



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: June 20, 2007
RE: Dave OMara Contractor, Inc. / 079-24863-00020
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.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

Mr. Daniel J. O'Mara
Dave O'Mara Contractor, Inc.
P.O. Box 1139
North Vernon, IN 47265

June 20, 2007

Dear Mr. O'Mara:

Re: Exempt Operation Status
079-24863-00020

The application for an exemption status was received on June 4, 2007 and has been reviewed. Based on the data submitted and the provisions in 326 IAC 2-1.1-3, it has been determined that the following asphalt emulsion production located at 1995 5th Street, North Vernon, Indiana 47265, met the criteria required to obtain an exempt operation status.

Pursuant to IC 4-21.5-3-5(a) and (b), approval of this exemption status shall not be effective until fifteen (15) days from the date of this letter.

The facilities and processes of this source are hereby granted an exemption status, provided that the following requirements of 326 IAC 2-1.1-3 are satisfied:

The plant consists of the following existing storage tanks:

- (a) Three (3) new heated vertical fixed cone roof asphalt emulsion storage tanks, identified as #35, #36 and #37, each has a capacity of 40,055 gallons, tank's height of 35 feet, and diameter of 14 feet;
- (b) One (1) distillate fuel oil No. 2 boiler, with a heat input capacity of 4.0 million British thermal Units per hour (mmBtu/hr);
- (c) One (1) vertical fixed cone roof brine solution storage tank, identified as 1-34 with a capacity of 82 gallons, tank's height of 2 feet, and diameter of 2 feet.
- (d) One (1) vertical fixed cone roof asphalt emulsion storage tank, identified as 1-4, with a capacity of 20,500 gallons, tank's height of 36 feet, and a diameter of 10 feet;
- (e) One (1) vertical fixed cone roof asphalt emulsion storage tank, identified as 1-5 with a capacity of 19,155 gallons, tank's height of 30 feet, and a diameter of 10 feet;
- (f) One (1) vertical fixed cone roof asphalt emulsion storage tank, identified as 1-6, with a capacity of 30,480 gallons, tank's height of 36 feet, and a diameter of 12 feet;
- (g) One (1) horizontal asphalt cement storage tank, identified as 1-20, with a capacity of 25,050 gallons, tank's length of 39 feet, and a diameter of 10.0 feet;
- (h) Two (2) vertical fixed cone roof toll oil storage tanks, identified as 1-21 and 1-33 with a capacity of 10,000 gallons and 2,992 gallons respectively, tank 1-21 has a height of 12 feet, and diameter of 12 feet, tank 1-33 has a height of 5 feet and diameter of 10 feet;

- (i) One (1) vertical fixed cone asphalt emulsion storage tank, identified as 1-3 with a capacity of 18,600 gallons, tank's height of 30 feet, and a diameter of 10 feet;
- (j) One (1) vertical fixed cone roof emulsion base storage tank, identified as 1-1 with a capacity of 30,100 gallons, tank's height of 36 feet, and a diameter of 12 feet;
- (k) Two (2) horizontal asphalt cement storage tanks, identified as 1-11 and 1-12, each with a capacity of 30,100 gallons, tank 1-11 has a length of 36 feet, and a diameter of 12 feet, tank 1-12 has a length of 37 feet and a diameter of 12 feet;
- (l) Two (2) vertical fixed cone roof no. 2 fuel oil storage tanks, identified as 1-13 and 1-13A, tank 1-13 each has a capacity of 5,800 gallons, tank's height of 10 feet and a diameter of 10 feet;
- (m) One (1) vertical fixed cone roof caustic soda storage tank, identified as 1-18 with a capacity of 11,900 gallons, tank's height of 19 feet and a diameter of 10 feet;
- (n) One (1) horizontal asphalt cement storage tanks, identified as 1-19 with a capacity of 25,000 gallons, tank's length of 39 feet and a diameter of 11 feet;
- (o) One (1) vertical fixed roof cone asphalt emulsion storage tank, identified as 1-2 with a capacity of 30,100 gallons, tank's height of 36 feet, and a diameter of 12 feet; and
- (p) Two (2) vertical fixed roof cone soap storage tanks, identified as 1-16 and 1-17, each with a capacity of 10,000 gallons, height of 19 feet, and a diameter of 10 feet.

This source is hereby notified that this exemption does not relieve the source of the responsibility to comply with the provisions of any applicable federal, state, or local requirements, such as New source Performance Standards (NSPS), 40 CFR Part 60, as follows:

- (1) Opacity Limitations
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:
 - (a) Opacity shall not exceed an average of forty percent (40%) 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 15 minutes (60 readings) in a 6-hour period 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.
- (2) New Source Performance Standards
Pursuant to 326 IAC 12 and 40 CFR Part § 60.110b, Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels), the following storage tanks are subject to the "Monitoring of Operation" requirement of Part 60.116b of this NSPS as follows:
 - (a) Storage tanks with identification #35, #36 and #37 each with a capacity greater than or equal to 39,890 gallons storing liquid with a maximum true vapor pressure that is normally less than 5.2 kPa are subject to the "Monitoring of Operation" requirement of Part 60.116b of this NSPS.
 - (b) Section (b) of this NSPS requires the owner or operator of storage #35, #36 and #37 to keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. These records shall be kept for the life of the storage vessels.
 - (c) Section (d) of this NSPS requires the owner or operator of these storage vessels #35, #36 and #37 storing a liquid that is normally less than 5.2 kPa shall notify the IDEM, OAQ

within 30 days when the maximum true vapor pressure of the liquid exceeds the respective maximum true vapor pressure values for each volume range.

3. Particulate Emissions (PM) Limit for Indirect Heating Sources
Pursuant to 326 IAC 6-2-4, the PM emissions from the 4.0 mmBtu/hr boiler fired by fuel oil no. 2 shall be limited to 0.6 pounds per million British Thermal Units (lb/mmBtu), or an equivalent of 2.4 pounds per hour.

Any change or modification which may increase the volatile organic compounds (VOC) potential to emit to 10 tons per year or more from the asphalt emulsions production, and from the equipment covered in this exemption must be approved by the Office of Air Quality (OAQ) before such change may occur.

Original Signed By:

Nisha Sizemore, Chief
Permits Branch
Office of Air Quality

RT

cc: File - Jennings County
Jennings County Health Department
Air Compliance Section Chief – Cynthia Luxford
Permit Review Section 5 -- R. Traivaranon
Contract Management Section
Permit Administration & Development Section
Billing, Licensing, and Training Section - Dan Stamatkin