



Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

November 18, 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 Asphalt Recycle, Inc. / 089-19978-03122

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



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November 18, 2004

Mr. William H. Loudin
Mishawaka Concrete Asphalt Recycle, Inc.
2010 Went Avenue
Mishawaka, IN 46545

Re: **089-19978-03122**
Second Notice Only Change to
MSOP 141-13993-03122

Dear Mr. Loudin:

Mishawaka Concrete Asphalt Recycle, Inc., was issued a MSOP permit on July 2, 2001, for a portable crushed stone operation and most recently a relocation letter (089-18704-03122) issued April 6, 2004, to move the source to its present location in Lake County. An application was received April 16, 2004, requesting that the emission statement condition be removed from the permit due to the revisions to 326 IAC 2-6 (Emission Reporting) which became effective on March 27, 2004. The Permittee is no longer required to submit an emission statement; therefore, the emission statement condition will be removed from the permit. Pursuant to the provisions of 326 IAC 2-6.1-6 (d) the permit is hereby administratively amended as follows:

Condition C.14 is removed from the permit:

~~C.14 Annual Emission Statement [326 IAC 2-6]~~

- ~~(a) The Permittee shall submit an annual emission statement certified pursuant to the requirements of 326 IAC 2-6, that must be received by April 15 of each year and must comply with the minimum requirements specified in 326 IAC 2-6-4. The annual emission statement shall meet the following requirements:~~
- ~~(1) Indicate actual emissions of criteria pollutants from the source, in compliance with 326 IAC 2-6 (Emission Reporting);~~
 - ~~(2) Indicate actual emissions of other regulated pollutants from the source, for purposes of Part 70 fee assessment.~~
- ~~(b) The annual emission statement covers the twelve (12) consecutive month time period starting December 1 and ending November 30. The annual emission statement must be submitted to:~~
- ~~Indiana Department of Environmental Management
Technical Support and Modeling Section, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015~~

and

~~St. Joseph County Local Agency
St. Joseph County Health Department
Room 914
County City Building
South Bend, IN 46601-1870~~

~~(e) The annual 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 St. Joseph County Local Agency on or before the date it is due.~~

The submittal by the Permittee does require the certification by the “authorized individual” as defined by 326 IAC 2-1.1-1.

All other conditions of the permit shall remain unchanged and in effect. Please attach a copy of this letter and the following revised permit page 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 Janet Mobley at 317-232-8369 or at 1-800 451-6027 extension 2-8369.

Sincerely,

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

PD/jm

cc: File – Lake County
Lake County Health Department
Air Compliance Section Inspector – Letty Zepeda
Compliance Data Section
IDEM Northwest Regional Office
Gary Department of Environmental Affairs
Permit Review Section II- Janet Mobley



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**NEW SOURCE CONSTRUCTION PERMIT and
 MINOR SOURCE OPERATING PERMIT
 OFFICE OF AIR QUALITY and
 St. JOSEPH COUNTY LOCAL AGENCY**

**Mishawaka Concrete and Asphalt Recycling, Inc.
 860 South Beiger Street
 Mishawaka, Indiana 46544**

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

This permit is issued to the above mentioned company under the provisions of 326 IAC 2-1.1, 326 IAC 2-5.1, 326 IAC 2-6.1 and 40 CFR 52.780, with conditions listed on the attached pages.

Operation Permit No.: MSOP 141-13993-03122	
Issued by: Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: July 2, 2001 Expiration Date: July 2, 2006

First Notice Only Change No.: 141-16286-03122, issued November 14, 2002

Second Notice Only Change No.: 089-19978-03122	Page Changed: 14
Issued by:Original signed by Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date:November 18, 2004

- (b) When a malfunction of any facility or emission control equipment occurs which lasts more than one (1) hour, said condition shall be reported to OAQ, using the Malfunction Report Forms (2 pages). Notification shall be made by telephone or facsimile, as soon as practicable, but in no event later than four (4) daytime business hours after the beginning of said occurrence.
- (c) Failure to report a malfunction of any emission control equipment shall constitute a violation of 326 IAC 1-6, and any other applicable rules. Information of the scope and expected duration of the malfunction shall be provided, including the items specified in 326 IAC 1-6-2(a)(1) through (6).
- (d) Malfunction is defined as any sudden, unavoidable failure of any air pollution control equipment, process, or combustion or process equipment to operate in a normal and usual manner. [326 IAC 1-2-39]