INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
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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: January 20, 2006

RE: Brooks Construction Company, Inc. / 113-21823-03265

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

Notice of Decision: Approval - Effective Immediately

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 IC 13-15-5-3, this permit is effective immediately, unless a petition for stay of effectiveness is filed and granted according to IC 13-15-6-3, and may be revoked or modified in accordance with the provisions of IC 13-15-7-1.

If you wish to challenge this decision, IC 4-21.5-3 and IC 13-15-6-1 require 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 of 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.dot 1/10/05

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Mr. David Fogg
Brooks Construction Company, Inc.
P.O. Box 9560
Fort Wayne, IN 46899

January 20, 2006

Re: 113-21823-03265
First Significant Revision to
FESOP 113-14047-03265

Dear Mr. Fogg:

Brooks Construction Company, Inc. was issued a permit on November 20, 2002 for a portable hot mix asphalt batch plant. A letter requesting changes to this permit was received on September 20, 2005. Pursuant to the provisions of 326 IAC 2-8-11.1 a significant permit revision to this permit is hereby approved as described in the attached Technical Support Document.

The modification consists of approval to use a refinery blend of #2 and #6 fuel oil that has similar properties of #4 fuel oil in the aggregate dryer burner at the existing plant. Fuel usage limitations for this fuel have been added to the FESOP.

Pursuant to 326 IAC 2-8-11.1, this permit shall be revised by incorporating the significant permit revision into the permit. All other conditions of the permit shall remain unchanged and in effect. Please attach a copy of this modification and the following revised permit 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 Trish Earls, c/o OAQ, 100 North Senate Avenue, Indianapolis, Indiana, 46204-2251, or call at (973) 575-2555, ext. 3219 or dial (800) 451-6027, and ask for extension 3-6878.

Sincerely,

Original Signed By:
Paul Dubenetzky, Acting Assistant Commissioner
Office of Air Quality

Attachments
TE/EVP
cc: File - Noble County
U.S. EPA, Region V
Noble County Health Department
Air Compliance Section Inspector – Doyle Houser
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

Brooks Construction Company, Inc. (Portable)

(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.: F113-14047-03265	
Original signed by: Paul Dubenetzky, Chief Permits Branch Office of Air Quality	Issuance Date: November 20, 2002 Expiration Date: November 20, 2007

First Administrative Amendment No.: 113-20132-03265, issued on December 13, 2004

First Significant Permit Revision No.: 113-21823-03265	Pages affected: Entire permit
Issued by: Original Signed By: Paul Dubenetzky, Acting Assistant Commissioner Office of Air Quality	Issuance Date: January 20, 2006 Expiration Date: November 20, 2007

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SECTION A SOURCE SUMMARY

This permit is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ). The information describing the source contained in conditions A.1 through A.3 is descriptive information and does not constitute enforceable conditions. However, the Permittee should be aware that a physical change or a change in the method of operation that may render this descriptive information obsolete or inaccurate may trigger requirements for the Permittee to obtain additional permits or seek modification of this permit pursuant to 326 IAC 2, or change other applicable requirements presented in the permit application.

A.1 General Information [326 IAC 2-8-3(b)]

The Permittee owns and operates a portable hot mix asphalt batch plant.

Authorized Individual:	John R. Brooks, President
Initial Source Address:	819 North Orange Street, Albion, Indiana 46701
Mailing Address:	P.O. Box 9560, Fort Wayne, Indiana 46899
General Source Phone:	(260) 478-1990
SIC Code:	2951
Source Location Status:	Noble
County Status:	Attainment for all criteria pollutants
Source Status:	Federally Enforceable State Operating Permit (FESOP) Minor Source, under PSD and Emission Offset rules; Minor Source, Section 112 of the Clean Air Act

A.2 Emission Units and Pollution Control Equipment Summary [326 IAC 2-8-3(c)(3)]

This portable source consists of the following emission units and pollution control devices:

(a) one (1) aggregate rotary dryer, identified as emission unit No. 2, with a maximum capacity of 140 tons per hour, equipped with one (1) No. 2 distillate oil fired aggregate dryer burner with a maximum rated capacity of 49 million (MM) Btu per hour using natural gas and refinery blend fuel oil as back-up fuels, with one (1) knock out box and one (1) baghouse in series for particulate control, exhausting at one (1) stack, identified as SV1;

(b) four (4) feeder conveyors;

(c) one (1) screen;

(d) cold-mix (stockpile mix) asphalt storage piles;

(e) two (2) liquid asphalt storage tanks, identified as Tanks 14A and 14B, each with a maximum storage capacity of 11,000 gallons, and each tank exhausting at one (1) stack, identified as SV3 and SV4, respectively; and

(f) one (1) No. 2 distillate fuel oil storage tank, identified as Tank 15, with a maximum storage capacity of 11,000 gallons, exhausting at one (1) stack, identified as SV5.

A.3 Insignificant Activities [326 IAC 2-7-1(21)] [326 IAC 2-8-3(c)(3)(I)]

This portable source also includes the following insignificant activities, as defined in 326 IAC 2-7-1(21):

(a) Paved and unpaved roads and parking lots with public access;

(b) The following equipment related to manufacturing activities not resulting in the emission of HAPs: brazing equipment, cutting torches, soldering equipment, welding equipment;

(c) Other categories with emissions below insignificant thresholds:

(1) one (1) No. 2 distillate fuel oil fired hot oil heater, identified as emission unit No. 13, rated at 1.12 MMBtu/hr using natural gas as back-up fuel, exhausting at one (1) stack, identified as SV2;
(2) one (1) cold feed system consisting of four (4) compartments with a total aggregate holding capacity of 80 tons;
(3) one (1) hot aggregate bucket elevator;
(4) four (4) hot bins with a total maximum aggregate holding capacity of 30 tons;
(5) one (1) aggregate hopper with a maximum holding capacity of 4,000 pounds, and one (1) asphalt hopper with a maximum holding capacity of 500 pounds;
(6) one (1) pug mill (mixer) with a maximum hot mix holding capacity of 4,000 pounds; and
(7) aggregate storage piles, with a maximum storage capacity of 25,500 tons.

A.4 FESOP Applicability [326 IAC 2-8-2]

This portable 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 Permits Superseded [326 IAC 2-1.1-9.5]

(a) All terms and conditions of previous permits issued pursuant to permitting programs approved into the state implementation plan have been either

(1) incorporated as originally stated,

(2) revised, or

(3) deleted

by this permit.

(b) All previous registrations and permits are superseded by this permit.

SECTION B GENERAL CONDITIONS

B.1 Permit No Defense [IC 13]

Indiana statutes from IC 13 and rules from 326 IAC, quoted in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a FESOP under 326 IAC 2-8.

B.2 Definitions [326 IAC 2-8-1]

Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, the applicable definitions found in the statutes or regulations (IC 13-11, 326 IAC 1-2, and 326 IAC 2-7) shall prevail.

B.3 Permit Term [326 IAC 2-8-4(2)][326 IAC 2-1.1-9.5]

This permit is issued for a fixed term of five (5) years from the issuance date of this permit, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3. Subsequent revisions, modifications, or amendments of this permit do not affect the expiration date.

B.4 Enforceability [326 IAC 2-8-6]

Unless otherwise stated, all terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM, the United States Environmental Protection Agency (U.S. EPA) and by citizens in accordance with the Clean Air Act.

B.5 Termination of Right to Operate [326 IAC 2-8-9] [326 IAC 2-8-3(h)]

The Permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least nine (9) months prior to the date of expiration of the source’s existing permit, consistent with 326 IAC 2-8-3(h) and 326 IAC 2-8-9.

B.6 Severability [326 IAC 2-8-4(4)]

The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.

B.7 Property Rights or Exclusive Privilege [326 IAC 2-8-4(5)(D)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

B.8 Duty to Provide Information [326 IAC 2-8-4(5)(E)]

(a) The Permittee shall furnish to IDEM, OAQ, within a reasonable time, any information that IDEM, OAQ, may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The submittal by the Permittee does require the certification by the “authorized individual” as defined by 326 IAC 2-1.1-1(1). Upon request, the Permittee shall also furnish to IDEM, OAQ, copies of records required to be kept by this permit.

(b) For information furnished by the Permittee to IDEM, OAQ, the Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1 when furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.

B.9 Compliance Order Issuance [326 IAC 2-8-5(b)]

IDEM, OAQ may issue a compliance order to this Permittee upon discovery that this permit is in nonconformance with an applicable requirement. The order may require immediate compliance or contain a schedule for expeditious compliance with the applicable requirement.

B.10 Certification [326 IAC 2-8-3(d)] [326 IAC 2-8-4(3)(C)(i)] [326 IAC 2-8-5(1)]

(a) Where specifically designated by this permit or required by an applicable requirement, any application form, report, or compliance certification submitted shall contain certification by an authorized individual of truth, accuracy, and completeness. This certification, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(b) One (1) certification shall be included, using the attached Certification Form, with each submittal requiring certification. One (1) certification may cover multiple forms in one (1) submittal.

(c) An authorized individual is defined at 326 IAC 2-1.1-1(1).

B.11 Annual Compliance Certification [326 IAC 2-8-5(a)(1)]

(a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. All certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted in letter form no later than April 15 of each year to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

(b) The annual compliance certification report 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, on or before the date it is due.

(c) The annual compliance certification report shall include the following:

(1) The appropriate identification of each term or condition of this permit that is the basis of the certification;

(2) The compliance status;

(3) Whether compliance was continuous or intermittent;

(4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-8-4(3); and

(5) Such other facts as specified in Sections D of this permit, IDEM, OAQ, may require to determine the compliance status of the source.

The notification which shall be submitted by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

B.12 Preventive Maintenance Plan [326 IAC 1-6-3] [326 IAC 2-8-4(9)] [326 IAC 2-8-5(a)(1)]

(a) If required by specific condition(s) in Section D of this permit, the Permittee shall maintain and implement Preventive Maintenance Plans (PMPs), including the following information on each facility:

(1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;

(2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and

(3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

(b) A copy of the PMPs shall be submitted to IDEM, OAQ, upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ. IDEM, OAQ, may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or is the primary contributor to an exceedance of any limitation on emissions or potential to emit. The PMPs do not require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

(c) To the extent the Permittee is required by 40 CFR Part 60/63 to have an Operation, Maintenance, and Monitoring (OMM) Plan for a unit, such Plan is deemed to satisfy the PMP requirements of 326 IAC 1-6-3 for that unit.

B.13 Emergency Provisions [326 IAC 2-8-12]

(a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation, except as provided in 326 IAC 2-8-12.

(b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a health-based or technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describes the following:

(1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;

(2) The permitted facility was at the time being properly operated;

(3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;

(4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ, within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

Telephone No.: 1-800-451-6027 (ask for Office of Air Quality, Compliance Section) or,
Telephone No.: 317-233-5674 (ask for Compliance Section)
Facsimile No.: 317-233-5967

(5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

within two (2) working days of the time when emission limitations were exceeded due to the emergency.

The notice fulfills the requirement of 326 IAC 2-8-4(3)(C)(ii) and must contain the following:

(A) A description of the emergency;

(B) Any steps taken to mitigate the emissions; and

(C) Corrective actions taken.

The notification which shall be submitted by the Permittee does not require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

(6) The Permittee immediately took all reasonable steps to correct the emergency.

(c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.

(d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.

(e) The Permittee seeking to establish the occurrence of an emergency shall make records available upon request to ensure that failure to implement a PMP did not cause or contribute to an exceedance of any limitations on emissions. However, IDEM, OAQ may require that the Preventive Maintenance Plans required under 326 IAC 2-8-3(c)(6) be revised in response to an emergency.

(f) Failure to notify IDEM, OAQ by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-8 and any other applicable rules.

(g) Operations may continue during an emergency only if the following conditions are met:

(1) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.

(2) If an emergency situation causes a deviation from a health-based limit, the Permittee may not continue to operate the affected emissions facilities unless:

(A) The Permittee immediately takes all reasonable steps to correct the emergency situation and to minimize emissions; and

(B) Continued operation of the facilities is necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw material of substantial economic value.

Any operations shall continue no longer than the minimum time required to prevent the situations identified in (g)(2)(B) of this condition.

(h) The Permittee shall include all emergencies in the Quarterly Deviation and Compliance Monitoring Report.

B.14 Deviations from Permit Requirements and Conditions [326 IAC 2-8-4(3)(C)(ii)]

(a) Deviations from any permit requirements (for emergencies see Section B - Emergency Provision), the probable cause of such deviations, and any response steps or preventive measures taken shall be reported to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

using the attached Quarterly Deviation and Compliance Monitoring Report, or its equivalent. A deviation required to be reported pursuant to an applicable requirement that exists independent of this permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report.

The Quarterly Deviation and Compliance Monitoring Report does require the certification by the “authorized individual” as defined by 326 IAC 2-1.1-1(1).

(b) A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit.

B.15 Permit Modification, Reopening, Revocation and Reissuance, or Termination [326 IAC 2-8-4(5)(C)] [326 IAC 2-8-7(a)] [326 IAC 2-8-8]

(a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a FESOP modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-8-4(5)(C)] The notification by the Permittee does require the certification by the “authorized individual” as defined by 326 IAC 2-1.1-1(1).

(b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAQ determines any of the following:

(1) That this permit contains a material mistake.

(2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.

(3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-8-8(a)]

(c) Proceedings by IDEM, OAQ, to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-8-8(b)]

(d) The reopening and revision of this permit, under 326 IAC 2-8-8(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAQ, at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAQ may provide a shorter time period in the case of an emergency. [326 IAC 2-8-8(c)]

B.16 Permit Renewal [326 IAC 2-8-3(h)]

(a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ and shall include the information specified in 326 IAC 2-8-3. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40). The renewal application does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

Request for renewal shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, IN 46204-2251

(b) Timely Submittal of Permit Renewal [326 IAC 2-8-3]

(1) A timely renewal application is one that is:

(A) Submitted at least nine (9) months prior to the date of the expiration of this permit; and

(B) 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, on or before the date it is due.

(2) If IDEM, OAQ upon receiving a timely and complete permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect until the renewal permit has been issued or denied.

(c) Right to Operate After Application for Renewal [326 IAC 2-8-9]
If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-8 until IDEM, OAQ takes final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by the deadline specified in writing by IDEM, OAQ, any additional information identified as needed to process the application.

B.17 Permit Amendment or Revision [326 IAC 2-8-10] [326 IAC 2-8-11.1]

(a) Permit amendments and revisions are governed by the requirements of 326 IAC 2-8-10 or 326 IAC 2-8-11.1 whenever the Permittee seeks to amend or modify this permit.

(b) Any application requesting an amendment or modification of this permit shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

Any such application shall be certified by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

(c) The Permittee may implement the administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-8-10(b)(3)]

(d) No permit amendment or modification is required for the addition, operation or removal of a nonroad engine, as defined in 40 CFR 89.2.

B.18 Operational Flexibility [326 IAC 2-8-15][326 IAC 2-8-11.1]

(a) The Permittee may make any change or changes at this source that are described in 326 IAC 2-8-15(b) through (d), without prior permit revision, if each of the following conditions is met:

(1) The changes are not modifications under any provision of Title I of the Clean Air Act;

(2) Any approval required by 326 IAC 2-8-11.1 has been obtained;

(3) The changes do not result in emissions which exceed the limitations provided in this permit (whether expressed herein as a rate of emissions or in terms of total emissions);

(4) The Permittee notifies the:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

and

United States Environmental Protection Agency, Region V
Air and Radiation Division, Regulation Development Branch - Indiana (AR-18J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

in advance of the change by written notification at least ten (10) days in advance of the proposed change. The Permittee shall attach every such notice to the Permittee's copy of this permit; and

(5) The Permittee maintains records on-site, on a rolling five (5) year basis, which document all such changes and emission trades that are subject to 326 IAC 2-8-15(b) through (d). The Permittee shall make such records available, upon reasonable request, for public review.

Such records shall consist of all information required to be submitted to IDEM, OAQ in the notices specified in 326 IAC 2-8-15(b)(2), (c)(1), and (d).

(b) Emission Trades [326 IAC 2-8-15(c)]
The Permittee may trade emissions increases and decreases at the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-8-15(c).

(c) Alternative Operating Scenarios [326 IAC 2-8-15(d)]
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-8-4(7). No prior notification of IDEM, OAQ or U.S. EPA is required.

(d) Backup fuel switches specifically addressed in, and limited under, Section D of this permit shall not be considered alternative operating scenarios. Therefore, the notification requirements of part (a) of this condition do not apply.

B.19 Permit Revision Requirement [326 IAC 2-8-11.1]

A modification, construction, or reconstruction is governed by the requirements of 326 IAC 2 and 326 IAC 2-8-11.1.

B.20 Inspection and Entry [326 IAC 2-8-5(a)(2)][IC 13-14-2-2][IC 13-17-3-2][IC 13-30-3-1]

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee's right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, U.S. EPA, or an authorized representative to perform the following:

(a) Enter upon the Permittee's premises where a FESOP source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;

(b) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(c) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, inspect at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;

(d) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and

(e) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.

B.21 Transfer of Ownership or Operational Control [326 IAC 2-8-10]

(a) The Permittee must comply with the requirements of 326 IAC 2-8-10 whenever the Permittee seeks to change the ownership or operational control of the source and no other change in the permit is necessary.

(b) Any application requesting a change in the ownership or operational control of the source shall contain a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new Permittee. The application shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

The application which shall be submitted by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

(c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-8-10(b)(3)]

B.22 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-8-4(6)] [326 IAC 2-8-16][326 IAC 2-1.1-7]

(a) The Permittee shall pay annual fees to IDEM, OAQ, within thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ the applicable fee is due April 1 of each year.

(b) Failure to pay may result in administrative enforcement action, or revocation of this permit.

(c) The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-4230 (ask for OAQ, Billing, Licensing, and Training Section), to determine the appropriate permit fee.

B.23 Credible Evidence [326 IAC 2-8-4(3)][326 IAC 2-8-5][62 FR 8314] [326 IAC 1-1-6]

For the purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of any condition of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether the Permittee would have been in compliance with the condition of this permit if the appropriate performance or compliance test or procedure had been performed.

SECTION C SOURCE OPERATION CONDITIONS

Entire Source

Emissions Limitations and Standards [326 IAC 2-8-4(1)]

C.1 Particulate Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) Pounds per Hour [326 IAC 6-3-2]

Pursuant to 326 IAC 6-3-2(e)(2), particulate emissions from any process not exempt under 326 IAC 6-3-1(b) or (c) which has a maximum process weight rate less than 100 pounds per hour and the methods in 326 IAC 6-3-2(b) through (d) do not apply shall not exceed 0.551 pounds per hour.

C.2 Overall Source Limit [326 IAC 2-8]

The purpose of this permit is to limit this source's potential to emit to less than major source levels for the purpose of Section 502(a) of the Clean Air Act.

(a) Pursuant to 326 IAC 2-8:

(1) The potential to emit any regulated pollutant, except particulate matter (PM), from the entire source shall be limited to less than one-hundred (100) tons per twelve (12) consecutive month period. This limitation shall also make the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) and 326 IAC 2-3 (Emission Offset) not applicable;

(2) The potential to emit any individual hazardous air pollutant (HAP) from the entire source shall be limited to less than ten (10) tons per twelve (12) consecutive month period; and

(3) The potential to emit any combination of HAPs from the entire source shall be limited to less than twenty-five (25) tons per twelve (12) consecutive month period.

(b) Pursuant to 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)), potential to emit particulate matter (PM) from the entire source shall be limited to less than two hundred fifty (250) tons per twelve (12) consecutive month period.

(c) This condition shall include all emission points at this source including those that are insignificant as defined in 326 IAC 2-7-1(21). The source shall be allowed to add insignificant activities not already listed in this permit, provided that the source's potential to emit does not exceed the above specified limits.

(d) Section D of this permit contains independently enforceable provisions to satisfy this requirement.

C.3 Opacity [326 IAC 5-1]

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-3 (Temporary Alternative Opacity Limitations), opacity shall meet the following, unless otherwise stated in this permit:

(a) Opacity shall not exceed an average of thirty percent (30%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.

(b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

C.4 Open Burning [326 IAC 4-1] [IC 13-17-9]

The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1.

C.5 Incineration [326 IAC 4-2] [326 IAC 9-1-2(3)]

The Permittee shall not operate an incinerator or incinerate any waste or refuse except as provided in 326 IAC 4-2 and in 326 IAC 9-1-2.

C.6 Fugitive Dust Emissions [326 IAC 6-4]

The Permittee shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4 (Fugitive Dust Emissions).

C.7 Fugitive Particulate Matter Emission Limitations [326 IAC 6-5]

Pursuant to 326 IAC 6-5 (Fugitive Particulate Matter Emission Limitations), fugitive particulate matter emissions shall be controlled according to the plan submitted on March 11, 1996. The plan is included as Attachment A.

C.8 Stack Height [326 IAC 1-7]

The Permittee shall comply with the applicable provisions of 326 IAC 1-7 (Stack Height Provisions), for all exhaust stacks through which a potential (before controls) of twenty-five (25) tons per year or more of particulate matter or sulfur dioxide is emitted.

C.9 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]

(a) Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.

(b) The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:

(1) When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or

(2) If there is a change in the following:

(A) Asbestos removal or demolition start date;

(B) Removal or demolition contractor; or

(C) Waste disposal site.

(c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).

(d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).

All required notifications shall be submitted to:

Indiana Department of Environmental Management
Asbestos Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

The notice shall include a signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project. The notifications do not require a certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

(e) Procedures for Asbestos Emission Control
The Permittee shall comply with the applicable emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-1 emission control requirements are applicable for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.

(f) Demolition and Renovation
The Permittee shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos pursuant to 40 CFR 61.145(a).

(g) Indiana Accredited Asbestos Inspector
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Accredited Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos. The requirement to use an Indiana Accredited Asbestos inspector is not federally enforceable.

Testing Requirements [326 IAC 2-8-4(3)]

C.10 Performance Testing [326 IAC 3-6]

(a) All testing shall be performed according to the provisions of 326 IAC 3-6 (Source Sampling Procedures), except as provided elsewhere in this permit, utilizing any applicable procedures and analysis methods specified in 40 CFR 51, 40 CFR 60, 40 CFR 61, 40 CFR 63, 40 CFR 75, or other procedures approved by IDEM, OAQ.

A test protocol, except as provided elsewhere in this permit, shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

no later than thirty-five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require certification by the “authorized individual” as defined by 326 IAC 2-1.1-1(1).

(b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require certification by the “authorized individual” as defined by 326 IAC 2-1.1-1(1).

(c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ, if the Permittee submits to IDEM, OAQ, a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.

Compliance Requirements [326 IAC 2-1.1-11]

C.11 Compliance Requirements [326 IAC 2-1.1-11]

The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements by issuing an order under 326 IAC 2-1.1-11. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U. S. EPA.

Compliance Monitoring Requirements [326 IAC 2-8-4] [326 IAC 2-8-5(a)(1)]

C.12 Compliance Monitoring [326 IAC 2-8-4(3)] [326 IAC 2-8-5(a)(1)]

Unless otherwise specified in this permit, all monitoring and record keeping requirements not already legally required shall be implemented upon issuance of this permit. If required by Section D, the Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment.

Unless otherwise specified in the approval for the new emissions unit, compliance monitoring for new emission units or emission units added through a permit revision shall be implemented when operation begins.

C.13 Monitoring Methods [326 IAC 3] [40 CFR 60] [40 CFR 63]

Any monitoring or testing required by Section D of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, 40 CFR 60 Appendix B, 40 CFR 63 or other approved methods as specified in this permit.

C.14 Instrument Specifications [326 IAC 2-1.1-11] [326 IAC 2-8-4(3)][326 IAC 2-8-5(1)]

(a) When required by any condition of this permit, an analog instrument used to measure a parameter related to the operation of an air pollution control device shall have a scale such that the expected maximum reading for the normal range shall be no less than twenty percent (20%) of full scale.

(b) The Permittee may request that the IDEM, OAQ approve the use of an instrument that does not meet the above specifications provided the Permittee can demonstrate that an alternative instrument specification will adequately ensure compliance with permit conditions requiring the measurement of the parameters.

Corrective Actions and Response Steps [326 IAC 2-8-4] [326 IAC 2-8-5(a)(1)]

C.15 Risk Management Plan [326 IAC 2-8-4] [40 CFR 68]

If a regulated substance, as defined in 40 CFR 68, is present at a source in more than a threshold quantity, the Permittee must comply with the applicable requirements of 40 CFR 68.

C.16 Response to Excursions or Exceedances [326 IAC 2-8-4] [326 IAC 2-8-5]

(a) Upon detecting an excursion or exceedance, the Permittee shall restore operation of the emissions unit (including any control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

(b) The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Corrective actions may include, but are not limited to, the following:

(1) initial inspection and evaluation;

(2) recording that operations returned to normal without operator action (such as through response by a computerized distribution control system); or

(3) any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.

(c) A determination of whether the Permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include, but is not limited to, the following:

(1) monitoring results;

(2) review of operation and maintenance procedures and records;

(3) inspection of the control device, associated capture system, and the process.

(d) Failure to take reasonable response steps shall be considered a deviation from the permit.

(e) The Permittee shall maintain the following records:

(1) monitoring data;

(2) monitor performance data, if applicable; and

(3) corrective actions taken.

C.17 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-8-4][326 IAC 2-8-5]

(a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate response actions. The Permittee shall submit a description of these response actions to IDEM, OAQ, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize excess emissions from the affected facility while the response actions are being implemented.

(b) A retest to demonstrate compliance shall be performed within one hundred twenty (120) days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAQ that retesting in one-hundred and twenty (120) days is not practicable, IDEM, OAQ may extend the retesting deadline.

(c) IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.

The response action documents submitted pursuant to this condition do require the certification by the “authorized individual” as defined by 326 IAC 2-1.1-1(1).

Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]

C.18 General Record Keeping Requirements [326 IAC 2-8-4(3)] [326 IAC 2-8-5]

(a) Records of all required monitoring data, reports and support information required by this permit shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be physically present or electronically accessible at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.

(b) Unless otherwise specified in this permit, all record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance.

C.19 General Reporting Requirements [326 IAC 2-8-4(3)(C)] [326 IAC 2-1.1-11]

(a) The Permittee shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported. This report shall be submitted within thirty (30) days of the end of the reporting period. The Quarterly Deviation and Compliance Monitoring Report shall include the certification by the "authorized individual" as defined by 326 IAC2-1.1-1(1).

(b) The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

(c) Unless otherwise specified in this permit, any notice, report, or other submission 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, on or before the date it is due.

(d) Unless otherwise specified in this permit, all reports required in Section D of this permit shall be submitted within thirty (30) days of the end of the reporting period. All reports do require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

(e) Reporting periods are based on calendar years, unless otherwise specified in this permit. For the purpose of this permit "calendar year" means the twelve (12) month period from January 1 to December 31 inclusive.

Portable Source Requirement

C.20 Relocation of Portable Sources [326 IAC 2-14-4]

(a) This permit is approved for operation in all areas of Indiana except in severe nonattainment areas for ozone (at the time of this permit's issuance these areas were Lake and Porter Counties). This determination is based on the requirements of Prevention of Significant Deterioration in 326 IAC 2-2, and Emission Offset requirements in 326 IAC 2-3. Prior to locating in any severe nonattainment area, the Permittee must submit a request and obtain a permit modification.

(b) A request to relocate shall be submitted to IDEM, OAQ at least thirty (30) days prior to the intended date of relocation. This submittal shall include the following:

(1) A list of governmental officials entitled to receive notice of application to relocate. IC 13-15-3-1

(2) A list of adjacent landowners that the Permittee will send written notice to not more than ten (10) days after submission of the request to relocate. IC 13-15-8

The notification by the Permittee does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

(c) A "Relocation Site Approval" letter shall be obtained prior to relocating.

(d) The Permittee shall also notify the applicable local air pollution control agency when relocating to, or from, one the following:

(1) Madison County - (Anderson Office of Air Management)

(2) City of Evansville plus four (4) miles beyond the corporate limits but not outside Vanderburgh County - (Evansville EPA)

(3) City of Gary - (Gary Department of Environmental Affairs)

(4) City of Hammond - (Hammond Department of Environmental Management)

(5) Marion County - (Indianapolis Office of Environmental Services)

(6) Vigo County - (Vigo County Air Pollution Control)

(e) A valid operation permit consists of this document and any subsequent "Relocation Site Approval" letter specifying the current location of the portable plant.

Stratospheric Ozone Protection

C.21 Compliance with 40 CFR 82 and 326 IAC 22-1

Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with the standards for recycling and emissions reduction:

(a) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices pursuant to 40 CFR 82.156

(b) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.

(c) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.

SECTION D.1 FACILITY OPERATION CONDITIONS

Facility Description [326 IAC 2-8-4(10)]:

(a) one (1) aggregate rotary dryer, identified as emission unit No. 2, with a maximum capacity of 140 tons per hour, equipped with one (1) No. 2 distillate oil fired aggregate dryer burner with a maximum rated capacity of 49 million (MM) Btu per hour using natural gas and refinery blend fuel oil as back-up fuels, with one (1) knock out box and one (1) baghouse in series for particulate control, exhausting at one (1) stack, identified as SV1;

(b) four (4) feeder conveyors;

(c) one (1) screen.

(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.)

Emission Limitations and Standards [326 IAC 2-8-4(1)]

D.1.1 General Provisions Relating to NSPS [326 IAC 12-1][40 CFR Part 60, Subpart A]

The provisions of 40 CFR Part 60, Subpart A - General Provisions, which are incorporated by reference in 326 IAC 12-1, apply to the facility described in this section except when otherwise specified in 40 CFR Part 60, Subpart I.

D.1.2 Particulate Matter (PM) [326 IAC 6.5-1-2] [326 IAC 12] [40 CFR 60.90, Subpart I]

(a) Pursuant to 326 IAC 6.5-1-2(a) (formerly 326 IAC 6-1-2(a)) (Particulate Emissions Limitations), the particulate matter emissions from the mixing and drying operation shall be limited to 0.03 grains per dry standard cubic foot (gr/dscf) of exhaust air.

(b) Pursuant to 326 IAC 12, (40 CFR Part 60.90, Subpart I) “Standards of Performance for Hot Mix Asphalt Facilities”, the particulate matter emissions from the mixing and drying operations shall be limited to 0.04 grains per dry standard cubic foot (gr/dscf) of exhaust air.

Compliance with the PM emission limit pursuant to 326 IAC 6.5-1-2 (formerly 326 IAC 6-1-2) will also satisfy the PM emission limit pursuant to 326 IAC 12, 40 CFR Part 60.90, Subpart I.

D.1.3 Opacity [326 IAC 12] [40 CFR 60.90, Subpart I]

Pursuant to 326 IAC 12, (40 CFR Part 60.92, Subpart I) “Standards of Performance for Hot Mix Asphalt Facilities”, the mixing and drying operations shall not discharge or cause the discharge into the atmosphere any gases which exhibit 20% opacity or greater.

D.1.4 Particulate Matter 10 Microns (PM10) [326 IAC 2-8-4][326 IAC 2-2][326 IAC 2-3][326 IAC 2-1.1-5]

Pursuant to 326 IAC 2-8-4, particulate matter 10 microns emissions from the aggregate mixing and drying operation shall not exceed 0.124 pound of PM-10 per ton of asphalt mix. This is equivalent to a PM-10 emission limit of 17.35 pounds per hour, including both filterable and condensible fractions. Based on 8,760 hours of operation per 12 consecutive month period, this limits PM-10 emissions from the aggregate mixing and drying operation to 76.00 tons per year for a source-wide total potential to emit of less than 100 tons per year. Therefore, compliance with this limit will satisfy 326 IAC 2-8-4, and will render the Part 70 rules (326 IAC 2-7) not applicable. This limit will also render 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) and 326 IAC 2-3 (Emission Offset) not applicable. Compliance with this limit will also render the requirements of Nonattainment New Source Review not applicable for PM2.5 emissions when located in a county that is nonattainment for PM2.5.

D.1.5 Sulfur Dioxide (SO_2) [326 IAC 7-1.1-1][326 IAC 7-2-1]

(a) Pursuant to 326 IAC 7-1.1 (Sulfur Dioxide Emission Limitations), sulfur dioxide emissions from the 49.0 million Btu per hour burner for the aggregate dryer shall be limited to 0.5 pounds per million Btu heat input or a sulfur content of less than or equal to 0.5% when using distillate oil.

(b) Pursuant to 326 IAC 7-1.1 (Sulfur Dioxide Emission Limitations), sulfur dioxide emissions from the 49.0 million Btu per hour burner for the aggregate dryer shall be limited to 1.6 pounds per million Btu heat input or a sulfur content of less than or equal to 1.5% when using residual oil.

(c) Pursuant to 326 IAC 7-2-1, compliance shall be demonstrated on a calendar month average.

D.1.6 Fuel Usage Limitations [326 IAC 2-8-4]

Pursuant to 326 IAC 2-8-4(1), the following limits shall apply:

(a) the sulfur content of the No. 2 distillate fuel oil used in the 49.0 MMBtu per hour burner for the aggregate dryer shall not exceed 0.5 percent.

(b) the sulfur content of the refinery blend fuel oil used in the 49 MMBtu per hour burner for the aggregate dryer shall not exceed 1.0 percent.

(c) the usage of refinery blend fuel oil with a maximum sulfur content of 1.0% and refinery blend fuel oil equivalents in the 49.0 MMBtu per hour burner for the aggregate dryer shall be limited to 1,287,733 U.S. gallons per twelve (12) consecutive month period with compliance determined at the end of each month, so that SO_2 emissions are limited to less than 100 tons per year.

(d) For purposes of determining compliance every MMCF of natural gas burned in the 49.0 MMBtu per hour burner for the aggregate dryer shall be equivalent to 4.0 gallons of refinery blend fuel oil based on SO_2 emissions, such that the total gallons of refinery blend fuel oil and refinery blend fuel oil equivalent input does not exceed the limit specified.

(e) For purposes of determining compliance every 1,000 gallons of No. 2 distillate fuel oil burned in the 49.0 MMBtu per hour burner for the aggregate dryer shall be equivalent to 460.1 gallons of refinery blend fuel oil based on SO2 emissions such that the total gallons of refinery blend fuel oil and refinery blend fuel oil equivalent input does not exceed the limit specified.

Therefore, the requirements of 326 IAC 2-7 will not apply.

D.1.7 Particulate Matter (PM) [326 IAC 2-2]

Particulate matter emissions from the aggregate mixing and drying operation shall not exceed 0.299 pound of PM per ton of asphalt mix. This is equivalent to a PM emission limit of 41.9 pounds per hour based on a maximum throughput of 140 tons of asphalt mix per hour. Based on 8,760 hours of operation per 12 consecutive month period, this limits PM emissions from the aggregate mixing and drying operation to 183.5 tons per year for a source-wide total potential to emit of less than 250 tons per year. Therefore, compliance with this limit will render 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) not applicable.

D.1.8 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

A Preventive Maintenance Plan, in accordance with Section B - Preventive Maintenance Plan, of this permit, is required for this facility and its control device.

Compliance Determination Requirements

D.1.9 Particulate Matter (PM)

(a) In order to comply with D.1.2(a) and (b), D.1.4, and D.1.7 the knockout box and baghouse in series for PM and PM10 control shall be in operation and control emissions from the batch mix dryer/burner at all times that the batch mix dryer/burner is in operation.

(b) In the event that bag failure is observed in a multi-compartment baghouse, if operations will continue for ten (10) days or more after the failure is observed before the failed units will be repaired or replaced, the Permittee shall promptly notify the IDEM, OAQ of the expected date the failed units will be repaired or replaced. The notification shall also include the status of the applicable compliance monitoring parameters with respect to normal, and the results of any response actions taken up to the time of notification.

D.1.10 Testing Requirements [326 IAC 2-8-5(a)(1), (4)] [326 IAC 2-1.1-11]

In order to demonstrate compliance with Conditions D.1.2(a) and (b), D.1.3, D.1.4, and D.1.7, the Permittee shall perform PM, PM10 and Opacity testing on the mixing and drying operation (Stack SV1) utilizing methods as approved by the Commissioner, at least once every five years from November 29, 2004, the date of the most recent valid compliance demonstration. PM-10 includes filterable and condensible PM-10. Testing shall be conducted in accordance with Section C-Performance Testing.

D.1.11 Sulfur Dioxide Emissions and Sulfur Content

Compliance 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 five-tenths (0.5) pounds per million Btu heat input when burning No. 2 distillate fuel oil and that the sulfur dioxide emissions do not exceed 1.6 pounds per million Btu heat input when burning refinery blend fuel oil by:

(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 49 MMBtu per hour burner for the aggregate dryer, 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.

Compliance Monitoring Requirements [326 IAC 2-8-4] [326 IAC 2-8-5(a)(1)]

D.1.12 Visible Emissions Notations

(a) Visible emission notations of the batch mix dryer/burner baghouse stack exhaust, conveyors, and transfer points, shall be performed once per day during normal daylight operations. A trained employee shall record whether emissions are normal or abnormal.

(b) For processes operated continuously, "normal" means those conditions prevailing, or expected to prevail, eighty percent (80%) of the time the process is in operation, not counting startup or shut down time.

(c) In the case of batch or discontinuous operations, readings shall be taken during that part of the operation that would normally be expected to cause the greatest emissions.

(d) A trained employee is an employee who has worked at the plant at least one (1) month and has been trained in the appearance and characteristics of normal visible emissions for that specific process.

(e) If abnormal emissions are observed, the Permittee shall take reasonable response steps in accordance with Section C- Response to Excursions or Exceedances. Failure to take response steps in accordance with Section C - Response to Excursions or Exceedances shall be considered a deviation from this permit.

D.1.13 Parametric Monitoring

The Permittee shall record the pressure drop across the baghouse used in conjunction with the aggregate dryer, mixer, and burner, at least once per day when the aggregate dryer, mixer, and burner are in operation. When for any one reading, the pressure drop across the baghouse is outside the normal range of 2.0 and 8.0 inches of water or a range established during the latest stack test, the Permittee shall take reasonable response steps in accordance with Section C - Response to Excursions or Exceedances. A pressure reading that is outside the above mentioned range is not a deviation from this permit. Failure to take response steps in accordance with Section C - Response to Excursions or Exceedances, shall be considered a deviation from this permit.

The instrument used for determining the pressure shall comply with Section C - Instrument Specifications, of this permit, shall be subject to approval by IDEM, OAQ, and shall be calibrated at least once every six (6) months.

D.1.14 Baghouse Failure Detection

(a) For a single compartment baghouse controlling emissions from a process operated continuously, a failed unit and the associated process shall be shut down immediately until the failed unit has been repaired or replaced. Operations may continue only if the event qualifies as an emergency and the Permittee satisfies the requirements of the emergency provisions of this permit (Section B - Emergency Provisions).

(b) For a single compartment baghouse controlling emissions from a batch process, the feed to the process shall be shut down immediately until the failed unit has been repaired or replaced. The emissions unit shall be shut down no later than the completion of the processing of the material in the emission unit. Operations may continue only if the event qualifies as an emergency and the Permittee satisfies the requirements of the emergency provisions of this permit (Section B - Emergency Provisions).

Bag failure can be indicated by a significant drop in the baghouse’s pressure reading with abnormal visible emissions, by an opacity violation, or by other means such as gas temperature, flow rate, air infiltration, leaks, dust traces or triboflows.

Record Keeping and Reporting Requirement [326 IAC 2-8-4(3)] [326 IAC 2-8-16]

D.1.15 Record Keeping Requirements

(a) To document compliance with Conditions D.1.5 and D.1.6, the Permittee shall maintain records in accordance with (1) through (6) below.

(1) Calendar dates covered in the compliance determination period;

(2) Actual fuel usage of each type of fuel used in the 49.0 MMBtu per hour burner for the aggregate dryer per month since last compliance determination period and equivalent SO_2 emissions;

(3) A certification, signed by the owner or operator, that the records of the fuel supplier certifications represent all of the fuel combusted during the period; and

If the fuel supplier certification is used to demonstrate compliance the following, as a minimum, shall be maintained:

(4) Fuel supplier certifications.

(5) The name of the fuel supplier; and

(6) A statement from the fuel supplier that certifies the sulfur content of the fuel oil.

The Permittee shall retain records of all recording/monitoring data and support information for a period of five (5) years, or longer if specified elsewhere in this permit, from the date of the monitoring sample, measurement, or report. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

(b) The Permittee shall maintain records sufficient to verify compliance with the procedures specified in condition D.1.11. Records shall be maintained for a period of five (5) years and shall be made available upon request by IDEM.

(c) To document compliance with Condition D.1.12, the Permittee shall maintain records of the once per day visible emission notations of the batch mix dryer/burner baghouse stack exhaust, conveyors, and transfer points.

(d) To document compliance with Condition D.1.13, the Permittee shall maintain daily records of the pressure drop during normal operation.

(e) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

D.1.16 Reporting Requirements

A quarterly summary of the information to document compliance with Condition D.1.6 shall be submitted to the address listed in Section C - General Reporting Requirements, of this permit, using the reporting forms located at the end of this permit, or their equivalent, within thirty (30) days after the end of the quarter being reported. The report submitted by the Permittee does require the certification by the “authorized individual” as defined by 326 IAC 2-1.1-1(1).

SECTION D.2 FACILITY OPERATION CONDITIONS

Facility Description [326 IAC 2-8-4(10)]:

(d) cold-mix (emulsified) asphalt storage piles.

(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.)

Emission Limitations and Standards [326 IAC 2-8-4(1)]

D.2.1 Volatile Organic Compound (VOC) [326 IAC 8-5-2] [326 IAC 2-8-4][326 IAC 2-2][326 IAC 2-3]

(a) Pursuant to 326 IAC 8-5-2 (Miscellaneous Operations: Asphalt Paving), the use of cutback asphalt or asphalt emulsion shall not contain more than seven percent (7%) oil distillate by volume of emulsion for any paving application except the following purposes:

(1) penetrating prime coating

(2) stockpile storage

(3) application during the months of November, December, January, February and March.

(b) Emulsified asphalt with VOC solvent liquid binder used in the production of cold mix asphalt shall not exceed 195.37 tons of VOC solvent per twelve (12) consecutive month period, with compliance determined at the end of each month. This is equivalent to limiting the VOC emitted from solvent use to 90.65 tons per twelve (12) consecutive month period, based on the following definition:

Emulsified asphalt with solvent, containing a maximum of 15% of liquid binder by weight of VOC solvent and 46.4% by weight of the VOC solvent in the liquid blend evaporating. The percent oil distillate in emulsified asphalt with solvent liquid, as determined by ASTM, must be 7% or less of the total emulsion by volume. This limit will also render 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) and 326 IAC 2-3 (Emission Offset) not applicable.

Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)] [326 IAC 2-8-16]

D.2.2 Record Keeping Requirements

To document compliance with Condition D.2.1(b), the Permittee shall maintain records in accordance with (a) through (d) below. Records maintained for (a) through (d) shall be taken monthly and shall be complete and sufficient to establish compliance with the VOC emission limit established in Condition D.2.1(b).

(a) Calendar dates covered in the compliance determination period;

(b) Emulsified asphalt binder usage per month since the last compliance determination period;

(c) VOC solvent content by weight of the emulsified asphalt binder used each month; and

(d) Amount of VOC solvent used in the production of cold mix asphalt, and the amount of VOC emitted each month.

All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

D.2.3 Reporting Requirements

A quarterly summary of the information to document compliance with Condition D.2.1(b) shall be submitted to the address listed in Section C - General Reporting Requirements, of this permit, using the reporting forms located at the end of this permit, or their equivalent, within thirty (30) days after the end of the quarter being reported. The report submitted by the Permittee does require the certification by the “authorized individual” as defined by 326 IAC 2-1.1-1(1).

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY

FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP) CERTIFICATION

Source Name:	Brooks Construction Company, Inc.
Initial Source Address:	819 North Orange Street, Albion, Indiana 46701
Mailing Address:	P.O. Box 9560, Fort Wayne, Indiana 46899
FESOP No.:	F113-14047-03265

This certification shall be included when submitting monitoring, testing reports/results or other documents as required by this permit.

Please check what document is being certified:

☐ Annual Compliance Certification Letter

☐ Test Result (specify)_____

☐ Report (specify)_____

☐ Notification (specify)_____

☐ Affidavit (specify)_____

☐ Other (specify)_____

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Signature:

Printed Name:

Title/Position:

Date:

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE BRANCH
100 North Senate Avenue
Indianapolis, Indiana 46204-2251
Phone: 317-233-5674
Fax: 317-233-5967

FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP)
EMERGENCY OCCURRENCE REPORT

Source Name:	Brooks Construction Company, Inc.
Initial Source Address:	819 North Orange Street, Albion, Indiana 46701
Mailing Address:	P.O. Box 9560, Fort Wayne, Indiana 46899
FESOP No.:	F113-14047-03265

This form consists of 2 pages **Page 1 of 2**

☐ This is an emergency as defined in 326 IAC 2-7-1(12)
- The Permittee must notify the Office of Air Quality (OAQ), within four (**4**) business hours (1-800-451-6027 or 317-233-5674, ask for Compliance Section); and
- The Permittee must submit notice in writing or by facsimile within two (**2**) working days (Facsimile Number: 317-233-5967), and follow the other requirements of 326 IAC 2-7-16

If any of the following are not applicable, mark N/A

Facility/Equipment/Operation:
Control Equipment:
Permit Condition or Operation Limitation in Permit:
Description of the Emergency:
Describe the cause of the Emergency:

If any of the following are not applicable, mark N/A **Page 2 of 2**

Date/Time Emergency started:
Date/Time Emergency was corrected:
Was the facility being properly operated at the time of the emergency? Y N Describe:
Type of Pollutants Emitted: TSP, PM-10, SO_2, VOC, NO_X, CO, Pb, other:
Estimated amount of pollutant(s) emitted during emergency:
Describe the steps taken to mitigate the problem:
Describe the corrective actions/response steps taken:
Describe the measures taken to minimize emissions:
If applicable, describe the reasons why continued operation of the facilities are necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw materials of substantial economic value:

Form Completed by: _____
Title / Position: _____
Date: _____
Phone: _____

A certification is not required for this report.

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE DATA SECTION

FESOP Quarterly Report

Source Name: Brooks Construction Company, Inc.
Initial Source Address: 819 North Orange Street, Albion, Indiana 46701
Mailing Address: P.O. Box 9560, Fort Wayne, Indiana 46899
FESOP No.: F113-14047-03265
Facility: 49 MMBtu per hour aggregate dryer burner
Parameter: Refinery blend fuel oil and equivalent usage limit to limit SO_2 emissions
Limit: the usage of refinery blend fuel oil with a maximum sulfur content of 1.0% and refinery blend fuel oil equivalents in the 49.0 MMBtu per hour burner for the aggregate dryer shall be limited to 1,287,733 U.S. gallons per twelve (12) consecutive month period with compliance determined at the end of each month, so that SO_2 emissions are limited to less than 100 tons per year.

YEAR:_____

Month	Column 1	Column 2	Column 1 + Column 2
	Refinery Blend Fuel Oil & Equivalent Usage This Month (gallons)	Refinery Blend Fuel Oil & Equivalent Usage Previous 11 Months (gallons)	12 Month Total Refinery Blend Fuel Oil & Equivalent Usage (gallons)
Month 1			
Month 2			
Month 3			

☐ No deviation occurred in this quarter.

☐ Deviation/s occurred in this quarter.
Deviation has been reported on:_____

Submitted by: _____
Title / Position: _____
Signature: _____
Date: _____
Phone: _____

Attach a signed certification to complete this report.

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE DATA SECTION

FESOP Quarterly Report

Source Name: Brooks Construction Company, Inc.
Initial Source Address: 819 North Orange Street, Albion, Indiana 46701
Mailing Address: P.O. Box 9560, Fort Wayne, Indiana 46899
FESOP No.: F113-14047-03265
Facility: Cold Mix Asphalt Storage
Parameter: VOC
Limit: Emulsified asphalt with VOC solvent liquid binder used in the production of cold mix asphalt shall not exceed 195.37 tons of VOC solvent per twelve (12) consecutive month period, with compliance determined at the end of each month. This is equivalent to limiting the VOC emitted from solvent use to 90.65 tons per twelve (12) consecutive month period.

YEAR:

Month	Column 1	Column 2	Column 1 + Column 2
	Total VOC Solvent Usage This Month (tons)	Total VOC Solvent Usage Previous 11 Months (tons)	12 Month Total VOC Solvent Usage (tons)
Month 1			
Month 2			
Month 3			

No deviation occurred in this quarter.

Deviation/s occurred in this quarter.
Deviation has been reported on: _____

Submitted by: _____
Title / Position: _____
Signature: _____
Date: _____
Phone: _____

Attach a signed certification to complete this report.

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY

COMPLIANCE DATA SECTION

FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP)
QUARTERLY DEVIATION AND COMPLIANCE MONITORING REPORT

Source Name:	Brooks Construction Company, Inc.
Initial Source Address:	819 North Orange Street, Albion, Indiana 46701
Mailing Address:	P.O. Box 9560, Fort Wayne, Indiana 46899
FESOP No.:	F113-14047-03265

Months: _____ **to** _____ **Year:** _____

Page 1 of 2

This report shall be submitted quarterly based on a calendar year. Any deviation from the requirements, the date(s) of each deviation, the probable cause of the deviation, and the response steps taken must be reported. A deviation required to be reported pursuant to an applicable requirement that exists independent of the permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report. Additional pages may be attached if necessary. If no deviations occurred, please specify in the box marked "No deviations occurred this reporting period".
☐ NO DEVIATIONS OCCURRED THIS REPORTING PERIOD.
☐ THE FOLLOWING DEVIATIONS OCCURRED THIS REPORTING PERIOD

Permit Requirement (specify permit condition #)	
Date of Deviation:	**Duration of Deviation:**
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	

Permit Requirement (specify permit condition #)	
Date of Deviation:	**Duration of Deviation:**
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	

Permit Requirement (specify permit condition #)	
Date of Deviation:	**Duration of Deviation:**
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	

Permit Requirement (specify permit condition #)	
Date of Deviation:	**Duration of Deviation:**
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	

Permit Requirement (specify permit condition #)	
Date of Deviation:	**Duration of Deviation:**
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	

Form Completed By: _____

Title/Position: _____

Date: _____

Phone: _____

Attach a signed certification to complete this report.

ATTACHMENT A

ASPHALT PLANT SITE FUGITIVE DUST CONTROL PLAN

Fugitive particulate matter emissions from paved roads, unpaved roads, and parking lots shall be controlled by one or more of the following methods:

Paved roads and parking lots:

(1) cleaning by vacuum sweeping on an as needed basis (monthly at a minimum)
(2) power brooming while wet either from rain or application of water.

Unpaved roads and parking lots:

(1) paving with asphalt;
(2) treating with emulsified asphalt;
(3) watering;
(4) double chip and seal the road surface.

Fugitive particulate matter emissions from aggregate stockpiles shall be controlled by one or more of the following methods on an as needed basis:

(1) maintaining minimum size and number of stock piles of aggregate;
(2) treating around the stockpile area with emulsified asphalt;
(3) treating around the stockpile area with water;
(4) treating the stockpiles with water.

Fugitive particulate matter emissions from outdoor conveying of aggregates shall be controlled by the following method on an as needed basis:

(1) applying water at the feed and the intermediate points.

Fugitive particulate matter emissions from the transfer of aggregates shall be controlled by one of the following methods:

(1) minimize the vehicular distance between transfer points;
(2) enclose the transfer points;
(3) apply water on transfer points on an as needed basis.

Fugitive particulate matter emissions from transportation of aggregate by truck, front end loader, etc. shall be controlled by one of the following methods:

(1) tarping the aggregate hauling vehicles;
(2) maintain vehicle bodies in a condition to prevent leakage;
(3) spray the aggregates with water;
(4) maintain a 10 MPH speed limit in the yard.

Fugitive particulate matter emissions from the loading and unloading of aggregate shall be controlled by one of the following methods:

(1) reduce free fall distance to a minimum;
(2) reduce the rate of discharge of the aggregate;
(3) spray the aggregate with water on an as needed basis.

Indiana Department of Environmental Management
Office of Air Quality

Technical Support Document (TSD) for a Significant Permit Revision to a Federally Enforceable State Operating Permit

Source Background and Description

Source Name:	**Brooks Construction Company, Inc.**
Source Location:	**819 North Orange Street, Albion, Indiana 46701**
County:	**Noble**
SIC Code:	**2951**
Operation Permit No.:	**F 113-14047-03265**
Operation Permit Issuance Date:	**November 20, 2002**
Permit Revision No.:	**113-21823-03265**
Permit Reviewer:	**Trish Earls/EVP**

The Office of Air Quality (OAQ) has reviewed a revision application from Brooks Construction Company, Inc. relating to the operation of a portable hot mix asphalt batch plant.

History

On September 20, 2005, Brooks Construction Company, Inc. submitted an application to the OAQ requesting approval to use a refinery blend of #2 and #6 fuel oil that has similar properties of #4 fuel oil in the aggregate dryer burner at their existing plant. The refinery blend fuel oil has a maximum sulfur content of 1.0%. Brooks Construction Company, Inc. was issued a Federally Enforceable State Operating Permit (FESOP) Renewal on November 20, 2002. They are currently permitted to use natural gas or #2 fuel oil in the aggregate dryer burner.

Permitted Emission Units and Pollution Control Equipment

The source consists of the following permitted emission units and pollution control devices:

(a) one (1) aggregate rotary dryer, identified as emission unit No. 2, with a maximum capacity of 140 tons per hour, equipped with one (1) No. 2 distillate oil fired aggregate dryer burner with a maximum rated capacity of 49 million (MM) Btu per hour using natural gas and refinery blend fuel oil as back-up fuels, with one (1) knock out box and one (1) baghouse in series for particulate control, exhausting at one (1) stack, identified as SV1;

(b) four (4) feeder conveyors;

(c) one (1) screen;

(d) cold-mix (stockpile mix) asphalt storage piles;

(e) two (2) liquid asphalt storage tanks, identified as Tanks 14A and 14B, each with a maximum storage capacity of 11,000 gallons, and each tank exhausting at one (1) stack, identified as SV3 and SV4, respectively; and

(f) one (1) No. 2 distillate fuel oil storage tank, identified as Tank 15, with a maximum storage capacity of 11,000 gallons, exhausting at one (1) stack, identified as SV5.

Unpermitted Emission Units and Pollution Control Equipment

There are no unpermitted facilities operating at this source during this review process.

Existing Approvals

The source was issued a FESOP Renewal (F113-14047-03265) on November 20, 2002. The source has since received the following:

(a) First Administrative Amendment No.: 113-20132-03265, issued on December 13, 2004.

Enforcement Issue

There are no enforcement actions pending.

Recommendation

The staff recommends to the Commissioner that the Significant Permit Revision 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 and additional information submitted by the applicant.

An application for the purposes of this review was received on September 20, 2005.

Emission Calculations

See Appendix A of this document for detailed emissions calculations (pages 1 through 3).

Potential To Emit Before Controls (Revision)

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."

Pollutant	Potential To Emit (tons/year)
PM	10.73
PM-10	13.03
SO_2	229.95
VOC	0.52
CO	7.67
NO_x	30.66

Note that the emissions included in the table above represent emissions from combustion of only refinery blend fuel oil in the aggregate dryer burner.

Justification for Revision

The FESOP is being modified through a Significant Permit Revision. This revision is being performed pursuant to 326 IAC 2-8-11.1(f)(1)(E) because the potential to emit (as defined in 326 IAC 2-7-1(29)) of SO_2 and NO_X are equal to or greater than 25 tons per year.

County Attainment Status

The source is located in Noble County.

Pollutant	Status
PM-10	Attainment
PM-2.5	Attainment
SO_2	Attainment
NO_2	Attainment
1-hour Ozone	Attainment
8-hour Ozone	Attainment
CO	Attainment
Lead	Attainment

(a) Volatile organic compounds (VOC) and Nitrogen Oxides (NOx) are regulated under the Clean Air Act (CAA) for the purposes of attaining and maintaining the National Ambient Air Quality Standards (NAAQS) for ozone. Therefore, VOC emissions and NOx are considered when evaluating the rule applicability relating to ozone. Noble County has been designated as attainment or unclassifiable for ozone. Therefore, VOC emissions and NOx were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2. See the State Rule Applicability for the source section.

(b) Noble County has been classified as unclassifiable or attainment for PM2.5. U.S. EPA has not yet established the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2 for PM 2.5 emissions. Therefore, until the U.S.EPA adopts specific provisions for PSD review for PM2.5 emissions, it has directed states to regulate PM10 emissions as surrogate for PM2.5 emissions. See the State Rule Applicability for the source section.

(c) Noble County has been classified as attainment or unclassifiable in Indiana for all other criteria pollutants. Therefore, these emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2. See the State Rule Applicability for the source section.

(d) Fugitive Emissions
Since there are applicable New Source Performance Standards that were in effect on August 7, 1980, the fugitive particulate matter (PM) and volatile organic compound (VOC) emissions are counted toward determination of PSD and Emission Offset applicability. This source is not one of the twenty-eight (28) listed source categories under 326 IAC 2-2 (PSD).

Source Status

Existing Source PSD Definition (emissions after controls, based upon 8760 hours of operation per year at rated capacity and/or as otherwise limited):

Pollutant	Emissions (tons/year)
PM	Less than 250
PM-10	Less than 100
SO_2	Less than 100
VOC	Less than 100
CO	Less than 100
NOx	Less than 100

(a) This existing source is not a major stationary source because no attainment regulated pollutant is emitted at a rate of 250 tons per year or more, and it is not one of the 28 listed source categories.

(b) These emissions are based upon FESOP Renewal No. F113-14047-03265, issued on November 20, 2002 and this Significant Permit Revision.

Potential to Emit After Issuance (Entire Source)

The table below summarizes the total potential to emit, reflecting all limits, of the significant emission units.

	Potential to Emit (tons/year)						
Process/facility	PM	PM-10	SO_2	VOC	CO	NO_X	HAPs
Aggregate Dryer and Burner (1)	183.5(2)	76.00(3)	96.58	8.32	18.03	27.99	7.14
Existing Source	65.22	23.00	2.42	90.68	0.41	0.70	Negl.
Total Emissions	248.72	99.00	99.00	99.00	18.44	31.36	7.14

(1) Limited PTE reflects fuel usage limitation in condition D.1.6 to comply with 326 IAC 2-8 (FESOP).
(2) Maximum allowable PM emissions to render 326 IAC 2-2 (PSD) not applicable.
(3) Maximum allowable PM10 emissions in order to comply with 326 IAC 2-8 (FESOP) as listed in condition D.1.4.

This modification to an existing minor stationary source is not major because the emission increase is less than the PSD significant levels. Therefore, pursuant to 326 IAC 2-2, the PSD requirements do not apply.

Portable Source

(a) Initial Location
This is a portable source and its initial location is 819 North Orange Street, Albion, Indiana 46701.

(b) PSD and Emission Offset Requirements
The emissions from this portable source were reviewed under the requirements of the Prevention of Significant Deterioration (PSD), 326 IAC 2-2, and Emission Offset, 326 IAC 2-3.

Federal Rule Applicability

(a) In the October 15, 2003 Federal Register, the USEPA made revisions to the New Source Performance Standard, 326 IAC 12, (40 CFR 60.110b through 60.117b, Subpart Kb) which have also been incorporated into the Indiana state rules. The rule now applies to each storage vessel installed after July 23, 1984, with a storage capacity greater than 75 cubic meters (m^3), used to store volatile organic liquids (VOLs). The two (2) 11,000 gallon asphalt storage tanks and one (1) 11,000 gallon #2 fuel oil storage tank are no longer subject to the requirements of this rule since each tank has a storage capacity less than 75 cubic meters. Therefore, the requirements of this rule which were included in the original FESOP will be removed from the permit in this permit revision.

There are no additional Federal Rules included in this permit revision, other than those included in FESOP Renewal No. F113-14047-03265, issued on November 20, 2002.

State Rule Applicability – Entire Source

326 IAC 2-2 (Prevention of Significant Deterioration), 326 IAC 2-3 (Emission Offset)

This modification to an existing minor source under 326 IAC 2-2 and 326 IAC 2-3 is not subject to the requirements of these rules. As shown in the table on page 4 above, the allowable emissions of all regulated pollutants, except PM, are less than 100 tons per year after application of all federally enforceable emission limits.

The requirements of 326 IAC 2-3 (Emission Offset) apply to major sources or major modifications constructed in an area designated as non-attainment. Since there are no attainment status designations for PM, the requirements of this rule do not apply to PM emissions. Also, since this source is approved for operation in all areas of Indiana except in severe non-attainment areas for ozone (at this time these areas are Lake and Porter Counties), the applicability threshold for 326 IAC 2-3 (Emission Offset) is 100 tons per year for PM-10, SO_2, VOC, NOx, and CO.

Since the allowable emissions of PM-10, SO_2, VOC, NOx, and CO are less than the applicability threshold of 250 tons per year for 326 IAC 2-2 (PSD) and 100 tons per year for 326 IAC 2-3 (Emission Offset), the requirements of 326 IAC 2-2 (PSD) and 326 IAC 2-3 (Emission Offset) do not apply for these pollutants.

In the original FESOP, it was stated that the PM limits pursuant to 40 CFR Part 60.90, Subpart I and 326 IAC 6.5-1-2(a) (formerly 326 IAC 6-1-2(a)) would render the requirements of 326 IAC 2-2 (PSD) not applicable. However, since each of these limits is based on a grain loading limit and since flow rate is variable, additional PM limits in pound per ton of asphalt mix and pounds per hour have been added to the FESOP to render the requirements of 326 IAC 2-2 (PSD) not applicable.

PM emissions from the aggregate dryer shall be limited to 0.299 pound PM per ton of asphalt mix equivalent to 41.9 pounds per hour, based on a maximum throughput of 140 tons of asphalt mix per hour. Based on 8,760 hours of operation per 12 consecutive month period, this limits PM emissions from the aggregate mixing and drying operation to 183.5 tons per year for a source-wide total potential to emit of less than 250 tons per year. The source will comply with the PM emission limit by utilizing a knockout box and baghouse in series for controlling PM emissions to less than 41.9 pounds per hour from the aggregate dryer.

326 IAC 2-8-4 (FESOP)

This source is subject to 326 IAC 2-8-4 (FESOP). Since combustion of the refinery blend fuel oil in the aggregate dryer burner emits greater than 100 tons per year of SO_2, and it emits the worst case SO_2 emissions, the fuel usage limit in the FESOP will no longer be expressed in terms of No. 2 distillate fuel oil and equivalent usage but will be expressed as a refinery blend fuel oil and equivalent usage limit. Pursuant to this rule, the following limits shall apply:

(a) the sulfur content of the No. 2 distillate fuel oil used in the 49 MMBtu per hour burner for the aggregate dryer shall not exceed 0.5 percent.

(b) the sulfur content of the refinery blend fuel oil used in the 49 MMBtu per hour burner for the aggregate dryer shall not exceed 1.0 percent.

(c) the usage of refinery blend fuel oil with a maximum sulfur content of 1.0% and refinery blend fuel oil equivalents in the 49 MMBtu per hour dryer burner shall not exceed 1,287,733 gallons per twelve (12) consecutive month period, with compliance determined at the end of each month, so that SO_2 emissions are limited to less than 100 tons per year.

For purposes of determining compliance based on SO_2 emissions (See calculations page 3 of 3, Appendix A), the following shall apply:

(1) every 1,000 gallons of No. 2 fuel oil burned in the 49 MMBtu per hour aggregate dryer burner shall be equivalent to 460.1 gallons of refinery blend fuel oil based on SO_2 emissions and a maximum No. 2 fuel oil sulfur content of 0.5% such that the total gallons of refinery blend fuel oil and refinery blend fuel oil equivalent input does not exceed the limit specified;

(2) every million cubic feet (MMCF) of natural gas burned in the 49 MMBtu per hour aggregate dryer burner shall be equivalent to 4.0 gallons of refinery blend fuel oil based on SO_2 emissions such that the total gallons of refinery blend fuel oil and refinery blend fuel oil equivalent input does not exceed the limit specified;

(d) The use of emulsified asphalt with solvent liquid binder, containing a maximum 15% of liquid binder by weight of VOC solvent and 46.4% by weight of the VOC solvent evaporating, shall not exceed 195.4 tons of VOC solvent per twelve (12) consecutive month period, with compliance determined at the end of each month, so that VOC emissions are limited to less than 100 tons per year.

(e) PM-10 emissions from the aggregate dryer shall be limited to 0.124 pound PM-10 per ton of asphalt mix equivalent to 17.35 pounds per hour, when based on a maximum throughput of 140 tons of asphalt mix per hour. Based on 8,760 hours of operation per 12 consecutive month period, this limits PM-10 emissions from the aggregate mixing and drying operation to 76.00 tons per year for a source-wide total potential to emit of less than 100 tons per year. The source will comply with the PM-10 emission limit by utilizing a knockout box and baghouse in series for controlling PM-10 emissions to less than 17.35 pounds per hour from the aggregate dryer.

This operation is approved for operation in all areas of Indiana except in severe nonattainment areas for ozone (at this time these areas are Lake and Porter Counties). Therefore, these limits will render the requirements of 326 IAC 2-7 (Part 70), 326 IAC 2-2 (PSD) and 326 IAC 2-3 (Emission Offset) not applicable.

There are no additional source-wide State Rules included in this permit revision, other than those included in FESOP renewal F113-14047-03265, issued on November 20, 2002.

State Rule Applicability – Individual Facilities

326 IAC 6.5-1-2 (formerly 326 IAC 6-1-2) (Particulate Limitations)

326 IAC 6-1 has been repealed and all non-Lake County PM limitations have been placed into 326 IAC 6.5. These changes were published in the September 1, 2005 Indiana Register. The particulate matter emissions from the aggregate mixing and drying operation are subject to the requirements of 326 IAC 6.5-1-2(a) (Particulate matter limitations except Lake County) (formerly 326 IAC 6-1-2) because this source is a portable source which can be located in one of the counties listed in 326 IAC 6.5-1-1(a) and potential particulate matter (PM) emissions exceed 100 tons per year. Pursuant to 326 IAC 6.5-1-2(a), PM emissions from the aggregate mixing and drying operation are limited to 0.03 grains per dry standard cubic foot (gr/dscf). The source will comply with this rule by using a knockout box and baghouse in series to limit particulate matter emissions to less than 0.03 gr/dscf.

326 IAC 7-1.1 (Sulfur Dioxide Emission Limitations)

The sulfur dioxide emissions from the 49 MMBtu/hr dryer burning distillate oil shall be limited to 0.5 lb/MMBtu heat input. This equates to a fuel oil sulfur content limit of 0.5%. Therefore, the sulfur content of the fuel must be less than or equal to 0.5% in order to comply with this rule. The source will comply with this rule by using No. 2 distillate oil with a sulfur content of 0.5% or less in the dryer.

Pursuant to this rule, the sulfur dioxide emissions from the 49 MMBtu/hr dryer burning refinery blend fuel oil (a residual oil) shall be limited to 1.6 pounds per MMBtu heat input. This equates to a refinery blend fuel oil sulfur content limit of 1.5%. Therefore, the sulfur content of the fuel must be less than or equal to 1.5% in order to comply with this rule (See Appendix A, Page 3 of 3 for detailed calculations). The source will comply with this rule by using refinery blend fuel oil with a sulfur content of 1.0% or less.

The 1.12 MMBtu/hr hot oil heater is not subject to the requirements of this rule because potential SO_2 emissions from this unit are less than 25 tons per year.

326 IAC 7-2-1 (Sulfur Dioxide Reporting Requirements)

This source is subject to 326 IAC 7-2-1 (Reporting Requirements). This rule requires the source to submit to the Office of Air Quality upon request records of sulfur content, heat content, fuel consumption, and sulfur dioxide emission rates based on a calendar-month average.

There are no additional individual facility State Rules included in this permit revision, other than those included in FESOP renewal F113-14047-03265, issued on November 20, 2002.

Compliance Requirements

Permits issued under 326 IAC 2-8 are required to ensure that sources can demonstrate compliance with applicable state and federal rules on a more or less continuous basis. All state and federal rules contain compliance provisions, however, these provisions do not always fulfill the requirement for a more or less continuous demonstration. When this occurs IDEM, OAQ in conjunction with the source, must develop specific conditions to satisfy 326 IAC 2-8-4. As a result, compliance requirements are divided into two sections: Compliance Determination Requirements and Compliance Monitoring Requirements.

Compliance Determination Requirements in Section D of the permit are those conditions that are found more or less directly within state and federal rules and the violation of which serves as grounds for enforcement action. If these conditions are not sufficient to demonstrate continuous compliance, they will be supplemented with Compliance Monitoring Requirements, also in Section D of the permit. Unlike Compliance Determination Requirements, failure to meet Compliance Monitoring conditions would serve as a trigger for corrective actions and not grounds for enforcement action. However, a violation in relation to a compliance monitoring condition will arise through a source's failure to take the approporiate corrective actions within a specific time period.

There are no new compliance monitoring requirements being added to the FESOP as a result of this revision.

Changes Proposed

The changes listed below have been made to the FESOP (F113-14047-03265) with additions in bold and deletions in ~~strikeout~~.

1. Section A.2 is revised to show the revised emission unit description for the aggregate rotary dryer as follows:

A.2 Emission Units and Pollution Control Equipment Summary [326 IAC 2-8-3(c)(3)]

This portable source consists of the following emission units and pollution control devices:

(a) one (1) aggregate rotary dryer, identified as emission unit No. 2, with a maximum capacity of 140 tons per hour, equipped with one (1) No. 2 distillate oil fired aggregate dryer burner with a maximum rated capacity of 49 million (MM) Btu per hour using natural gas **and refinery blend fuel oil** as ~~a~~ back-up fuel**s**, with one (1) knock out box and one (1) baghouse in series for particulate control, exhausting at one (1) stack, identified as SV1;

(b) four (4) feeder conveyors;

(c) one (1) screen;

(d) cold-mix (stockpile mix) asphalt storage piles;

(e) two (2) liquid asphalt storage tanks, identified as Tanks 14A and 14B, each with a maximum storage capacity of 11,000 gallons, and each tank exhausting at one (1) stack, identified as SV3 and SV4, respectively; and

(f) one (1) No. 2 distillate fuel oil storage tank, identified as Tank 15, with a maximum storage capacity of 11,000 gallons, exhausting at one (1) stack, identified as SV5.

2. Section D.1 is revised as shown below. Note that additional changes were made to conditions in section D.1 as shown below. Additional PM limits in pound per ton of asphalt mix and pounds per hour have been added to the FESOP in a new condition D.1.7 to render the requirements of 326 IAC 2-2 (PSD) not applicable as discussed under the rule applicability for 326 IAC 2-2 (PSD) above. The PM-10 limit in condition D.1.4 will also render the requirements of Nonattainment New Source Review under 326 IAC 2-1.1-5 not applicable when the source is located in a county that is nonattainment for PM2.5 per U.S. EPA's guidance to regulate PM10 emissions as surrogate for PM2.5 emissions. Therefore, the rule cite 326 IAC 2-1.1-5 was added to the title of the condition. Also, since the PM-10 limit pursuant to 326 IAC 2-8 (FESOP) also renders the requirements of 326 IAC 2-3, Emission Offset not applicable, the rule cite 326 IAC 2-3 has also been added to condition D.1.4.

Condition D.1.13, Baghouse Inspections, has been removed from the FESOP. Upon further review, IDEM has determined that it is the Permittee's responsibility to include routine control device inspection requirements in the applicable preventive maintenance plan. Since the Permittee is in the best position to determine the appropriate frequency of control device inspections and the details regarding which components of the control device should be inspected, the conditions requiring control device inspections have been removed from the permit. In addition, the requirement to keep records of the inspections has been removed.

Also, paragraph (a) of the Broken or Failed Baghouse condition D.1.14 has been deleted. For multi-compartment baghouses, the permit will not specify what actions the Permittee needs to take in response to a broken bag. However, a requirement has been added to Condition D.1.8, now re-numbered D.1.9, requiring the Permittee to notify IDEM if a broken bag is detected and the control device will not be repaired for more than ten (10) days. This notification allows IDEM to take any appropriate actions if the emission unit will continue to operate for a long period of time while the control device is not operating in optimum condition.

Additionally, upon further review, IDEM has determined that once per day monitoring of the control device and visible emission notations is generally sufficient to ensure proper operation of the control device. Section D.1 is revised as follows:

SECTION D.1 FACILITY OPERATION CONDITIONS

Facility Description [326 IAC 2-8-4(10)]:

(a) one (1) aggregate rotary dryer, identified as emission unit No. 2, with a maximum capacity of 140 tons per hour, equipped with one (1) No. 2 distillate oil fired aggregate dryer burner with a maximum rated capacity of 49 million (MM) Btu per hour using natural gas **and refinery blend fuel oil** as ~~a~~ back-up fuel**s**, with one (1) knock out box and one (1) baghouse in series for particulate control, exhausting at one (1) stack, identified as SV1;

(b) four (4) feeder conveyors;

(c) one (1) screen.

(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.)

Emission Limitations and Standards [326 IAC 2-8-4(1)]

D.1.1 General Provisions Relating to NSPS [326 IAC 12-1][40 CFR Part 60, Subpart A]

The provisions of 40 CFR Part 60, Subpart A - General Provisions, which are incorporated by reference in 326 IAC 12-1, apply to the facility described in this section except when otherwise specified in 40 CFR Part 60, Subpart I.

D.1.2 Particulate Matter (PM) [326 IAC 6**.5**-1-2] [326 IAC 12] [40 CFR 60.90, Subpart I]~~[326 IAC 2-2][40 CFR 52.21]~~

(a) Pursuant to 326 IAC 6**.5**-1-2**(a) (formerly 326 IAC 6-1-2(a))** (Particulate Emissions Limitations), the particulate matter emissions from the mixing and drying operation shall be limited to 0.03 grains per dry standard cubic foot (gr/dscf) of exhaust air. ~~This is equivalent to a particulate matter emission rate of 8.38 pounds per hour. This limit will also render 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) not applicable.~~

(b) Pursuant to 326 IAC 12, (40 CFR Part 60.90, Subpart I) "Standards of Performance for Hot Mix Asphalt Facilities", the particulate matter emissions from the mixing and drying operations shall be limited to 0.04 grains per dry standard cubic foot (gr/dscf) of exhaust air. ~~This is equivalent to a particulate matter emission rate of 11.17 pounds per hour.~~

Compliance with the PM emission limit pursuant to 326 IAC 6**.5**-1-2 **(formerly 326 IAC 6-1-2)** will also satisfy the PM emission limit pursuant to 326 IAC 12, 40 CFR Part 60.90, Subpart I.

D.1.3 Opacity [326 IAC 12] [40 CFR 60.90, Subpart I]

Pursuant to 326 IAC 12, (40 CFR Part 60.92, Subpart I) "Standards of Performance for Hot Mix Asphalt Facilities", the mixing and drying operations shall not discharge or cause the discharge into the atmosphere any gases which exhibit 20% opacity or greater.

D.1.4 Particulate Matter 10 Microns (PM10) [326 IAC 2-8-4][326 IAC 2-2]~~[40 CFR 52.21]~~**[326 IAC 2-3][326 IAC 2-1.1-5]**

Pursuant to 326 IAC 2-8-4, particulate matter 10 microns emissions from the aggregate mixing and drying operation shall not exceed 0.124 pound of PM-10 per ton of asphalt mix. This is equivalent to a PM-10 emission limit of 17.35 pounds per hour, including both filterable and condensible fractions. Based on 8,760 hours of operation per 12 consecutive month period, this limits PM-10 emissions from the aggregate mixing and drying operation to 76.00 tons per year for a source-wide total potential to emit of less than 100 tons per year. Therefore, compliance with this limit will satisfy 326 IAC 2-8-4, and will render the Part 70 rules (326 IAC 2-7) not applicable. This limit will also render 326 IAC 2-2 (Prevention of Significant Deterioration (PSD))~~, 40 CFR 52.21~~ **and 326 IAC 2-3 (Emission Offset)** not applicable. **Compliance with this limit will also render the requirements of Nonattainment New Source Review not applicable for PM2.5 emissions when located in a county that is nonattainment for PM2.5.**

D.1.5 Sulfur Dioxide (SO_2) [326 IAC 7-1.1-1][326 IAC 7-2-1]

(a) Pursuant to 326 IAC 7-1.1 (Sulfur Dioxide Emission Limitations), sulfur dioxide emissions from the 49.0 million Btu per hour burner for the aggregate dryer shall be limited to 0.5 pounds per million Btu heat input or a sulfur content of less than or equal to 0.5% when using distillate oil.

(b) Pursuant to 326 IAC 7-1.1 (Sulfur Dioxide Emission Limitations), sulfur dioxide emissions from the 49.0 million Btu per hour burner for the aggregate dryer shall be limited to 1.6 pounds per million Btu heat input or a sulfur content of less than or equal to 1.5% when using residual oil.

~~(b)~~**(c)** Pursuant to 326 IAC 7-2-1, compliance shall be demonstrated on a calendar month average.

D.1.6 Fuel Usage Limitations [326 IAC 2-8-4]~~[326 IAC 2-2][40 CFR 52.21]~~

Pursuant to 326 IAC 2-8-4(1), the following limits shall apply:

(a) the sulfur content of the No. 2 distillate fuel oil used in the 49.0 MMBtu per hour burner for the aggregate dryer shall not exceed 0.5 percent.

(b) the sulfur content of the refinery blend fuel oil used in the 49 MMBtu per hour burner for the aggregate dryer shall not exceed 1.0 percent.

~~(b)~~**(c)** the usage of ~~No. 2 distillate~~ **refinery blend** fuel oil with a maximum sulfur content of ~~0.5~~**1.0**% and ~~No. 2 distillate~~ **refinery blend** fuel oil equivalents in the ~~72.0~~ **49.0** MMBtu per hour burner for the aggregate dryer shall be limited to ~~2,798,986~~ **1,287,733** U.S. gallons per twelve (12) consecutive month period with compliance determined at the end of each month, so that SO_2 emissions are limited to less than 100 tons per year.

~~(c)~~**(d)** For purposes of determining compliance every MMCF of natural gas burned in the 49.0 MMBtu per hour burner for the aggregate dryer shall be equivalent to ~~8.7~~ **4.0** gallons of ~~No. 2 distillate~~ **refinery blend** fuel oil based on SO_2 emissions, such that the total gallons of ~~No. 2 distillate~~ **refinery blend** fuel oil and ~~No. 2 distillate~~ **refinery blend** fuel oil equivalent input does not exceed the limit specified.

(e) For purposes of determining compliance every 1,000 gallons of No. 2 distillate fuel oil burned in the 49.0 MMBtu per hour burner for the aggregate dryer shall be equivalent to 460.1 gallons of refinery blend fuel oil based on SO2 emissions such that the total gallons of refinery blend fuel oil and refinery blend fuel oil equivalent input does not exceed the limit specified.

Therefore, the requirements of 326 IAC 2-7 will not apply.

D.1.7 Particulate Matter (PM) [326 IAC 2-2]

Particulate matter emissions from the aggregate mixing and drying operation shall not exceed 0.299 pound of PM per ton of asphalt mix. This is equivalent to a PM emission limit of 41.9 pounds per hour based on a maximum throughput of 140 tons of asphalt mix per hour. Based on 8,760 hours of operation per 12 consecutive month period, this limits PM emissions from the aggregate mixing and drying operation to 183.5 tons per year for a source-wide total potential to emit of less than 250 tons per year. Therefore, compliance with this limit will render 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) not applicable.

D.1.~~7~~**8** Preventive Maintenance Plan [326 IAC 2-8-4(9)]

A Preventive Maintenance Plan, in accordance with Section B - Preventive Maintenance Plan, of this permit, is required for this facility and its control device.

Compliance Determination Requirements

D.1.~~8~~**9** Particulate Matter (PM)

(a) In order to comply with D.1.2(a) and (b), ~~and~~ D.1.4**, and D.1.7** the knockout box and baghouse in series for PM and PM10 control shall be in operation and control emissions from the batch mix dryer/burner at all times that the batch mix dryer/burner is in operation.

(b) In the event that bag failure is observed in a multi-compartment baghouse, if operations will continue for ten (10) days or more after the failure is observed before the failed units will be repaired or replaced, the Permittee shall promptly notify the IDEM, OAQ of the expected date the failed units will be repaired or replaced. The notification shall also include the status of the applicable compliance monitoring parameters with respect to normal, and the results of any response actions taken up to the time of notification.

D.1.~~9~~**10** Testing Requirements [326 IAC 2-8-5(a)(1), (4)] [326 IAC 2-1.1-11]

~~No later than 90 days issuance of this permit, i~~**I**n order to demonstrate compliance with Conditions D.1.2(a) and (b), D.1.3, ~~and~~ D.1.4, **and D.1.7,** the Permittee shall perform PM, PM10 and Opacity testing on the mixing and drying operation (Stack SV1) utilizing methods ~~per 40 CFR Part 60 Appendix A, Method 5 for PM and methods~~ as approved by the Commissioner**,** ~~for PM-10~~ **at least once every five years from November 29, 2004, the date of the most recent valid compliance demonstration**. PM-10 includes filterable and condensible PM-10. ~~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.1.1~~0~~**1** Sulfur Dioxide Emissions and Sulfur Content

Compliance 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 five-tenths (0.5) pounds per million Btu heat input when burning No. 2 distillate fuel oil **and that the sulfur dioxide emissions do not exceed 1.6 pounds per million Btu heat input when burning refinery blend fuel oil** by:

(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 49 MMBtu per hour burner for the aggregate dryer, 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.

Compliance Monitoring Requirements [326 IAC 2-8-4] [326 IAC 2-8-5(a)(1)]

D.1.1~~1~~**2** Visible Emissions Notations

(a) Visible emission notations of the batch mix dryer/burner baghouse stack exhaust, conveyors, and transfer points, shall be performed once per ~~shift~~ **day** during normal daylight operations. A trained employee shall record whether emissions are normal or abnormal.

(b) For processes operated continuously, "normal" means those conditions prevailing, or expected to prevail, eighty percent (80%) of the time the process is in operation, not counting startup or shut down time.

(c) In the case of batch or discontinuous operations, readings shall be taken during that part of the operation that would normally be expected to cause the greatest emissions.

(d) A trained employee is an employee who has worked at the plant at least one (1) month and has been trained in the appearance and characteristics of normal visible emissions for that specific process.

(e) ~~The Compliance Response Plan for this unit shall contain troubleshooting contingency and response steps for when an abnormal emission is observed. Failure to take response steps in accordance with Section C - Compliance Response Plan- Preparation, Implementation, Records, and Reports, shall be considered a violation of this permit.~~ **If abnormal emissions are observed, the Permittee shall take reasonable response steps in accordance with Section C- Response to Excursions or Exceedances. Failure to take response steps in accordance with Section C - Response to Excursions or Exceedances shall be considered a deviation from this permit.**

D.1.1~~2~~**3** Parametric Monitoring

The Permittee shall record the ~~total static~~ pressure drop across the baghouse used in conjunction with the aggregate dryer, mixer, and burner, at least once per ~~shift~~ **day** when the aggregate dryer, mixer, and burner are in operation. When for any one reading, the pressure drop across the baghouse is outside the normal range of 2.0 and 8.0 inches of water or a range established during the latest stack test, the Permittee shall take reasonable response steps in accordance with Section C - ~~Compliance Response Plan - Preparation, Implementation, Records, and Reports~~ **Response to Excursions or Exceedances**. A pressure reading that is outside the above mentioned range is not a deviation from this permit. Failure to take response steps in accordance with Section C - ~~Compliance Response Plan - Preparation, Implementation, Records, and Reports~~ **Response to Excursions or Exceedances**, shall be considered a ~~violation of~~ **deviation from** this permit.

The instrument used for determining the pressure shall comply with Section C - ~~Pressure Gauge and Other~~ Instrument Specifications, of this permit, shall be subject to approval by IDEM, OAQ, and shall be calibrated at least once every six (6) months.

~~D.1.13 Baghouse Inspections~~

~~An inspection shall be performed in the last month of each calendar quarter of all bags controlling the aggregate dryer/burner. A baghouse inspection shall be performed within three months of redirecting vents to the atmosphere and every three months thereafter. Inspections are optional when venting indoors. All defective bags shall be replaced.~~

D.1.14 Baghouse Failure Detection

~~In the event that bag failure has been observed:~~

~~(a) For multi-compartment units, the affected compartments will be shut down immediately until the failed units have been repaired or replaced. Operations may continue only if there are no visible emissions or if the event qualifies as an emergency and the Permittee satisfies the emergency provisions of this permit (Section B- Emergency Provisions). Within eight (8) business hours of the determination of failure, response steps according to the timetable described in the Compliance Response Plan shall be initiated. For any failure with corresponding response steps and timetable not described in the Compliance Response Plan, response steps shall be devised within eight (8) business hours of discovery of the failure and shall include a timetable for completion. Failure to take response steps in accordance with Section C - Compliance Response Plan - Preparation, Implementation, Records, and Reports, shall be considered a violation of this permit.~~

~~(b)~~**(a)** For **a** single compartment baghouse~~s, if failure is indicated by a significant drop in the baghouse's pressure readings with abnormal visible emissions or the failure is indicated by an opacity violation, or if bag failure is determined by other means, such as gas temperatures, flow rates, air infiltration, leaks, dust traces or triboflows, then~~ **controlling emissions from a process operated continuously, a** failed unit~~s~~ and the associated process ~~will~~ **shall** be shut down immediately until the failed unit~~s have~~ **has** been repaired or replaced. Operations may continue only if the event qualifies as an emergency and the Permittee satisfies the requirements of the emergency provisions of this permit (Section B - Emergency Provisions).

(b) For a single compartment baghouse controlling emissions from a batch process, the feed to the process shall be shut down immediately until the failed unit has been repaired or replaced. The emissions unit shall be shut down no later than the completion of the processing of the material in the emission unit. Operations may continue only if the event qualifies as an emergency and the Permittee satisfies the requirements of the emergency provisions of this permit (Section B - Emergency Provisions).

Bag failure can be indicated by a significant drop in the baghouse's pressure reading with abnormal visible emissions, by an opacity violation, or by other means such as gas temperature, flow rate, air infiltration, leaks, dust traces or triboflows.

Record Keeping and Reporting Requirement [326 IAC 2-8-4(3)] [326 IAC 2-8-16]

D.1.15 Record Keeping Requirements

(a) To document compliance with Conditions D.1.5 and D.1.6, the Permittee shall maintain records in accordance with (1) through (6) below.

(1) Calendar dates covered in the compliance determination period;

(2) Actual ~~No. 2 distillate fuel oil and No. 2 distillate fuel oil equivalent usage~~ **fuel usage of each type of fuel used** in the 49.0 MMBtu per hour burner for the aggregate dryer per month since last compliance determination period and equivalent SO_2 emissions;

(3) A certification, signed by the owner or operator, that the records of the fuel supplier certifications represent all of the fuel combusted during the period; and

If the fuel supplier certification is used to demonstrate compliance the following, as a minimum, shall be maintained:

(4) Fuel supplier certifications.

(5) The name of the fuel supplier; and

(6) A statement from the fuel supplier that certifies the sulfur content of the fuel oil.

The Permittee shall retain records of all recording/monitoring data and support information for a period of five (5) years, or longer if specified elsewhere in this permit, from the date of the monitoring sample, measurement, or report. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

(b) The Permittee shall maintain records sufficient to verify compliance with the procedures specified in condition D.1.1~~0~~**1**. Records shall be maintained for a period of five (5) years and shall be made available upon request by IDEM.

(c) To document compliance with Condition D.1.1~~1~~**2**, the Permittee shall maintain records of the once per ~~shift~~ **day** visible emission notations of the batch mix dryer/burner baghouse stack exhaust, conveyors, and transfer points.

(d) To document compliance with Condition D.1.1~~2~~**3**, the Permittee shall maintain ~~weekly~~ **daily** records of the ~~total static~~ pressure drop ~~and the scrubbing liquid (water) flow rate readings~~ during normal operation.

~~(e) To document compliance with Condition D.1.13, the Permittee shall maintain records of the results of the inspections required under Condition D.1.13 and the dates the vents are redirected.~~

~~(f)~~**(e)** All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

D.1.16 Reporting Requirements

A quarterly summary of the information to document compliance with Condition D.1.6 shall be submitted to the address listed in Section C - General Reporting Requirements, of this permit, using the reporting forms located at the end of this permit, or their equivalent, within thirty (30) days after the end of the quarter being reported. The report submitted by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

3. The Quarterly Report form for fuel oil usage has been revised so that the limit is expressed as a refinery blend fuel oil usage and equivalent limit instead of a No. 2 distillate fuel oil usage and equivalent limit without replication herein.

4. The letterhead for the FESOP has been revised to reflect the name of the new Governor of Indiana and the new Commissioner of IDEM. Also, the address of IDEM, OAQ has been updated to reflect the current address.

5. OAQ has decided to move the provision that is required by 326 IAC 2-8-4(5) from condition B.10 to the front of the permit. Therefore, condition B.10 has been deleted and the requirements of that condition have been added to the front page of the permit.

~~B.10 Compliance with Permit Conditions [326 IAC 2-8-4(5)(A)] [326 IAC 2-8-4(5)(B)]~~

~~(a) The Permittee must comply with all conditions of this permit. Noncompliance with any provisions of this permit is grounds for:~~

~~(1) Enforcement action;~~

~~(2) Permit termination, revocation and reissuance, or modification; and~~

~~(3) Denial of a permit renewal application.~~

~~(b) 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.~~

~~(c) 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.~~

The following paragraph has been added to the front page of the 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.

6. The duty to supplement an application is not an ongoing requirement after the permit is issued; therefore, (a) has been removed from condition B.8, Duty to Supplement and Provide Information. Paragraph (c) of this condition already addresses confidentiality, therefore, the last sentence of paragraph (b) was revised to remove the statement about confidential information, and (c) was updated for clarity. Also, the condition was revised to change a rule reference. Subpart (c) references 326 IAC 17. This rule was repealed by the Air Pollution Control Board on January 26, 2000. The new rule reference has been added. The condition is revised as follows:

B.8 Duty to ~~Supplement and~~ Provide Information ~~[326 IAC 2-8-3(f)]~~ [326 IAC 2-8-4(5)(E)]~~[326 IAC 2-8-5(a)(4)]~~

~~(a) The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to:~~

~~Indiana Department of Environmental Management~~
~~Permits Branch, Office of Air Quality~~
~~100 North Senate Avenue, P.O. Box 6015~~
~~Indianapolis, Indiana 46206-6015~~

~~The submittal by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

~~(b)~~**(a)** The Permittee shall furnish to IDEM, OAQ, within a reasonable time, any information that IDEM, OAQ, may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The submittal by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1). Upon request, the Permittee shall also furnish to IDEM, OAQ, copies of records required to be kept by this permit.

~~(c)~~**(b)** For information furnished by the Permittee to IDEM, OAQ, the Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1. When furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.

7. A statement was added to condition B.11, now re-numbered B.10, Certification, in order to clarify that the certification form may cover more than one document that is submitted.

B.1~~1~~**0** Certification [326 IAC 2-8-3(d)] [326 IAC 2-8-4(3)(C)(i)] [326 IAC 2-8-5(1)]

(a) Where specifically designated by this permit or required by an applicable requirement, any application form, report, or compliance certification submitted shall contain certification by an authorized individual of truth, accuracy, and completeness. This certification, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(b) One (1) certification shall be included, using the attached Certification Form, with each submittal requiring certification. **One (1) certification may cover multiple forms in one (1) submittal.**

(c) An authorized individual is defined at 326 IAC 2-1.1-1(1).

8. IDEM has determined that the Permittee is not required to keep records of all preventive maintenance. However, where the Permittee seeks to demonstrate that an emergency has occurred, the Permittee must provide, upon request, records of preventive maintenance in order to establish that the lack of proper maintenance did not cause or contribute to the deviation. Therefore, IDEM has deleted paragraph (b) of Section B – Preventive Maintenance, and has amended the Section B – Emergency Provisions condition as shown below. Also, (c), now (b), has been revised to clarify that OAQ may require the Permittee to revise its PMPs whenever lack of proper maintenance is the primary contributor to an exceedance of any limitation on emissions or potential to emit. At some sources, an OMM Plan is required. Instead of having two separate plans, the OMM Plan may satisfy the PMP requirements, so (c) has been added to this condition.

B.1~~3~~**2** Preventive Maintenance Plan [326 IAC 1-6-3] [326 IAC 2-8-4(9)] [326 IAC 2-8-5(a)(1)]

(a) If required by specific condition(s) in Section D of this permit, the Permittee shall maintain and implement Preventive Maintenance Plans (PMPs), including the following information on each facility:

(1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;

(2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and

(3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

~~(b) The Permittee shall implement the PMPs as necessary to ensure that failure to implement a PMP does not cause or contribute to a violation of any limitation on emissions or potential to emit.~~

~~(c)~~**(b)** A copy of the PMPs shall be submitted to IDEM, OAQ, upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ. IDEM, OAQ, may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or ~~contributes to any violation~~ **is the primary contributor to an exceedance of any limitation on emissions or potential to emit**. The PMP**s** do~~es~~ not require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

~~(d) Records of preventive maintenance shall be retained for a period of at least five (5) years. These records shall be kept at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.~~

(c) To the extent the Permittee is required by 40 CFR Part 60/63 to have an Operation, Maintenance, and Monitoring (OMM) Plan for a unit, such Plan is deemed to satisfy the PMP requirements of 326 IAC 1-6-3 for that unit.

B.1~~4~~**3** Emergency Provisions [326 IAC 2-8-12]

(a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation, except as provided in 326 IAC 2-8-12.

(b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a health-based or technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describes the following:

(1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;

(2) The permitted facility was at the time being properly operated;

(3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;

(4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ, within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

Telephone No.: 1-800-451-6027 (ask for Office of Air Quality, Compliance Section) or,
Telephone No.: 317-233-5674 (ask for Compliance Section)
Facsimile No.: 317-233-5967

(5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue~~, P.O. Box 6015~~
Indianapolis, Indiana ~~46206-6015~~ **46204-2251**

within two (2) working days of the time when emission limitations were exceeded due to the emergency.

The notice fulfills the requirement of 326 IAC 2-8-4(3)(C)(ii) and must contain the following:

(A) A description of the emergency;

(B) Any steps taken to mitigate the emissions; and

(C) Corrective actions taken.

The notification which shall be submitted by the Permittee does not require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

(6) The Permittee immediately took all reasonable steps to correct the emergency.

(c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.

(d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.

(e) **The Permittee seeking to establish the occurrence of an emergency shall make records available upon request to ensure that failure to implement a PMP did not cause or contribute to an exceedance of any limitations on emissions. However,** IDEM, OAQ, may require that the Preventive Maintenance Plans required under 326 IAC 2-8-3(c)(6) be revised in response to an emergency.

(f) Failure to notify IDEM, OAQ, by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-8 and any other applicable rules.

(g) Operations may continue during an emergency only if the following conditions are met:

(1) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.

(2) If an emergency situation causes a deviation from a health-based limit, the Permittee may not continue to operate the affected emissions facilities unless:

(A) The Permittee immediately takes all reasonable steps to correct the emergency situation and to minimize emissions; and

(B) Continued operation of the facilities is necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw material of substantial economic value.

Any operations shall continue no longer than the minimum time required to prevent the situations identified in (g)(2)(B) of this condition.

(h) The Permittee shall include all emergencies in the Quarterly Deviation and Compliance Monitoring Report.

9. In order to clarify that an amendment or modification will not be required for the addition, operation or removal of a nonroad engine, paragraph (d) has been added to condition B.18, Permit Amendment or Revision, now re-numbered B.17.

B.1~~8~~**7** Permit Amendment or Revision [326 IAC 2-8-10] [326 IAC 2-8-11.1]

(a) Permit amendments and revisions are governed by the requirements of 326 IAC 2-8-10 or 326 IAC 2-8-11.1 whenever the Permittee seeks to amend or modify this permit.

(b) Any application requesting an amendment or modification of this permit shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue~~, P.O. Box 6015~~
Indianapolis, Indiana ~~46206-6015~~ **46204-2251**

Any such application shall be certified by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

(c) The Permittee may implement the administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-8-10(b)(3)]

(d) No permit amendment or modification is required for the addition, operation or removal of a nonroad engine, as defined in 40 CFR 89.2.

10. IDEM has clarified the Section B Operational Flexibility condition as follows:

B.18 Operational Flexibility [326 IAC 2-8-15][326 IAC 2-8-11.1]

(a) The Permittee may make any change or changes at this source that are described in 326 IAC 2-8-15(b) through (d), without prior permit revision, if each of the following conditions is met:

(1) The changes are not modifications under any provision of Title I of the Clean Air Act;

(2) Any approval required by 326 IAC 2-8-11.1 has been obtained;

(3) The changes do not result in emissions which exceed the ~~emissions allowable under~~ **limitations provided in** this permit (whether expressed herein as a rate of emissions or in terms of total emissions);

(4) The Permittee notifies the:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue~~, P.O. Box 6015~~
Indianapolis, Indiana ~~46206-6015~~ **46204-2251**

and

United States Environmental Protection Agency, Region V
Air and Radiation Division, Regulation Development Branch - Indiana (AR-18J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

in advance of the change by written notification at least ten (10) days in advance of the proposed change. The Permittee shall attach every such notice to the Permittee's copy of this permit; and

(5) The Permittee maintains records on-site**, on a rolling five (5) year basis,** which document~~, on a rolling five (5) year basis,~~ all such changes and emission~~s~~ ~~trading~~ **trades** that are subject to 326 IAC 2-8-15(b) through (d)**.** ~~and makes~~ **The Permittee shall make** such records available, upon reasonable request, for public review.

Such records shall consist of all information required to be submitted to IDEM, OAQ in the notices specified in 326 IAC 2-8-15(b)(2), (c)(1), and (d).

(b) Emission Trades [326 IAC 2-8-15(c)]
The Permittee may trade **emissions** increases and decreases ~~in emissions in~~ **at** the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-8-15(c).

(c) Alternative Operating Scenarios [326 IAC 2-8-15(d)]
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-8-4(7). No prior notification of IDEM, OAQ or U.S. EPA is required.

(d) Backup fuel switches specifically addressed in, and limited under, Section D of this permit shall not be considered alternative operating scenarios. Therefore, the notification requirements of part (a) of this condition do not apply.

11. For clarity, additional rule cites have been added to B.21 Inspection and Entry, now re-numbered B.20.

B.2~~1~~**0** Inspection and Entry [326 IAC 2-8-5(a)(2)] [IC 13-14-2-2]**[IC 13-30-3-1] [IC 13-17-3-2]**

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee's right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, U.S. EPA, or an authorized representative to perform the following:

(a) Enter upon the Permittee's premises where a FESOP source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;

(b) **As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, have** ~~Have~~ access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(c) **As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, inspect** ~~Inspect~~, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;

(d) **As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, sample** ~~Sample~~ or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and

(e) **As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, utilize** ~~Utilize~~ any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.

12. The section and phone number of who the Permittee can contact has been corrected in B.23 (c), Annual Fee Payment, now re-numbered B.22.

B.2~~3~~**2** Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-8-4(6)] [326 IAC 2-8-16][326 IAC 2-1.1-7]

(c) The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-~~4320~~ **4230** (ask for OAQ, ~~I/M &~~ Billing**, Licensing, and Training** Section), to determine the appropriate permit fee.

13. Indiana was required to incorporate credible evidence provisions into state rules consistent with the SIP call published by U.S. EPA in 1997 (62 FR 8314). Indiana has incorporated the credible evidence provision in 326 IAC 1-1-6. This rule is effective March 16, 2005; therefore, the condition reflecting this rule will be incorporated into the FESOP as follows:

B.23 Credible Evidence [326 IAC 2-8-4(3)][326 IAC 2-8-5][62 FR 8314] [326 IAC 1-1-6]

For the purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of any condition of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether the Permittee would have been in compliance with the condition of this permit if the appropriate performance or compliance test or procedure had been performed.

14. Condition C.1 has been updated as follows:

C.1 Particulate Matter Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) Pounds Per Hour ~~[40 CFR 52 Subpart P]~~[326 IAC 6-3-2]

~~(a) Pursuant to 40 CFR 52 Subpart P, the allowable particulate matter emissions rate from any process not already regulated by 326 IAC 6-1 or any New Source Performance Standard, and which has a maximum process weight rate less than 100 pounds per hour shall not exceed 0.551 pounds per hour.~~

~~(b)~~ Pursuant to 326 IAC 6-3-2(e)(2), ~~the allowable~~ particulate emissions ~~rate~~ from any process not exempt under 326 IAC 6-3-1(b) or (c) which has a maximum process weight rate less than 100 pounds per hour and the methods in 326 IAC 6-3-2(b) through (d) do not apply shall not exceed 0.551 pounds per hour.

15. Paragraph (a) in condition D.1.8, now re-numbered D.1.9, is the same requirement (to operate the control equipment at all times) that is in condition C.8, Operation of Equipment. Many companies are concerned about double jeopardy, and do not want the same requirement listed in two locations of the permit. It has been decided that it is best to have this requirement under compliance determination in the specific D conditions, and remove C.8. All subsequent conditions in section C have been re-numbered accordingly.

~~C.8 Operation of Equipment [326 IAC 2-8-5(a)(4)]~~

~~Except as otherwise provided by statute, rule or in this permit, all air pollution control equipment listed in this permit and used to comply with an applicable requirement shall be operated at all times that the emission units vented to the control equipment are in operation.~~

16. Condition C.10, Asbestos Abatement Projects, now re-numbered C.9, has been revised to clarify that the requirement to have an Indiana Accredited Asbestos inspector is not federally enforceable.

C.~~10~~**9** Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]

(a) Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.

(b) The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:

(1) When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or

(2) If there is a change in the following:

(A) Asbestos removal or demolition start date;

(B) Removal or demolition contractor; or

(C) Waste disposal site.

(c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).

(d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).

All required notifications shall be submitted to:

Indiana Department of Environmental Management
Asbestos Section, Office of Air Quality
100 North Senate Avenue~~, P.O. Box 6015~~
Indianapolis, Indiana ~~46206-6015~~ **46204-2251**

The notice shall include a signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project. The notifications do not require a certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

(e) Procedures for Asbestos Emission Control
The Permittee shall comply with the applicable emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-**41** emission control requirements are applicable for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.

(f) Demolition and renovation
The Permittee shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos pursuant to 40 CFR 61.145(a).

~~(f)~~**(g)** Indiana Accredited Asbestos Inspector
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Accredited Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos. ~~The requirement that the inspector be accredited is federally enforceable~~. **The requirement to use an Indiana Accredited Asbestos inspector be accredited is not federally enforceable.**

17. Condition C.14, now re-numbered C.13, is revised as follows:

C.14**3** Monitoring Methods [326 IAC 3] [40 CFR 60] [40 CFR 63]

Any monitoring or testing ~~performed~~ required by Section D of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, 40 CFR 60 Appendix B, 40 CFR 63 or other approved methods as specified in this permit.

18. IDEM realizes that the specifications in condition C.15, now re-numbered C.14, can only be practically applied to analog units, and has therefore clarified the condition to state that the condition only applies to analog units. Upon further review, IDEM has also determined that the accuracy of the instruments is not nearly as important as whether the instrument has a range that is appropriate for the normal expected reading of the parameter. Therefore, the accuracy requirements have been removed from the condition. Condition C.15, now C.14, is revised as follows:

C.1~~5~~**4** ~~Pressure Gauge and Other~~ Instrument Specifications [326 IAC 2-1.1-11] [326 IAC 2-8-4(3)][326 IAC 2-8-5(1)]

(a) ~~Whenever a condition in this permit requires the measurement of pressure drop across any part of the unit or its control device, the gauge employed~~ **When required by any condition of this permit, an analog instrument used to measure a parameter related to the operation of an air pollution control device** shall have a scale such that the expected ~~normal~~ **maximum** reading **for the normal range** shall be no less than twenty percent (20%) of full scale ~~and be accurate within plus or minus two percent (±2%) of full scale reading~~.

~~(b) Whenever a condition in this permit requires the measurement of a temperature or flow rate, the instrument employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent (±2%) of full scale reading.~~

~~(c) The Preventive Maintenance Plan for the pH meter shall include calibration using known standards. The frequency of calibration shall be adjusted such that the typical error found at calibration is less than one pH point.~~

~~(d)~~**(b)** The Permittee may request **that** the IDEM, OAQ approve the use of ~~a pressure gauge or other~~ **an** instrument that does not meet the above specifications provided the Permittee can demonstrate **that** an alternative ~~pressure gauge or other~~ instrument specification will adequately ensure compliance with permit conditions requiring the measurement of ~~pressure drop or other~~ **the** parameters.

19. Condition C.16, Risk Management Plan, now re-numbered C.15, has been revised so that it is more straightforward, and the condition requires the source to comply with the applicable requirements of 40 CFR 68 if a regulated substance is present at a source in more than a threshold quantity.

C.1~~6~~**5** Risk Management Plan [326 IAC 2-8-4] [40 CFR 68.~~215~~]

If a regulated substance~~, subject to~~ **as defined in** 40 CFR 68, is present at a source in more than a threshold quantity, ~~40 CFR 68 is an applicable requirement and the Permittee shall submit:~~ **the Permittee must comply with the applicable requirements of 40 CFR 68.**

~~(a) A compliance schedule for meeting the requirements of 40 CFR 68; or~~

~~(b) As a part of the annual compliance certification submitted under 326 IAC 2-7-6(5), a certification statement that the source is in compliance with all the requirements of 40 CFR 68, including the registration and submission of a Risk Management Plan (RMP); and~~

~~All documents submitted pursuant to this condition shall include the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

20. IDEM has reconsidered the requirement to develop and follow a Compliance Response Plan. The Permittee will still be required to take reasonable response steps when a compliance monitoring parameter is determined to be out of range or abnormal. Replacing the requirement to develop and follow a Compliance Response Plan with a requirement to take reasonable response steps will ensure that the control equipment is returned to proper operation as soon as practicable, while still allowing the Permittee the flexibility to respond to situations that were not anticipated. The Section D conditions that refer to this condition have been revised to reflect the new condition title, and the following changes have been made to the Section C condition:

C.1~~7~~**6** ~~Compliance Response Plan - Preparation, Implementation, Records, and Reports~~ **Response to Excursions or Exceedances** [326 IAC 2-8-4] [326 IAC 2-8-5]

~~(a) The Permittee is required to prepare a Compliance Response Plan (CRP) for each compliance monitoring condition of this permit. A CRP shall be submitted to IDEM, OAQ upon request. The CRP shall be prepared within ninety (90) days after issuance of this permit by the Permittee, supplemented from time to time by the Permittee, maintained on site, and is comprised of:~~

~~(1) Reasonable response steps that may be implemented in the event that a response step is needed pursuant to the requirements of Section D of this permit; and an expected timeframe for taking reasonable response steps.~~

~~(2) If, at any time, the Permittee takes reasonable response steps that are not set forth in the Permittee's current Compliance Response Plan and the Permittee documents such response in accordance with subsection (e) below, the Permittee shall amend its Compliance Response Plan to include such response steps taken.~~

~~(b) For each compliance monitoring condition of this permit, reasonable response steps shall be taken when indicated by the provisions of that compliance monitoring condition as follows:~~

~~(1) Reasonable response steps shall be taken as set forth in the Permittee's current Compliance Response Plan; or~~

~~(2) If none of the reasonable response steps listed in the Compliance Response Plan is applicable or responsive to the excursion, the Permittee shall devise and implement additional response steps as expeditiously as practical. Taking such additional response steps shall not be considered a deviation from this permit so long as the Permittee documents such response steps in accordance with this condition.~~

~~(3) If the Permittee determines that additional response steps would necessitate that the emissions unit or control device be shut down, the IDEM, OAQ shall be promptly notified of the expected date of the shut down, the status of the applicable compliance monitoring parameter with respect to normal, and the results of the actions taken up to the time of notification.~~

~~(4) Failure to take reasonable response steps shall constitute a violation of the permit.~~

~~(c) The Permittee is not required to take any further response steps for any of the following reasons:~~

~~(1) A false reading occurs due to the malfunction of the monitoring equipment and prompt action was taken to correct the monitoring equipment.~~

~~(2) The Permittee has determined that the compliance monitoring parameters established in the permit conditions are technically inappropriate, has previously submitted a request for an administrative amendment to the permit, and such request has not been denied.~~

~~(3) An automatic measurement was taken when the process was not operating.~~

~~(4) The process has already returned or is returning to operating within "normal" parameters and no response steps are required.~~

~~(d) When implementing reasonable steps in response to a compliance monitoring condition, if the Permittee determines that an exceedance of an emission limitation has occurred, the Permittee shall report such deviations pursuant to Section B-Deviations from Permit Requirements and Conditions.~~

~~(e) The Permittee shall record all instances when response steps are taken. In the event of an emergency, the provisions of 326 IAC 2-8-12 (Emergency Provisions) requiring prompt corrective action to mitigate emissions shall prevail.~~

~~(f) Except as otherwise provided by a rule or provided specifically in Section D, all monitoring as required in Section D shall be performed when the emission unit is operating, except for time necessary to perform quality assurance and maintenance activities.~~

(a) Upon detecting an excursion or exceedance, the Permittee shall restore operation of the emissions unit (including any control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

(b) The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Corrective actions may include, but are not limited to, the following:

(1) initial inspection and evaluation;

(2) recording that operations returned to normal without operator action (such as through response by a computerized distribution control system); or

(3) any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.

(c) A determination of whether the Permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include, but is not limited to, the following:

(1) monitoring results;

(2) review of operation and maintenance procedures and records;

(3) inspection of the control device, associated capture system, and the process.

(d) Failure to take reasonable response steps shall be considered a deviation from the permit.

(e) The Permittee shall maintain the following records:

(1) monitoring data;

(2) monitor performance data, if applicable; and

(3) corrective actions taken.

21. In order to clarify which documents need to be certified by an authorized individual, the following update has been made:

C.1~~8~~**7** Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-8-4][326 IAC 2-8-5]

(a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate response actions. The Permittee shall submit a description of these response actions to IDEM, OAQ, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize excess emissions from the affected facility while the response actions are being implemented.

(b) A retest to demonstrate compliance shall be performed within one hundred twenty (120) days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAQ that retesting in one-hundred and twenty (120) days is not practicable, IDEM, OAQ may extend the retesting deadline.

(c) IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.

The **response action** documents submitted pursuant to this condition do require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

22. It is acceptable for records to be electronically accessible instead of being physically present at a source; therefore, the following update has been made:

C.~~19~~**18** General Record Keeping Requirements [326 IAC 2-8-4(3)] [326 IAC 2-8-5]

(a) Records of all required **monitoring** data, reports and support information **required by this permit** shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be ~~kept~~ **physically present or electronically accessible** at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.

(b) Unless otherwise specified in this permit, all record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance.

23. In condition C.20 (d), General Reporting Requirements, now re-numbered C.19, clarification of what calendar year means has been added to (e).

C.2~~0~~**19** General Reporting Requirements [326 IAC 2-8-4(3)(C)] [326 IAC 2-1.1-11]

(a) The ~~source~~ **Permittee** shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported. This report shall be submitted within thirty (30) days of the end of the reporting period. The Quarterly Deviation and Compliance Monitoring Report shall include the certification by the "authorized individual" as defined by 326 IAC2-1.1-1(1).

(b) The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue~~, P. O. Box 6015~~
Indianapolis, Indiana ~~46206-6015~~ **46204-2251**

(c) Unless otherwise specified in this permit, any notice, report, or other submission 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, on or before the date it is due.

(d) Unless otherwise specified in this permit, all reports required in Section D of this permit shall be submitted within thirty (30) days of the end of the reporting period. All reports do require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

(e) Reporting periods are based on calendar years**, unless otherwise specified in this permit. For the purpose of this permit "calendar year" means the twelve (12) month period from January 1 to December 31 inclusive**.

24. The names of the local agencies have been updated and since IDEM does not currently have a contract with the St. Joseph County Health Department, they are being removed from paragraph (b) of condition C.21, Relocation of Portable Sources, now re-numbered C.20.

C.2~~1~~**0** Relocation of Portable Sources [326 IAC 2-14-4]

(a) This permit is approved for operation in all areas of Indiana except in severe nonattainment areas for ozone (at the time of this permit's issuance these areas were Lake and Porter Counties). This determination is based on the requirements of Prevention of Significant Deterioration in 326 IAC 2-2 ~~and 40 CFR 52.21~~, and Emission Offset requirements in 326 IAC 2-3. Prior to locating in any severe nonattainment area, the Permittee must submit a request and obtain a permit modification.

(b) A request to relocate shall be submitted to IDEM, OAQ at least thirty (30) days prior to the intended date of relocation. This submittal shall include the following:

(1) A list of governmental officials entitled to receive notice of application to relocate. IC 13-15-3-1

(2) A list of adjacent landowners that the Permittee will send written notice to not more than ten (10) days after submission of the request to relocate. IC 13-15-8

The notification by the Permittee does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

(c) A "Relocation Site Approval" letter shall be obtained prior to relocating.

(d) The Permittee shall also notify the applicable local air pollution control agency when relocating to, or from, one the following:

(1) Madison County - (Anderson Office of Air Management)

(2) City of Evansville plus four (4) miles beyond the corporate limits but not outside Vanderburgh County - (Evansville EPA)

(3) City of Gary - (Gary Department of Environmental Affairs)

(4) City of Hammond - (Hammond Department of Environmental Management)

(5) Marion County - (Indianapolis Office of Environmental Services)

(6) ~~St. Joseph County - (St. Joseph County Health Department)~~

~~(7)~~ Vigo County - (Vigo County Air Pollution Control)

(e) A valid operation permit consists of this document and any subsequent "Relocation Site Approval" letter specifying the current location of the portable plant.

25. Section D.2 has been removed from the FESOP since the two (2) 11,000 gallon asphalt storage tanks and one (1) 11,000 gallon #2 fuel oil storage tank are no longer subject to the requirements of the NSPS, 40 CFR Part 60, Subpart Kb as discussed under the Federal Rule Applicability section above. Section D.3 has been re-numbered as Section D.2 and all conditions have been re-numbered accordingly.

~~**SECTION D.2 FACILITY OPERATION CONDITIONS**~~

~~**Facility Description [326 IAC 2-8-4(10)]:**~~

~~(e) two (2) liquid asphalt storage tanks, identified as Tanks 14A and 14B, each with a maximum storage capacity of 11,000 gallons, and each tank exhausting at one (1) stack, identified as SV3 and SV4, respectively; and~~

~~(f) one (1) No. 2 distillate fuel oil storage tank, identified as Tank 15, with a maximum storage capacity of 11,000 gallons, exhausting at one (1) stack, identified as SV5.~~

~~(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.)~~

~~**Emission Limitations and Standards [326 IAC 2-8-4(1)]**~~

~~D.2.1 Volatile Organic Compounds (VOCs) [326 IAC 12] [40 CFR 60.110b, Subpart Kb]~~

~~Pursuant to 40 CFR Part 60.110b, Subpart Kb (Standards of Performance for Volatile Organic Liquid Storage Vessels), the two (2) 11,000 gallon asphalt storage tanks and one (1) 11,000 gallon #2 fuel oil storage tank, each with a vapor pressure of less than 15.0 kPa, are subject to 40 CFR Part 60.116b, paragraphs (a), (b), and (d) which require record keeping.~~

~~**Record Keeping and Reporting Requirement [326 IAC 2-8-4(3)] [326 IAC 2-8-16]**~~

~~D.2.2 Record Keeping Requirements~~

~~(a) To document compliance with Condition D.2.1, the Permittee shall maintain permanent records at the source in accordance with (1) through (3) below:~~

~~(1) the dimension of each storage vessel;~~
~~(2) an analysis showing the capacity of each storage vessel; and~~
~~(3) the true vapor pressure of each VOC stored in each of the two (2) 11,000 gallon asphalt storage tanks, and one (1) 11,000 gallon #2 fuel oil storage tank, indicating that the maximum true vapor pressure of VOC is less than 15.0 kPa.~~

~~(b) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.~~

SECTION D.~~3~~2 FACILITY OPERATION CONDITIONS

Facility Description [326 IAC 2-8-4(10)]:

(d) cold-mix (emulsified) asphalt storage piles.

(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.)

Emission Limitations and Standards [326 IAC 2-8-4(1)]

D.~~3~~**2**.1 Volatile Organic Compound (VOC) [326 IAC 8-5-2] [326 IAC 2-8-4][326 IAC 2-2]~~[40 CFR 52.21]~~[326 IAC 2-3]

(a) Pursuant to 326 IAC 8-5-2 (Miscellaneous Operations: Asphalt Paving), the use of cutback asphalt or asphalt emulsion shall not contain more than seven percent (7%) oil distillate by volume of emulsion for any paving application except the following purposes:

(1) penetrating prime coating

(2) stockpile storage

(3) application during the months of November, December, January, February and March.

(b) Emulsified asphalt with VOC solvent liquid binder used in the production of cold mix asphalt shall not exceed 195.37 tons of VOC solvent per twelve (12) consecutive month period, with compliance determined at the end of each month. This is equivalent to limiting the VOC emitted from solvent use to 90.65 tons per twelve (12) consecutive month period, based on the following definition:

Emulsified asphalt with solvent, containing a maximum of 15% of liquid binder by weight of VOC solvent and 46.4% by weight of the VOC solvent in the liquid blend evaporating. The percent oil distillate in emulsified asphalt with solvent liquid, as determined by ASTM, must be 7% or less of the total emulsion by volume. This limit will also render 326 IAC 2-2 (Prevention of Significant Deterioration (PSD))~~, 40 CFR 52.21,~~ and 326 IAC 2-3 (Emission Offset) not applicable.

Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)] [326 IAC 2-8-16]

D.~~3~~**2**.2 Record Keeping Requirements

To document compliance with Condition D.~~3~~**2**.1(b), the Permittee shall maintain records in accordance with (a) through (d) below. Records maintained for (a) through (d) shall be taken monthly and shall be complete and sufficient to establish compliance with the VOC emission limit established in Condition D.~~3~~**2**.1(b).

(a) Calendar dates covered in the compliance determination period;

(b) Emulsified asphalt binder usage per month since the last compliance determination period;

(c) VOC solvent content by weight of the emulsified asphalt binder used each month; and

(d) Amount of VOC solvent used in the production of cold mix asphalt, and the amount of VOC emitted each month.

All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

D.~~3~~**2**.3 Reporting Requirements

A quarterly summary of the information to document compliance with Condition D.~~3~~**2**.1(b) shall be submitted to the address listed in Section C - General Reporting Requirements, of this permit, using the reporting forms located at the end of this permit, or their equivalent, within thirty (30) days after the end of the quarter being reported. The report submitted by the Permittee does require the certification by the “authorized individual” as defined by 326 IAC 2-1.1-1(1).

26. The third sentence on the Quarterly Deviation and Compliance Monitoring report form has been replaced with the sentence that is consistent with the condition in Section B Deviations from Permit Requirements and Conditions.

This report shall be submitted quarterly based on a calendar year. Any deviation from the requirements, the date(s) of each deviation, the probable cause of the deviation, and the response steps taken must be reported. ~~Deviations that are required to be reported by an applicable requirement shall be reported according to the schedule stated in the applicable requirement and do not need to be included in this report.~~ **A deviation required to be reported pursuant to an applicable requirement that exists independent of the permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report**. Additional pages may be attached if necessary. If no deviations occurred, please specify in the box marked "No deviations occurred this reporting period".

Conclusion

The operation of this portable hot mix asphalt batch plant shall be subject to the conditions of the attached proposed Significant Permit Revision No. 113-21823-03265.

Indiana Department of Environmental Management
Office of Air Quality

Addendum to the
Technical Support Document (TSD) for a Significant Permit Revision to a Federally Enforceable State Operating Permit (FESOP)

Source Background and Description

Source Name:	**Brooks Construction Company, Inc.**
Source Location:	**819 North Orange Street, Albion, Indiana 46701**
County:	**Noble**
SIC Code:	**2951**
Significant Permit Revision No.:	**113-21823-03265**
Permit Reviewer:	**Trish Earls/EVP**

On December 13, 2005, the Office of Air Quality (OAQ) had a notice published in the News Sun, Kendallville, Indiana, stating that Brooks Construction Company, Inc. had applied for a Significant Revision to their FESOP issued on November 20, 2002, to allow for the use of a refinery blend of #2 and #6 fuel oil that has similar properties of #4 fuel oil in the aggregate dryer burner at their existing portable hot mix asphalt batch plant. The notice also stated that OAQ proposed to issue a Significant Permit Revision to the FESOP for this operation and provided information on how the public could review the proposed Significant Permit Revision and other documentation. Finally, the notice informed interested parties that there was a period of thirty (30) days to provide comments on whether or not this Significant Permit Revision should be issued as proposed.

On December 13, 2005, Ms. Beth Shellman, Town Manager of the Town of Albion, submitted a comment on the proposed permit. The comment and corresponding response is as follows:

Comment

What is the difference in #4 fuel oil compared to #2 and #6 fuel oil? We have a significant development to the west of this site. My concern is additional odor and/or black smoke being generated from the change in fuel oil.

Response

This permit revision for Brooks Construction Company is to allow the source to burn an additional fuel in their aggregate dryer burner. They were previously permitted to burn natural gas or No. 2 distillate fuel oil in the burner. The additional fuel they are proposing to burn in the burner is refinery blend fuel oil which is a mixture of No. 2 and No. 6 fuel oils resulting in similar properties to No. 4 fuel oil.

There are two major categories of fuel oil that are burned by combustion sources: distillate oils and residual oils. These oils are further distinguished by grade numbers, with Nos. 1 and 2 being distillate oils; Nos. 5 and 6 being residual oils; and No. 4 being either distillate oil or a mixture of distillate and residual oils.

Distillate oils are more volatile and less viscous than residual oils. They have negligible nitrogen and ash contents and usually contain less than 0.3 percent sulfur (by weight). Distillate oils are used mainly in domestic and small commercial applications, and include kerosene and diesel fuels. Being more viscous and less volatile than distillate oils, the heavier residual oils (Nos. 5 and 6) may need to be heated for ease of handling and to facilitate proper atomization. Because residual oils are produced from the residue remaining after the lighter fractions (gasoline, kerosene, and distillate oils) have been removed from the crude oil, they contain significant quantities of ash, nitrogen, and sulfur.

However, in this permit revision, the source's ability to use this additional fuel oil is restricted in terms of how much of this fuel they can use annually so that the allowable emissions of sulfur dioxide (SO_2) will remain unchanged from the original FESOP which is less than 100 tons per year. Allowable emissions of particulate matter (PM) and particulate matter less than 10 microns in size (PM-10) have not changed as a result of the use of this additional fuel so there should be no additional particulate emissions. The majority of the particulate emissions (smoke) from the aggregate dryer would be from the drying of the aggregate used to make the asphalt and not the fuel oil combustion. The source has not requested to increase their usage of raw materials so there should be no additional production and no additional particulate emissions or smoke from the aggregate dryer as a result of this permit revision.

Company Name:	Brooks Construction Company, Inc.
Initial Plant Location:	819 North Orange Street, Albion, IN 46701
Initial County:	Noble
Date Received:	09/20/05
Permit Reviewer:	Trish Earls

**** aggregate dryer burner****

The following calculations determine the amount of emissions created by natural gas combustion, from the aggregate dryer burner, based on 8,760 hours of operation and US EPA's AP-42, 5th Edition, Section 1.4 - Natural Gas Combustion, Tables 1.4-1 and 1.4-2.

Criteria Pollutant: 49 MMBtu/hr * 8,760 hr/yr / 1000 Btu/cf * 2,000 lb/ton * Ef (lb/MMcf) = (ton/yr)

P M:	1.90	lb/MMcf =	**0.41**	**ton/yr**
P M-10:	7.60	lb/MMcf =	**1.63**	**ton/yr**
S O 2:	0.6	lb/MMcf =	**0.13**	**ton/yr**
N O x:	100.0	lb/MMcf =	**21.46**	**ton/yr**
V O C:	5.5	lb/MMcf =	**1.18**	**ton/yr**
C O:	84.0	lb/MMcf =	**18.03**	**ton/yr**

The following calculations determine the amount of emissions created by the combustion of #2 distillate fuel oil @ 0.49 % sulfur, from the aggregate dryer burner, based on 8,760 hours of use and US EPA's AP-42, 5th Edition, Section 1.3 - Fuel Oil Combustion, Tables 1.3-1, 1.3-2, and 1.3-3.

Criteria Pollutant: 49 MMBtu/hr * 8,760 hr/yr / 140,000 Btu/gal * 2,000 lb/ton * Ef (lb/1,000 gal) = (ton/yr)

P M:	2.0	lb/1000 gal =	**3.07**	**ton/yr**
P M-10:	3.3	lb/1000 gal =	**5.06**	**ton/yr**
S O 2:	69.0	lb/1000 gal =	**105.80**	**ton/yr**
N O x:	20.0	lb/1000 gal =	**30.66**	**ton/yr**
V O C:	0.34	lb/1000 gal =	**0.52**	**ton/yr**
C O:	5.0	lb/1000 gal =	**7.67**	**ton/yr**

The following calculations determine the amount of emissions created by the combustion of refinery blend fuel oil @ 1.0 % sulfur, from the aggregate dryer burner, based on 8,760 hours of use and US EPA's AP-42, 5th Edition, Section 1.3 - Fuel Oil Combustion, Tables 1.3-1, 1.3-2, and 1.3-3.

Note: These emissions represent emissions from the use of a refinery blend of #2 and #6 fuel oils that has similar properties of #4 fuel oil. Therefore, the emission factors for #4 fuel oil combustion were used to calculate emissions.

Criteria Pollutant: 49 MMBtu/hr * 8,760 hr/yr / 140,000 Btu/gal * 2,000 lb/ton * Ef (lb/1,000 gal) = (ton/yr)

P M:	7.0	lb/1000 gal =	**10.73**	**ton/yr**
P M-10:	8.5	lb/1000 gal =	**13.03**	**ton/yr**
S O 2:	150.0	lb/1000 gal =	**229.95**	**ton/yr**
N O x:	20.0	lb/1000 gal =	**30.66**	**ton/yr**
V O C:	0.34	lb/1000 gal =	**0.52**	**ton/yr**
C O:	5.0	lb/1000 gal =	**7.67**	**ton/yr**

The maximum potential emissions from the aggregate dryer burner due to fuel combustion are the following:

Criteria Pollutant:			**Worst Case Fuel**
P M:	**10.73**	**ton/yr**	Refinery Blend Fuel Oil
P M-10:	**13.03**	**ton/yr**	Refinery Blend Fuel Oil
S O 2:	**229.95**	**ton/yr**	Refinery Blend Fuel Oil
N O x:	**30.66**	**ton/yr**	No. 2 Fuel Oil/Refinery Blend Fuel Oil
V O C:	**1.18**	**ton/yr**	Natural Gas
C O:	**18.03**	**ton/yr**	Natural Gas

*** * source emissions after controls * ***

*** * aggregate dryer * ***

Pursuant to the FESOP program, this facility must limit PM-10, SO2, and VOC emissions to less than 100.0 tons per year. Consequently, SO2 emissions from the aggregate dryer must be limited to 96.58 tons per year (99.0 ton/yr - 2.42 ton/yr from the hot oil heater).

* Emissions of PM and PM-10 from aggregate drying operations are controlled by the following:

by a knockout box with a 50.00 % control efficiency.
followed by a baghouse with a 99.90 % control efficiency.

The following calculations determine the amount of emissions created by natural gas combustion based on a maximum fuel usage of 429,240,000 cf

Natural Gas:	429.240	MMcf/yr	* Ef (lb/MMcf) = (ton/yr)	
	2,000	lb/ton		
P M:	1.9	lb/MMcf =	**2.0E-04**	**ton/yr ***
P M-10:	7.6	lb/MMcf =	**8.2E-04**	**ton/yr ***
S O 2:	0.6	lb/MMcf =	**0.13**	**ton/yr**
N O x:	100.0	lb/MMcf =	**21.46**	**ton/yr**
V O C:	5.5	lb/MMcf =	**1.18**	**ton/yr**
C O:	84.0	lb/MMcf =	**18.03**	**ton/yr**

The following calculations determine the amount of emissions created by No.2 distillate fuel oil @ 0.49 % sulfur based on a fuel usage limitation of 2,798,934 gal/yr:

No. 2 Distillate Oil:	2,798,934	gal/yr	* Ef (lb/1,000 gal) = (ton/yr)	
	2,000	lb/ton		
P M:	2.0	lb/1000 gal =	**1.4E-03**	**ton/yr ***
P M-10:	3.3	lb/1000 gal =	**2.3E-03**	**ton/yr ***
S O 2:	69.0	lb/1000 gal =	**96.58**	**ton/yr**
N O x:	20.0	lb/1000 gal =	**27.99**	**ton/yr**
V O C:	0.3	lb/1000 gal =	**0.48**	**ton/yr**
C O:	5.0	lb/1000 gal =	**7.00**	**ton/yr**

The following calculations determine the amount of emissions created by refinery blend fuel oil @ 1.0 % sulfur based on a fuel usage limitation of 1,287,733 gal/yr:

Refinery Blend Fuel Oil:	1,287,733	gal/yr	* Ef (lb/1,000 gal) = (ton/yr)	
	2,000	lb/ton		
P M:	7.0	lb/1000 gal =	**2.3E-03**	**ton/yr**
P M-10:	8.5	lb/1000 gal =	**2.7E-03**	**ton/yr**
S O 2:	150.0	lb/1000 gal =	**96.58**	**ton/yr**
N O x:	20.0	lb/1000 gal =	**12.88**	**ton/yr**
V O C:	0.3	lb/1000 gal =	**0.22**	**ton/yr**
C O:	5.0	lb/1000 gal =	**3.22**	**ton/yr**

Criteria Pollutant:

			Worst Case Fuel
P M:	**2.3E-03**	**ton/yr ***	Refinery Blend Fuel Oil
P M-10:	**2.7E-03**	**ton/yr ***	Refinery Blend Fuel Oil
S O 2:	**96.58**	**ton/yr**	No. 2 Distillate/Refinery Blend Fuel Oil
N O x:	**27.99**	**ton/yr**	No. 2 Distillate Fuel Oil
V O C:	**1.18**	**ton/yr**	Natural Gas
C O:	**18.03**	**ton/yr**	Natural Gas

Fuel Usage Limitations

Fuel: #2 distillate fuel oil

96.58	tons SO2/year limited	*	3066.00	Kgals	=	2798.934	Kgals
105.80	tons SO2/year potential			year potential			year limited

Fuel: refinery blend fuel oil

96.58	tons SO2/year limited	*	3066.00	Kgals	=	1287.733	Kgals
229.95	tons SO2/year potential			year potential			year limited

Fuel equivalence for natural gas based on SO2 emissions from Refinery Blend fuel oil:

0.6	lb/MMcf	4.0	gallons per million cubic feet (MMcf) natural gas (i.e., every 1 MMcf natural
150.0	lb/1000 gal		gas burned is equivalent to 4.0 gallons of Refinery Blend fuel oil burned, based on SO2 emissions)

Fuel equivalence for No. 2 fuel oil based on SO2 emissions from refinery blend fuel oil:

69.0	lb/1000 gal =	0.4601	Kgal refinery blend fuel oil burned per Kgal of No. 2 fuel oil burned (i.e. every
150.0	lb/1000 gal =		1000 gallons of No. 2 fuel oil burned is equivalent to 460.1 gallons of
			refinery blend fuel oil burned based on SO2 emissions).

326 IAC 7 Compliance Calculations:

The following calculations determine the maximum sulfur content of distillate fuel oil allowable by 326 IAC 7:

0.5 lb/MMBtu x 140,000 Btu/gal= 70 lb/1000gal

70 lb/1000gal / 142 lb/1000 gal = 0.5 %

Sulfur content must be less than or equal to 0.5% to comply with 326 IAC 7.

The following calculations determine the maximum sulfur content of residual oil allowable by 326 IAC 7:

1.6 lb/MMBtu x 140,000 Btu/gal= 224 lb/1000gal

224 lb/1000gal / 150 lb/1000 gal = 1.5 %

Sulfur content must be less than or equal to 1.5% to comply with 326 IAC 7.

PM Emission Limit to Render 326 IAC 2-2 (PSD) not applicable:

(249.0 tons PM/yr - 65.22 tons PM/yr from other sources)
= 183.8 tons PM/yr = 41.96 lbs/hr
PM emissions from the aggregate dryer are controlled to 9.81 tons/yr < 183.8 tons/yr (Will comply)
Based on a maximum asphalt mix throughput of 140 tons/hr, this emission limit is equivalent to 0.299 lb PM per ton of asphalt mix.