



Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

April 6, 2004

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: mishawaka Concrete and Asphalt Recycle, Inc. / L089-18704-03122

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 of Environmental Adjudication, 100 North Senate Avenue, Government Center North, Room 1049, 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
FNPER-AM.dot 9/16/03

April 6, 2004

Mr. William Loudin, President
Mishawaka Concrete and Asphalt Recycle, Inc.
2010 Went Avenue
Mishawaka, Indiana 46545

Re: Portable Source Relocation Letter
Permit #: L-**089-18704-03122**
MSOP 141-13993-03122

Dear Mr. Loudin:

Approval is hereby granted to operate the portable crushed stone processing plant, INDOT No. 3122, described in Operation Permit No. 141-13993-03122 issued on July 2, 2001, and as amended by Notice-Only Permit 141-16286-03122 dated November 14, 2002. This source is to be located at Rieth-Riley Construction, 7500 W. 5th Avenue, Gary, in Lake County, Indiana. This plant was previously located at 3425 O'Farrel Road, Lafayette, Tippecanoe County, Indiana. The site approval for 3425 O'Farrel Road, Lafayette, Indiana, was issued on May 8, 2003.

Relocation of this plant must take place within 120 days after the issuance of this decision. The enclosed Notice of Decision explains your options to challenge this decision under IC 4-21.5-3-5(f). Pursuant to IC 4-21.5-3-5(f), this approval is not effective until eighteen (18) days from the date of this letter. This approval supersedes all previous site approval letters.

Advance written notice to the Office of Air Quality (OAQ), Air Compliance Section and the Gary Department of Environmental Affairs of start-up is required in order for the OAQ to perform an inspection. If the plant is not operating in compliance with all applicable regulations upon inspection, the plant must cease operation upon notification to you by OAQ staff of such non-compliance. Operations may only resume once remedial actions have been taken and approved by the OAQ.

If you have any questions concerning this relocation site approval, please contact Janet Mobley of my staff at 317/232-8369 or at 1-800-451-6027 extension 2-8369.

Sincerely,
Original signed by Paul Dubenetzky

Paul Dubenetzky, Chief
Permits Branch
Office of Air Quality

PD/jm

Enclosures: Notice of Decision

cc: File - Lake County

Lake County Health Department
Air Compliance Section - Rick Massoels
Compliance Data Section
Air Compliance Section - Judy Lombardo
Permit Review Section II - Janet Mobley
Gary Department of Environmental Affairs
IDEM Northwest Regional Office