



*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: July 28, 2006  
RE: Brooks Construction Co., Inc. / 085-23320-05190  
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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Indianapolis, Indiana 46204-2251  
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[www.IN.gov/idem](http://www.IN.gov/idem)

Mr. David Fogg  
Brooks Construction Company, Inc.  
P.O. Box 9560  
6525 Ardmore Avenue  
Fort Wayne, Indiana 46899

July 28, 2006

Re: Portable Source Relocation Letter  
Permit #: 085-23320-05190

Dear Mr. Fogg:

Approval is hereby granted to operate the portable asphalt drum mix plant, described in Operation Permit No. F003-19156-05190 issued on March 26, 2002. This source is to be located at Elkhart Sand and Gravel, 2042 West 300 North, Warsaw, Indiana, in Kosciusko County. This plant was previously relocated at 5536 Hoagland Road, Poe, Indiana in Allen County. The site approval for 5536 Hoagland Road, Poe, Indiana, was issued on March 26, 2002.

Relocation of this plant must take place within 120 days after the issuance of this decision. The enclosed Notice of Decision explains your options to challenge this decision under IC 4-21.5-3-5(f). Pursuant to IC 4-21.5-3-5(f), this approval is not effective until eighteen (18) days from the date of this letter. This approval supersedes all previous site approval letters.

Advance written notice to the Office of Air Quality (OAQ), Air Compliance Section, of start-up is required in order for the OAQ to perform an inspection. If the plant is not operating in compliance with all applicable regulations upon inspection, the plant must cease operation upon notification to you by OAQ staff of such non-compliance. Operations may only resume once remedial actions have been taken and approved by the OAQ.

If you have any questions concerning this relocation site approval, please contact Gary Freeman of my staff at 317/233-5334 or at 1-800-451-6027, ext 3-5334.

Sincerely,

Original signed by  
Nysa L. James, Section Chief  
Permits Branch  
Office of Air Quality

NLJ/gkf  
Enclosures: Notice of Decision  
cc: File Kosciusko County  
Kosciusko County Health Department  
Air Compliance Section – Doyle Houser  
Air Compliance Section – Patrick Burton  
Compliance Data Section – Judy Lombardo  
Permit Review Section 1 - Gary Freeman  
Billing, Licensing and Training Section – Chet Bohannon