



Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

TO: Interested Parties / Applicant
DATE: February 22, 2005
RE: E & B Paving, Inc / 003-20500-03125
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 1/10/05



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We make Indiana a cleaner, healthier place to live.

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February 22, 2005

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

Re: 003-20500-03125
First Administrative Amendment to
FESOP 003-14404-03125

Dear Mr. Henderson,

E&B Paving, Inc. was issued a FESOP renewal on April 17, 2002 for stationary batch mix asphalt plant. E&B Paving, Inc. submitted a request on December 10, 2004 asking to defer the testing requirement as outlined in Condition D.1.8 until such time that the facility would be operational again. E&B Paving, Inc. purchased the plant in March of 2001 and has not operated it since. Pursuant to the provisions of 326 IAC 2-8-10 the permit is hereby administratively amended as follows:

D.1.8 Testing Requirements [326 IAC 2-8-5(a)(1), (4)] [326 IAC 2-1.1-11]

~~During the period between 30 to 36 months after issuance of this permit,~~ **Within sixty (60) days after achieving maximum capacity, but not later than one hundred and eighty (180) days after startup,** the Permittee shall perform the following to demonstrate compliance with Conditions D.1.2, D.1.3 and D.1.4 for the batch-mix aggregate dryer:

- (a) PM and PM-10 testing utilizing methods per 40 CFR Part 60 Appendix A, Method 5 for PM and methods, as approved by the Commissioner for PM-10. PM-10 includes filterable and condensable PM-10.
- (b) Opacity testing utilizing 40 CFR Part 60 Appendix A, Method 9, to demonstrate compliance with the opacity limitation of Condition D.1.3.

This test shall be repeated at least once every five (5) years from the date of this valid compliance demonstration. Testing shall be conducted in accordance with Section C- Performance Testing.

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 Linda Quigley, at (973) 575-2555, ext. 3284, or dial (800) 451-6027, extension 3-6878

Sincerely,

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

Attachments

LQ/EVP

cc: File - Allen County
U.S. EPA, Region V
Allen County Health Department
Air Compliance Section Inspector – Jennifer Dorn
Compliance Data Section
Administrative and Development
Technical Support and Modeling



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FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP) Renewal OFFICE OF AIR QUALITY

**E & B Paving, Inc.
320 South Thomas Road
Fort Wayne, Indiana 46804**

(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 provision of this permit is grounds for enforcement action; permit termination, revocation and reissuance, or modification; and denial of a permit renewal application. 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.: F003-14404-03125	
Issued by: Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: April 17, 2002 Expiration Date: April 17, 2007
First Administrative Amendment: AA003-20500 Pages affected: Page 27	
Issued by: Original Signed by Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: February 22, 2005

Compliance Determination Requirements

D.1.8 Testing Requirements [326 IAC 2-8-5(a)(1), (4)] [326 IAC 2-1.1-11]

Within sixty (60) days after achieving maximum capacity, but not later than one hundred and eighty (180) days after startup, the Permittee shall perform the following to demonstrate compliance with Conditions D.1.2 , D.1.3 and D.1.4 for the batch-mix aggregate dryer:

- (a) PM and PM-10 testing utilizing methods per 40 CFR Part 60 Appendix A, Method 5 for PM and methods, as approved by the Commissioner for PM-10. PM-10 includes filterable and condensable PM-10.
- (b) Opacity testing utilizing 40 CFR Part 60 Appendix A, Method 9, to demonstrate compliance with the opacity limitation of Condition D.1.3.

This test shall be repeated at least once every five (5) years from the date of this valid compliance demonstration. Testing shall be conducted in accordance with Section C-Performance Testing.

D.1.9 Particulate Matter (PM)

The baghouse for PM and PM10 control shall be in operation at all times when the aggregate dryer and burner are in operation.

D.1.10 Sulfur Dioxide Emissions and Sulfur Content

Compliance with Condition D.1.5 shall be determined utilizing one of the following options.

- (a) Pursuant to 326 IAC 3-7-4, the Permittee shall demonstrate that the sulfur dioxide emissions do not exceed 0.5 pounds per million Btu heat input when firing No. 1 and No. 2 distillate fuel oil, and 1.6 pounds per million Btu heat input when firing No. 4, No. 5, No. 6 and re-refined waste oil:
 - (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 90 MMBtu per hour heater, 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.

D.1.11 Used Oil Requirements [329 IAC 13]

The waste oil burned in the aggregate dryer burner shall comply with the used oil requirements specified in 329 IAC 13 (Used Oil Management). Pursuant to 329 IAC 13-3-2 (Used Oil Specifications), used oil burned for energy recovery that is classified as off-specification used oil fuel shall comply with the provisions of 329 IAC 13-8 (Used Oil Burners Who Burn Off-specification Used Oil For Energy Recovery), including: