calendar year when the source emits oxides of nitrogen into the ambient air equal to or greater than twenty-five (25) tons. The emission statement shall contain, at a minimum, the information specified in 326 IAC 2-6-4.**

Change 8:

D.1.5 Particulate Matter (PM and PM₁₀) [326 IAC 2-8-4] **[326 IAC 2-2]** [326 IAC 2-3]

- (a) The emissions of particulate matter 10 microns or less in diameter (PM₁₀) from the aggregate dryer/mixer shall not exceed 0.1508 pounds per ton of asphalt produced, including both filterable and condensable fractions.
- (b) Particulate matter (PM) emissions from the aggregate dryer/mixer shall not exceed 0.0672 pounds per ton of asphalt produced.
- (c) The source shall produce less than 1,000,000 tons of asphalt per twelve (12) consecutive month period, with compliance determined at the end of each month, equivalent to PM₁₀ emissions less than 75.4 tons per year based on the 0.1508 pounds of PM₁₀ per ton of asphalt produced, and equivalent to PM emissions less than 33.6 tons per year based on the 0.0672 pounds of PM per ton of asphalt produced. Compliance with these limits will satisfy the requirements of 326 IAC 2-8-4. Therefore, the Part 70 Permit Program (326 IAC 2-7), **PSD (326 IAC 2-2)** and Emission Offset (326 IAC 2-3) rules do not apply.

Change 9:

Conditions D.1.6 and D.1.7 have been changed to exclude the equivalent pound per hour emission rates, since the underlying requirements only limit the grains per dry standard cubic foot:

D.1.6 Particulate Matter (PM) [326 IAC 6-1]

- (a) Pursuant to 326 IAC 6-1-2(a), the Permittee shall not allow or permit discharge to the atmosphere of any gases from the one (1) batch mixer which contain particulate matter in excess of 0.03 grains per dry standard cubic foot, ~~equivalent to 13.45 pounds per hour at a flow rate of 82,892 actual cubic feet per minute and a temperature of 350 degrees Fahrenheit.~~
- (b) Pursuant to FESOP 089-8980-00179, issued on May 7, 1998, and 326 IAC 6-1-2(g), the one (1) portable recycled asphalt crusher, identified as CR-1, shall comply with the requirements of 326 IAC 5-1 and 326 IAC 6-4.

D.1.7 Particulate Matter (PM) [326 IAC 12] [40 CFR 60.90]

Pursuant to the New Source Performance Standard, 326 IAC 12, (40 CFR Part 60.90, Subpart I), no owner or operator subject to the provisions of Subpart I shall discharge into the atmosphere from any affected facility any gases which:

- (a) Contain particulate matter in excess of 0.04 grains per dry standard cubic foot, ~~equivalent to 17.93 pounds per hour at a flow rate of 82,892 actual cubic feet per minute and a temperature of 350 degrees Fahrenheit.~~
- (b) Exhibit twenty (20%) percent opacity, or greater.

Change 10:

Condition D.1.14 is changed as shown in order to properly reference the Compliance Response Plan condition in Section C, and to clarify that failure to take response steps is a deviation from the operating permit.

D.1.14 Parametric Monitoring

The Permittee shall record the total static pressure drop across the baghouse used in conjunction with the aggregate batch mixer and aggregate dryer burner, at least once per shift when the dryer and/or dryer burner is in operation. When for any one reading, the pressure drop across the baghouse is outside the normal range of 2.0 and 8.0 inches of water or a range established during the latest stack test, the Permittee shall take reasonable response steps in accordance with Section C - Compliance Response Plan - **Preparation, Implementation, Records and Reports** ~~Failure to Take Response~~. A pressure reading that is outside the above mentioned range is not a deviation from this permit. Failure to take response steps in accordance with Section C - Compliance Response Plan - Preparation, Implementation, Records, and Reports, shall be considered a **deviation from violation** of this permit.

The instrument used for determining the pressure shall comply with Section C - Pressure Gauge and Other Instruments Specifications, of this permit, shall be subject to approval by IDEM, OAQ, and Gary Department of Environmental Affairs and shall be calibrated at least once every six (6) months.