



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: March 27, 2006
RE: MAC Construction / 019-22794-05282
FROM: Nisha Sizemore
Chief, Permits Branch
Office of Air Quality

Notice of Decision – Approval

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to 326 IAC 2, this approval was effective immediately upon submittal of the application.

If you wish to challenge this decision, IC 4-21.5-3-7 requires that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, Government Center North, Room 1049, Indianapolis, IN 46204, **within eighteen (18) calendar days from the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) The date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for considerations at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosures
FNPER-AM.dot 03/23/06



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

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Mr. James Embry
MAC Construction & Excavating, Inc.
P.O. Box 6787
New Albany, IN 47151

March 27, 2006

Re: 019-22794-05282
First Administrative Amendment to
FESOP 019-21746-05282

Dear Mr. Embry:

MAC Construction & Excavating, Inc. was issued a permit on January 20, 2006 for a portable drum mix asphalt plant. A letter requesting changes to the permit was received on February 27, 2006. Pursuant to the provisions of 326 IAC 2-8-10 the permit is hereby administratively amended as follows:

- 1. The fugitive dust control plan that is included as Attachment A to the FESOP (F019-21746-05282) required the source to control fugitive emissions from paved roads by spraying truck tires with high pressure washers to clean them prior to entering the plant's paved asphalt road. At the time that the original FESOP application was submitted to IDEM, OAQ, the only paved area was the plant area. The main haul road was not planned to be paved. The pressure wash was used to keep the plant area clean. Since the main haul road and all other traffic areas are going to be paved, the pressure wash is not necessary. All paved areas will be maintained and kept free of dirt which would cause fugitive dust to be generated. Therefore the fugitive dust control plan is revised as follows:

ASPHALT PLANT SITE FUGITIVE DUST CONTROL PLAN

- (a) Fugitive emissions from paved roads shall be controlled by spraying truck tires with high pressure washers to clean them prior to entering the plant's paved asphalt road.
(b) The main haul road and all other traffic areas shall be paved. The paved areas shall be maintained and kept free of dirt which would cause fugitive dust to be generated.
2. The City of Jeffersonville has given the asphalt plant a street address of 1417 Quarry Road. There is no change to the physical location of the plant. Therefore, section A.1 of the permit is revised as follows:

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

The Permittee owns and operates a portable drum mix asphalt plant.

Authorized individual: President
Initial Source Address: 4415 1417 Quarry Road, Jeffersonville, Indiana 47130
Mailing Address: P.O. Box 6787, New Albany, Indiana 47151
General Source Phone: (812) 670-0204
SIC Code: 2951
Initial Source Location Status: Clark County

Source Status: Nonattainment for ozone under the 8-hour standard
Nonattainment for PM2.5
Attainment for all other criteria pollutants
Federally Enforceable State Operating Permit (FESOP)
Minor Source, under PSD and Emission Offset Rules
and Nonattainment NSR;
Minor Source, Section 112 of the Clean Air Act

3. Upon further review, IDEM has decided to remove (d) concerning nonroad engines from B.17 Permit Amendment or Revision. 40 CFR 89, Appendix A specifically indicates that states are not precluded from regulating the use and operation of nonroad engines, such as regulations on hours of usage, daily mass emission limits, or sulfur limits on fuel; nor are permits regulating such operations precluded, once the engine is no longer new.

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.~~

All other conditions of the permit shall remain unchanged and in effect. Please attach a copy of this amendment and the following revised permit pages to the front of the original permit.

This decision is subject to the Indiana Administrative Orders and Procedures Act - IC 4-21.5-3-5. If you have any questions on this matter, please contact Trish Earls, at (973) 575-2555, ext. 3219 or dial (800) 451-6027, and ask for extension 3-6878.

Sincerely,

Original Signed By:
Nisha Sizemore, Chief
Permits Branch
Office of Air Quality

Attachments

TE/EVP

cc: File - Clark County
U.S. EPA, Region V
Clark County Health Department
Air Compliance Section Inspector - Ray Schick
Compliance Data Section
Administrative and Development
Technical Support and Modeling



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NEW SOURCE CONSTRUCTION PERMIT AND FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP) OFFICE OF AIR QUALITY

MAC Construction & Excavating, Inc. (Portable Source)

(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. This permit also addresses new source review requirements and is intended to fulfill the new source review procedures and permit revision requirements pursuant to 326 IAC 2-8-11.1, applicable to those conditions.

Operation Permit No.: F019-21746-05282	
Original signed by: Paul Dubenetzky, Assistant Commissioner Office of Air Quality	Issuance Date: January 20, 2006 Expiration Date: January 20, 2011
First Administrative Amendment No.: 019-22794-05282	Pages Affected: 5, 13, 39
Issued by: Original Signed By: Nisha Sizemore, Chief Permits Branch Office of Air Quality	Issuance Date: March 27, 2006 Expiration Date: January 20, 2011

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 drum mix asphalt plant.

Authorized individual:	President
Initial Source Address:	1417 Quarry Road, Jeffersonville, Indiana 47130
Mailing Address:	P.O. Box 6787, New Albany, Indiana 47151
General Source Phone:	(812) 670-0204
SIC Code:	2951
Initial Source Location Status:	Clark County
	Nonattainment for ozone under the 8-hour standard
	Nonattainment for PM2.5
	Attainment for all other criteria pollutants
Source Status:	Federally Enforceable State Operating Permit (FESOP)
	Minor Source, under PSD and Emission Offset Rules
	and Nonattainment NSR;
	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) drum mix asphalt plant, identified as Unit ID ES1, with a maximum rated throughput capacity of 400 tons per hour, equipped with one (1) 100 million British thermal units per hour (MMBtu/hr) fuel oil-fired burner, using either No. 4 fuel oil, No. 6 fuel oil, or waste oil, with particulate emissions controlled by one (1) baghouse, identified as CD-1, exhausting at one (1) stack (Stack ID: EP1);
- (b) One (1) 30,000 gallon split fuel tank, consisting of one (1) 19,500 gallon storage reservoir, identified as Tank 1a, and one (1) 10,500 gallon storage reservoir, identified as Tank 1b, with both storage reservoirs separated by a permanent wall divider;
- (c) One (1) 20,000 gallon liquid asphalt cement storage tank, identified as Tank 2; and
- (d) One (1) 15,000 gallon liquid asphalt storage tank, identified as Tank 3.

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) Fuel oil-fired combustion sources with heat input equal to or less than two million (2,000,000) Btu per hour and firing fuel containing less than five-tenths (0.5) percent sulfur by weight including:
 - (1) One (1) No. 2 distillate fuel oil-fired hot oil heater, rated at 1.2 MMBtu per hour; exhausting through stack EP2.

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)]

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

ATTACHMENT A

ASPHALT PLANT SITE FUGITIVE DUST CONTROL PLAN

The main haul road and all other traffic areas shall be paved. The paved areas shall be maintained and kept free of dirt which would cause fugitive dust to be generated.