

July 14, 1004

Steve Henderson
Regulatory Affairs Director
E & B Paving, Inc.
286 W. 300 N.
Anderson, IN 46012

Re: Interim Significant Source Modification Petition
003-192451-00334

Dear Mr. Henderson:

On June 9, 2004, the Office of Air Quality (OAQ) received an interim significant source modification petition from E & B Paving, Inc. located at 7320 Lower Huntington Road, Ft. Wayne, Indiana 46809 for construction of one 350 tons per hour drum mixer and one hot drum heater equipped with a 100 MMBtu per hour low-NOx Phoenix burner firing natural gas as the primary fuel, using liquefied petroleum gas (LPG), No.1 distillate fuel oil, No. 2 distillate fuel oil, No. 4 residual fuel oil, No. 5 residual fuel oil, No. 6 residual fuel oil as backup fuels, controlled by a baghouse, and exhausting at Stack SV-1; and three asphalt storage tanks, identified as T-01, T-02, and T-03, capacity of 30,000 gallons each.

Public notice of the interim significant source modification petition was published on June 9, 2004. The public comment period ended on 6-26-04. Since there are no comments received during the public comment period, pursuant to 326 IAC 2-13-1(i), the interim significant source modification petition is in effect on June 28, 2004 and expires on the effective date of the final significant source modification permit. The interim significant source modification petition may be revoked after this effective date upon a written finding by the Indiana Department of Environmental Management (IDEM) that any of the reasons for denial in 326 IAC 2-13-1(h) exist or if the final significant source modification permit is denied. The IDEM has reviewed this interim significant source modification petition and has not found any such reason. The facilities specified in the interim significant source modification petition may not operate until the final significant source modification permit is issued by OAQ.

The interim significant source modification petition is federally enforceable. Detailed construction and operation conditions will be specified in the final significant source modification permit .

If you have any questions regarding this interim significant source modification petition, please contact Dr. Tripurari Sinha of my staff at 317-233-0331 or at 1-800-451-6027 (ask for extension 3-3031).

Sincerely,
Original signed by

Paul Dubenetzky, Chief
Permits Branch
Office of Air Quality

TPS
Enclosure: Interim Permit Evaluation (3 pages)
Petition for Interim Significant Permit Revision
cc: File –Allen County
Allen County Health Department
Air Compliance Section –Jennifer Dorn

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

**Interim Significant Permit Revision/ Significant Source Modification
Evaluation Sheet**

Company Name: E & B Paving, Inc.	
Location: 7320 Lower Huntington Road, Ft. Wayne, Indiana 46809	Permit No: I-003-19245-00334
Permit Reviewer: Trip Sinha Date Receipt of Application: 06-09-04 Date of review: 06-16-04	
Description of the interim construction: Construction of one 350 tons per hour capacity drum mixer and a baghouse	
Public Notice Date + 17 days = 06-26-04	
Date the Application was received + 19 days = 06-28-04	

Interim Petition Applicability: 326 IAC 2-13-1

- (a) Existing Source with valid permit;
- (b) Exemptions:
 - (1) construction of a PSD source or PSD modification;
 - (2) construction or modification in nonattainment area that would emit those pollutants for which the nonattainment designation is based.
 - (3) any modification subject to 326 IAC 2-4.1.
- (c) Public notice comment period is 14 calendar days.

Instructions: Check () appropriate answers and make a recommendation.

1. Did the applicant submit a written petition for an interim permit?
 Yes Go to question 2.
 No Ignore verbal request.
2. Did the applicant pay the \$500 interim permit fee?
 Yes Go to question 3.
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(1).
3. Did the applicant state acceptance of federal enforceability of an interim permit?
 Yes Go to question 4.
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(D).
4. Did the applicant or its authorized agent sign the application?
 Yes Go to question 5.
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(E).
5. Did the applicant submit a notarized affidavit stating that the applicant will proceed at its own risk (if the interim permit is issued), including, but not limited to:
 - (a) Financial risk,
 - (b) Risk that additional emission controls may be required,
 - (c) Risk that the final permit may be denied. Yes Go to question 6.
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(F).

6. Did the applicant begin construction prior to submitting the interim permit application?
 Yes Deny the application, pursuant to 326 IAC 2-13-1(h)(6).
 No Go to question 7.
7. What is the type of the interim construction?
 New Source Deny the application, pursuant to 326 IAC 2-13-1(a)
 Modification to an existing source Go to question 8.
8. Did the applicant present data in the interim permit that is sufficient to determine PSD, NSPS, NESHAP, and state rule compliance?
 Yes Go to question 9.
 No Deny the application pursuant to:
326 IAC 2-13-1(c)(2)(B), for PSD ;
326 IAC 2-13-1(c)(2)(C), for NSPS or NESHAP;
326 IAC 2-13-1(c)(2)(C), for state rules.
9. Is the proposed modification to be located in a nonattainment area?
 Yes Go to question 10.
 No Go to question 11. County: Allen County
10. Will the proposed modification emit the pollutant for which the area is nonattainment in quantities greater than the significant levels?
 Yes Deny the application, pursuant to 326 IAC 2-13-1(a)(2).
 No Go to question 11.
11. Did the petition include a complete description of the process?
 Yes Go to question 12.
 No Deny the petition, pursuant to 326 IAC 2-13-1(c)(2).
12. Did the interim permit petition contain conditions accepting either emission controls (baghouse, afterburners, scrubbers, etc.) or enforceable limits or other suitable restriction to avoid PSD applicability; as well as control parameters (incinerator operating temperature, baghouse pressure drop, etc.)? The specific limits must be explicitly spelled out (i.e.: The gas consumption of the boiler shall not exceed 29 million cubic feet per month.) A statement such as that the company agrees to conditions such that PSD rules are not applicable is not acceptable.
 Yes Go to question 13.
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(B).
13. Do the emission controls and/or throughput limits prevent PSD applicability?
 Yes Go to question 14.
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(B).
14. Will the modification, after application of all emission controls and/or throughput limitations comply with all applicable New Source Performance Standards (NSPS) (40 CFR 60)?
 Yes Go to question 15.
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(C).
15. Will the modification, after application of all emission controls and/or throughput limitations comply with all applicable National Emission Standards for Hazardous Air Pollutants (NESHAP)?
 Yes Go to question 16.
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(C).
16. Will the modification, after application of all emission controls and/or throughput limitations, comply with all applicable state rules?
 Yes Go to question 17.
 No Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(C).

17. Does the applicant dispute applicability of any applicable state or federal rule?
 Yes Deny the application, pursuant to 326 IAC 2-13-1(c)(2)(C).
 No Go to question 18.
18. Is there good reason to believe that the applicant does not intend to construct in accordance with the interim permit petition?
 Yes Deny the application, pursuant to 326 IAC 2-13-1(h)(1).
 No Go to question 19.
19. Is there good reason to believe that information in the petition has been falsified?
 Yes Deny the application, pursuant to 326 IAC 2-13-1(h)(7).
 No Approve the interim permit petition.
20. Has the petition been adequately public noticed? A proof of publication copy is necessary.
 Yes Go to question 21.
 No Deny the application, pursuant to 326 IAC 2-13-1(e).

Newspaper: The Fort Wayne Journal Gazzette

Date of publication: June 9, 2004. _____

21. Were comments received within seventeen (17) days after the public notice of the interim permit?
(14 calendar days for comment period + 3 working days for mailing)
 Yes Evaluate the comments received, and make a recommendation.
 No Issue the final interim permit approval.

Comments: _____

Recommendation: **Approve Interim Petition** _____

Date the applicant was informed of the decision: _____

Method of informing the applicant: _____