



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: November 13, 2006
RE: E & B Paving, Inc / 103-23718-03204
FROM: Nisha Sizemore
Chief, Permits Branch
Office of Air Quality

Notice of Decision: Revocation

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 4-21.5-3-5(f) this revocation is effective fifteen (15) days after it is served. When served by U.S. mail, the order is effective eighteen (18) calendar days from the mailing of this notice pursuant to IC 4-21.5-3-2(e).

If you wish to challenge this decision, IC 4-21.5-3-7 and IC 13-15-7-3 require that you file a petition for administrative review. This petition describing your intent 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-REV.dot 03/23/06



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

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November 13, 2006

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

Re: 103-23718-03204
Revocation of F 103-14795-03204

Dear Mr. Henderson:

On August 25, 2006, E & B Paving, Inc. filed an application (103-23558-03204) to convert the permit status for the asphalt plant, located at US 24 East, Peru, Indiana 46970, from a Federally Enforceable State Operating Permit (FESOP) to a General Asphalt FESOP.

Pursuant to 326 IAC 2-1.1-9, any permit to construct or operate or any permit revision approval granted by the commissioner may be revoked for any other cause that establishes in the judgment of the commissioner the fact that continuance of the permit or permit revision approval is not consistent with the purposes of 326 IAC 2. Since this source qualifies for a General FESOP, the FESOP issued on August 6, 2002, will be revoked.

Accordingly, the FESOP, 103-14795-03204, issued on August 6, 2002, is hereby revoked. Pursuant to IC 4-21.5-3-5(a) and (b), this revocation letter is effective in eighteen (18) days from the date of this letter.

If you have any questions on this matter, please contact CarrieAnn Paukowits, c/o OAQ, 100 North Senate Avenue, Indianapolis, Indiana 46204-2251, at 631-691-3395, ext. 18, or in Indiana at 1-800-451-6027 (ext 631-691-3395).

Sincerely,

Original signed by

Nisha Sizemore, Chief
Permits Branch
Office of Air Quality

CAP/MES

cc: File - Miami County
Miami County Health Department
Air Compliance Section Inspector - Dave Rice
Administration & Development Section
Contract Management Section - Kim Wade
Contract Management Section - Barbara VanWinkle
Policy Planning & Coordination Section
Compliance Data Section