



Frank O'Bannon
Governor

Lori F. Kaplan
Commissioner

June 9, 2003

100 North Senate Avenue
P. O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

TO: Interested Parties / Applicant

RE: **J.H. Rudolph and Company, Inc. 163-16647-03408**

FROM: Paul Dubenetzky
Chief, Permits Branch
Office of Air Quality

Notice of Decision - Approval

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 326 IAC 2, this approval was effective immediately upon submittal of the application.

If you wish to challenge this decision, IC 4-21.5-3-7 requires 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 Environmental Adjudication, ISTA Building, 150 W. Market Street, Suite 618, Indianapolis, IN 46204, **within eighteen (18) calendar days from 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

FNPERAM.wpd 8/21/02

June 9, 2003

Mr. Ken Thomas
J. H. Rudolph and Company, Inc.
901 E. Columbia Street
Evansville, IN 47711

Re: 163-16647-03408
Second Administrative Amendment to
FESOP 163-14132-03408

Dear Mr. Thomas:

J. H. Rudolph and Company, Inc. was issued a permit on April 10, 2002 for the operation of a hot drum-mix asphalt plant. A letter requesting permit changes was received on October 7, 2002, with additional information being submitted on April 28, 2003.

J. H. Rudolph & Company, Inc. submitted a request to incorporate an existing 500 gallon gasoline tank into their existing FESOP unit description that was inadvertently left out of the permit during the renewal review.

The addition of the proposed tank will not cause any increases in production or emissions from the existing units.

Therefore, the emissions generated by the proposed modification are the volatile organic compound (VOC) and hazardous air pollutant (HAP) emissions generated by the proposed tank.

Based on the result of the US EPA Tanks 4 program, the VOC and single and combined HAP unrestricted potential to emit (UPTE) are estimated to be 0.29, 0.29, and 0.29 tons/yr, respectively.

The estimated VOC, single HAP, and combined HAP UPTE are less than the respective 326 IAC 2-8-11.1(d) Minor Permit Revision low end applicable levels of 10, 10, and 25 tons per year, there are no changes to any existing conditions that are required, and there are no new applicable requirements that are triggered.

Therefore, the proposed tank shall be incorporated into the existing FESOP pursuant to 326 IAC 2-8-10(a)(6) which states that any changes to an existing FESOP which consist solely of descriptive information where the revision will not trigger a new applicable requirement or violate a permit term, may be incorporated into the existing FESOP via an Administrative Amendment.

To incorporate the proposed tank into the permit, the following changes shall be made. All information added is indicated in bold type. All deleted information is struck-out.

Condition A.3:

Condition A.3 shall be revised as follows to add the gasoline storage tank to the insignificant activities list.

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) Natural gas-fired combustion sources with a heat input equal to or less than 10 million British thermal units per hour;
- (b) Propane or liquefied petroleum gas, or butane-fired combustion sources with heat input equal to or less than 6 million British thermal units per hour;
- (c) Replacement of repair of electrostatic precipitators, bags in baghouses, and filters in other air filtration equipment;
- (d) A laboratory as defined in 326 IAC 2-7-1(20)(C);
- (e) Paved and unpaved roadways ;~~and~~
- (f) Two (2) hot mix asphalt storage silos, each with a maximum storage capacity of 200 tons-;
and
- (g) One (1) 500 gallon gasoline storage tank.**

All other conditions of the permit shall remain unchanged and in effect. Please attach a copy of this amendment and the following revised permit pages to the front of the original permit.

This decision is subject to the Indiana Administrative Orders and Procedures Act - IC 4-21.5-3-5. If you have any questions on this matter, please contact Scott Fulton at (800) 451-6027, press 0 and ask for Scott Fulton or extension (3-5691), or dial (317) 233-5691.

Sincerely,

Original Signed by Paul Dubenetzky
Paul Dubenetzky, Chief
Permits Branch
Office of Air Quality

Attachments
SDF

cc: File - Vanderburgh County
U.S. EPA, Region V
Vanderburgh County Health Department
Evansville Environmental Protection Agency
Southwest Regional Office
Air Compliance Section Inspector - Scott Anslinger
Compliance Data Section - Karen Nowak
Administrative and Development
Technical Support and Modeling - Michele Boner

**FEDERALLY ENFORCEABLE STATE
OPERATING PERMIT (FESOP)
OFFICE OF AIR QUALITY
AND THE
EVANSVILLE ENVIRONMENTAL PROTECTION
AGENCY**

**J. H. Rudolph & Company, Inc.
3300 S. Green River Road
Evansville, Indiana 47715**

(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.

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.: F163-14132-03408	Date Issued: 04-10-02
First Administrative Amendment No.: 163-15939-03408	Date Issued: 05-22-02
Second Administrative Amendment No.: 163-16647-03408	Affected Page: 6
Issued by: Original Signed by Paul Dubenetzky Paul Dubenetzky, Branch Chief Office of Air Quality	Issued: June 9, 2003

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) Natural gas-fired combustion sources with a heat input equal to or less than 10 million British thermal units per hour;
- (b) Propane or liquefied petroleum gas, or butane-fired combustion sources with heat input equal to or less than 6 million British thermal units per hour;
- (c) Replacement or repair of electrostatic precipitators, bags in baghouses, and filters in other air filtration equipment;
- (d) A laboratory as defined in 326 IAC 2-7-1(20)(C);
- (e) Paved and unpaved roadways ;
- (f) Two (2) hot mix asphalt storage silos, each with a maximum storage capacity of 200 tons; and
- (g) One (1) 500 gallon gasoline storage tank.

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 Permit Conditions

- (a) This permit shall be used as the primary document for determining compliance with applicable requirements established by previously issued permits.
- (b) If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement that applied to the source on the date of permit issuance, including any term or condition from a previously issued construction or operation permit, IDEM, OAQ, and the Evansville Environmental Protection Agency shall immediately take steps to reopen and revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued.

**Indiana Department of Environmental Management
Office of Air Quality**

**Technical Support Document (TSD)
for
an Administrative Amendment to an Existing FESOP**

Source Background and Description

Source Name:	J. H. Rudolph & Company, Inc.
Source Location:	3300 S. Green River Road, Evansville, IN 47715
County:	Vanderburgh
SIC Code:	2951
FESOP No.:	163-14132-03408
Date Issued:	April 10, 2002
2 nd Administrative Amendment No.:	163-16647-03408
Permit Reviewer:	SDF

The Office of Air Quality (OAQ) has reviewed an application from J. H. Rudolph & Company, Inc., relating to the operation of their existing a hot drum-mix asphalt plant.

Request

On October 7, 2002, J. H. Rudolph & Company, Inc. submitted a request to incorporate an existing 500 gallon gasoline tank into their existing FESOP unit description that was inadvertently left out of the permit during the renewal review.

The addition of the proposed tank will not cause any increases in production or emissions from the existing units.

Therefore, the emissions generated by the proposed modification are the volatile organic compound (VOC) and hazardous air pollutant (HAP) emissions generated by the proposed tank.

Based on the result of the US EPA Tanks 4 program, the VOC and single and combined HAP unrestricted potential to emit (UPTE) are estimated to be 0.29, 0.29, and 0.29 tons/yr, respectively.

The estimated VOC, single HAP, and combined HAP UPTE are less than the respective 326 IAC 2-8-11.1(d) Minor Permit Revision low end applicable levels of 10, 10, and 25 tons per year, there are no changes to any existing conditions that are required, and there are no new applicable requirements that are triggered.

Therefore, the proposed tank shall be incorporated into the existing FESOP pursuant to 326 IAC 2-8-10(a)(6) which states that any changes to an existing FESOP which consist solely of descriptive information where the revision will not trigger a new applicable requirement or violate a permit term, may be incorporated into the existing FESOP via an Administrative Amendment.

Existing Approvals

The source has been operating under FESOP 163-14132-03408, issued on April 10, 2002 and First Administrative Amendment 163-15939-03408, issued on May 22, 2002.

Recommendation

The staff recommends to the Commissioner that the Administrative Amendment 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.

Emission Calculations

The emissions generated by the proposed modification are the tank VOC, single HAP, and combined HAP emissions.

(1) Unrestricted Potential to Emit (UPTE):

The tank VOC UPTE, as determined by the EPA TANKS4, is estimated to be 0.29 tons/yr. The single and combined HAP emissions are determined to be equal to the estimated VOC UPTE.

(2) Emissions After Controls:

All applicable emissions are uncontrolled.

Potential To Emit

Pursuant to 326 IAC 2-1.1-1(16), Potential to Emit is defined as “the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or type or amount of material combusted, stored, or processed shall be treated as part of its design if the limitation is enforceable by the U.S. EPA.”

This table reflects the PTE before controls due to the modification based on the above estimated emissions calculations. Control equipment is not considered federally enforceable until it has been required in a federally enforceable permit.

Pollutant	Potential To Emit (tons/year)
PM	-
PM-10	-
SO ₂	-
VOC	0.29
CO	-
NO _x	-

Note: For the purpose of determining Title V applicability for particulates, PM-10, not PM, is the regulated pollutant in consideration.

HAPs	Potential To Emit (tons/year)
Worst Case Single HAP	0.29
Combined HAPs	0.29

The estimated VOC, single HAP, and combined HAP UPTE are less than the respective 326 IAC 2-8-11.1(d) Minor Permit Revision low end applicable levels of 10, 10, and 25 tons per year, there are no changes to any existing conditions that are required, and there are no new applicable requirements that are triggered.

Therefore, the proposed tank shall be incorporated into the existing FESOP pursuant to 326 IAC 2-8-10(a)(6) which states that any changes to an existing FESOP which consist solely of descriptive information where the revision will not trigger a new applicable requirement or violate a permit term, may be incorporated into the existing FESOP via an Administrative Amendment.

County Attainment Status

The source is located in Vanderburgh County.

Pollutant	Status
PM ₁₀	attainment or unclassifiable
SO ₂	attainment or unclassifiable
NO ₂	attainment or unclassifiable
Ozone	maintenance attainment
CO	attainment or unclassifiable
Lead	attainment or unclassifiable

- (a) Volatile organic compounds (VOC) are precursors for the formation of ozone. Therefore, VOC emissions are considered when evaluating the rule applicability relating to the ozone standards. Vanderburgh County has been designated as maintenance attainment for ozone. Therefore, the VOC emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration, 326 IAC 2-2.
- (b) Vanderburgh County has been classified as attainment or unclassifiable for all other criteria pollutants. Therefore, these emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2.

Source Status

Source Emissions (emissions after controls, based upon 8760 hours of operation per year at rated capacity and/or as otherwise limited), as obtained from the Technical Support Document (TSD) of FESOP 163-14132-03408, issued on April 10, 2002:

Unit	PM (tons/yr)	PM10 (tons/yr)	SO2 (tons/yr)	NOx (tons/yr)	VOC (tons/yr)	CO (tons/yr)	Worst Case Single HAP (tons/yr)	Comb. HAPs (tons/yr)
Source	188.74	94.11	99.00	99.00	99.15	44.13	<10	<25

PSD Major Levels	250	250	250	250	250	250	-	-
Part 70 Major Levels	-	100	100	100	100	100	10	10/25

- (a) The source has accepted fuel use limits to limit the SO2 and NOx emissions to less than the Part 70 major source levels. Limiting the fuel use will also reduce the PM10, VOC, single HAP, and combined HAP emissions to less than Part 70 major source levels of 10 and 25 tons per year.
- (b) The existing source is not a major PSD stationary source because no criteria pollutant emissions are greater than the applicable level or 250 tons per year or more and it is not one of the 28 listed source categories.

- (c) This source is a not a Part 70 major stationary source because no criteria pollutants exceed the applicable level of 100 tons per year and the single and combined HAP emissions are less than the respective applicable levels of 10 and 25 tons per year.

Emissions After the Modification

Emissions after the modification based on emissions after controls and 8760 hours of operation per year at rated capacity, and after implementation of any applicable limits or standards:

Unit	PM (tons/yr)	PM10 (tons/yr)	SO2 (tons/yr)	NOx (tons/yr)	VOC (tons/yr)	CO (tons/yr)	Worst Case Single HAP (tons/yr)	Comb. HAPs (tons/yr)
Existing Source	188.74	94.11	99.00	99.00	99.15	44.13	<10	<25
Modification	-	-	-	-	0.29	-	0.29	0.29
	188.74	94.11	99.00	99.00	99.44	44.13	<10	<25

PSD Significant Levels	25	15	40	40	40	100	-	-
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- (a) The source after the proposed modification is still not a major PSD stationary source because no criteria pollutant emissions are greater than the applicable level or 250 tons per year or more and it is not one of the 28 listed source categories.
- (b) This source after the proposed modification is still not a Part 70 major stationary source because no criteria pollutants exceed the applicable level of 100 tons per year and the single and combined HAP emissions are less than the respective applicable levels of 10 and 25 tons per year.

Federal Rule Applicability

(a) New Source Performance Standards (NSPS):

- (1) This source is still subject to New Source Performance Standard, 40 CFR 60, Subpart I. The proposed tank will have no impact on the current requirements.
- (2) The asphalt plant is still not subject to New Source Performance Standard 40 CFR 60, Subpart OOO. The proposed tank will have no impact on the rule applicability.
- (3) The two (2) 18,000 gallon #2 diesel storage tanks (ID # 16) are still subject to New Source Performance Standard, 40 CFR 60, Subpart Kb. The proposed tank will have no impact on the current requirements.
- (4) Storage Tanks (ID # 12A, 12B and 12C) are still subject to New Source Performance Standard, 40 CFR 60, Subpart Kb. The proposed tank will have no impact on the current requirements.
- (5) The proposed storage tank is not subject to the requirements of 40 CFR 60, Subpart K, "Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973 and Prior to May 19, 1978" because the tank was constructed in 1989, after the applicable date of May 19, 1978.

- (6) The proposed storage tank is not subject to the requirements of 40 CFR 60, Subpart Ka, "Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978 and Prior to July 23, 1984" because the tank was constructed in 1989, after the applicable date of July 23, 1984.
- (7) The proposed storage tank is not subject to the requirements of 40 CFR 60, Subpart Kb, "Standards of Performance for Storage Vessels for Volatile Organic Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984" because the tank capacity (500 gallons) is less than the applicable level of 10,567 gallons (40 cubic meters).

(b) National Emission Standards for Hazardous Air Pollutants (NESHAPs):

There are no National Emission Standards for Hazardous Air Pollutants (NESHAPs)(326 IAC 14 and 40 CFR Part 61) applicable to this source.

State Rule Applicability

(a) Entire State Rule Applicability:

(1) 326 IAC 1-7 (Stack Height Provisions):

The stack height provisions of 326 IAC 1-7 still apply. The proposed tank will not affect the status of these requirements.

(2) 326 IAC 2-6 (Emission Reporting):

The emission reporting requirements of 326 IAC 2-6 still apply. The proposed tank will not affect the status of these requirements.

(3) 326 IAC 2-8 (FESOP):

The limits that prevent the source from being a Part 70 major source under 326 IAC 2-7 still apply. The proposed tank will not affect the status of these limits.

(4) 326 IAC 2-8-4(9) (Preventive Maintenance Plan)

The 326 IAC 2-8-4(9) preventive maintenance plan requirements still apply. The proposed tank will not affect the status of these requirements.

(5) 326 IAC 4-1 (Open Burning):

The requirements of 326 IAC 4-1 still apply. The proposed tank will not affect the status of these requirements.

(6) 326 IAC 4-2 (Incineration):

The requirements of 326 IAC 4-2 still apply. The proposed tank will not affect the status of these requirements.

(7) 326 IAC 5-1 (Visible Opacity Limitations):

The requirements of 326 IAC 5-1 still apply. The proposed tank will not affect the status of these requirements.

(8) 326 IAC 6-4 (Fugitive Dust Emissions):

The fugitive dust requirements of 326 IAC 6-4 still apply. The proposed tank will not affect the status of these requirements.

(b) Individual Unit Sate Rules, Proposed Gasoline Tank:

(1) 326 IAC 2-4.1 (New Source Toxics Control)

The requirements of 326 IAC 2-4.1-1 do not apply to the proposed modification because the single and combined HAP emissions are less than the respective applicable levels of 10 and 25 tons per year.

(2) 326 IAC 8-4-3:

The requirements of 326 IAC 8-4-3 do not apply to the proposed tank because the capacity (500 gallons) is less than the applicable capacity of 39,000 gallons.

(3) 326 IAC 8-9:

The requirements of 326 IAC 8-9 do not apply because the source is not located in any of the applicable counties (Lake, Porter, Clark, or Floyd).

(4) 326 IAC 8-1-6:

Although there are no other Article 8 rules that apply, the requirements of 326 IAC 8-1-6 do not apply to the proposed tank because the VOC unrestricted potential to emit (UPTE), 0.29 tons per year, is less than the applicable level of 25 tons per year.

Changes to the Permit

The following lists the changes to the existing permit that are necessary to incorporate the proposed gasoline tank. All added language indicated in bold type. All deleted information is struck-out.

(1) Condition A.3:

Condition A.3 shall be revised as follows to add the gasoline storage tank to the insignificant activities list.

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) Natural gas-fired combustion sources with a heat input equal to or less than 10 million British thermal units per hour;

- (b) Propane or liquefied petroleum gas, or butane-fired combustion sources with heat input equal to or less than 6 million British thermal units per hour;
- (c) Replacement or repair of electrostatic precipitators, bags in baghouses, and filters in other air filtration equipment;
- (d) A laboratory as defined in 326 IAC 2-7-1(20)(C);
- (e) Paved and unpaved roadways ;~~and~~
- (f) Two (2) hot mix asphalt storage silos, each with a maximum storage capacity of 200 tons;;
and
- (g) **One (1) 500 gallon gasoline storage tank.**

Conclusion

The proposed tank shall be operated according to the provisions of the existing permit, Administrative Amendment 163-16647-03408, and all other existing source approvals.