



DATE: August 29, 2007
TO: Interested Parties / Applicant
RE: ABH Enterprises, Inc. dba Mid-States Asphalt / E097-24949-00617
FROM: Felicia A. Robinson
Administrator
City of Indianapolis
Office of Environmental Services

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 Indianapolis Office of Environmental Services, Air Permits at (317) 327-2234.

Enclosures



Air Quality Hotline: 317-327-4AIR | knozone.com

Department of Public Works
Office of Environmental Services

2700 Belmont Avenue
Indianapolis, IN 46221

317-327-2234
Fax 327-2274
TDD 327-5186
indygov.org/dpw

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August 29, 2007

Mr. Richard Besant
ABH Enterprises, Inc. dba Mid-States Asphalt
P.O. Box 20348
Tuscaloosa, AL 35402

RE: Exempt Construction and Operation Status
E097-24949-00617

Dear Mr. Besant:

The application from ABH Enterprises, Inc. dba Mid-States Asphalt, received by the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ) and the City of Indianapolis, Office of Environmental Services (OES) on June 18, 2007, 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 roofing packaging operation, located at 3000 South Shelby Street, Indianapolis, Indiana, 46227, is classified as exempt from air pollution permit requirements.

- (1) Oxidized Roofing Asphalt packaging facility, identified as Emitting Unit EU-1, with a maximum capacity of 7.33 tons of oxidized asphalt per hour, with no control equipment, receiving approval to construct in 2007.

The following conditions shall be applicable:

- (1) Pursuant to 326 IAC 5-1-2 (Opacity Limitations) except as provided in 326 IAC 5-1-3 (Temporary Alternative Opacity Limitation), opacity shall meet the following:
 - (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.
- (2) Pursuant to 326 IAC 6-4 (Fugitive Dust Emissions Limitations), the source 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.

This exemption is the first air approval issued to this source.



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Department of Public Works
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Indianapolis, IN 46221

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An application or notification shall be submitted, in accordance with 326 IAC 2, to the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ) and the City of Indianapolis Office of Environmental Services (OES) if the source proposes to construct new emission units, modify existing emission units, or otherwise modify the source.

Sincerely,

ORIGINAL SIGNED BY

Felicia A. Robinson
Administrator
Office of Environmental Services

FAR/jsh

cc: File
Air Compliance – Matt Mosier
IDEM, OAQ – Mindy Hahn
Marion County Health Department

**Indiana Department of Environmental Management
Office of Air Quality
and
City Of Indianapolis Office of Environmental Services**

Technical Support Document (TSD) for an Exemption

Source Background and Description

Source Name:	Mid-States Asphalt and Cant Shop
Source Location:	3000 South Shelby Street, Indianapolis, Indiana, 46227
County:	Marion
SIC Code:	2952
Exemption No.:	E097-24949-00617
Permit Reviewer:	Jeffrey Hege

The Indiana Department of Environmental Management (IDEM) Office of Air Quality (OAQ) and Indianapolis Office of Environmental Services (OES) have reviewed an application from Mid-States Asphalt Company relating to the asphalt roofing packaging operation.

Exempt Emission Units and Pollution Control Equipment

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

- (1) Oxidized Roofing Asphalt packaging facility, identified as Emitting Unit EU-1, with a maximum capacity of 7.33 tons of oxidized asphalt per hour, with no control equipment, receiving approval to construct in 2007.

Existing Approvals

The source has no existing approvals.

Enforcement Issues

There are no enforcement actions pending. Pursuant to 326 IAC 2-1.1-3, this source is exempt from permitting requirements.

Emission Calculations

$$\begin{aligned} \text{Emissions} &= \text{Emission Factor} \times \text{Capacity} \\ &= \frac{5.1 \text{ mg VOC}^*}{\text{Kg of asphalt}} \times \frac{1 \text{ ton VOC}}{10^6 \text{ ton asphalt}} \times \frac{7.33 \text{ ton asphalt}}{\text{hour}} \times \frac{8,760 \text{ hours}}{\text{year}} \\ &= 0.33 \text{ ton VOC per year} \end{aligned}$$

* Emission Factor based on VOC content of material as supplied.

Potential to Emit of the Source Before Controls

Pursuant to 326 IAC 2-1.1-1(16), Potential to Emit is defined as “the maximum capacity of a stationary source or emissions unit 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, the department, or the appropriate local air pollution control agency.”

Pollutant	Potential to Emit (tons/yr)
PM	negligible
PM10	negligible
SO ₂	negligible
VOC	0.33
CO	negligible
NO _x	negligible

HAPs	Potential to Emit (tons/yr)
Highest single HAP	negligible
Combination of HAPs	negligible

- (a) The potential to emit (as defined in 326 IAC 2-7-1(29)) of PM/PM10, SO₂, VOC, CO NO_x and HAPs are less than the levels listed in 326 IAC 2-1.1-3(e)(1). Therefore, the source is subject to the provisions of 326 IAC 2-1.1-3. An exemption will be issued.
- (b) The potential to emit (as defined in 326 IAC 2-7-1(29)) of any single HAP is less than ten (10) tons per year and the potential to emit of a combination of HAPs is less than twenty-five (25) tons per year. Therefore, the source is subject to the provisions of 326 IAC 2-1.1-3. An exemption will be issued.

County Attainment Status

The source is located in Marion County.

Pollutant	Status
PM10	Attainment
PM2.5	Nonattainment
SO ₂	Maintenance attainment
NO _x	Attainment
8-hour Ozone	Basic nonattainment
CO	Attainment
Lead	Attainment

- (a) Volatile organic compounds (VOC) and Nitrogen Oxides (NO_x) 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 and NO_x emissions are considered when evaluating the rule applicability relating to the ozone standards. Marion County has been designated as nonattainment for the 8-hour ozone standard. Therefore, VOC and NO_x emissions were reviewed pursuant to the requirements for Emission Offset, 326 IAC 2-3.
- (b) Marion County has been classified as nonattainment for PM2.5 in 70 FR 943 dated January 5, 2005. Until U.S. EPA adopts specific New Source Review rules for PM2.5 emissions, it has directed states to regulate PM10 emissions as surrogate for PM2.5 emissions, pursuant to the Non-attainment New Source Review requirements.
- (c) Marion County has been classified as attainment or unclassifiable for all other criteria pollutants (PM10, SO₂, NO_x, CO and Lead). Therefore, these emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2.
- (d) On October 25, 2006, the Indiana Air Pollution Control Board finalized a rule revoking the one-hour ozone standard in Indiana.

- (e) Fugitive Emissions
Since this type of operation is not one of the 28 listed source categories under 326 IAC 2-2 or 2-3 and since there are no applicable New Source Performance Standards that were in effect on August 7, 1980, the fugitive volatile organic compound (VOC) emissions are not counted toward determination of PSD and Emission Offset applicability.

Source Status

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

Pollutant	Emissions (tons/yr)
PM	negligible
PM10	negligible
SO ₂	negligible
VOC	0.33
CO	negligible
NO _x	negligible
Single HAP	negligible
Combination HAPs	negligible

- (a) This new source is **not** a major stationary source because no attainment pollutant is emitted at a rate of 250 tons per year or greater, no nonattainment pollutant is emitted at a rate of 100 tons per year or greater, and it is not in one of the 28 listed source categories. Therefore, pursuant to 326 IAC 2-2 and 2-3, the PSD and Emission Offset requirements do not apply.
- (b) These emissions were based on the application submitted by Mid-States Asphalt on June 18, 2007 and additional information received on July 30, 2007.

Part 70 Permit Determination

This source is not subject to the Part 70 Permit requirements because the potential to emit (PTE) of:

- (a) each criteria pollutant is less than 100 tons per year,
(b) a single hazardous air pollutant (HAP) is less than 10 tons per year, and
(c) any combination of HAPs is less than 25 tons per year.

This is the first air approval issued to this source.

Federal Rule Applicability

- (a) There are no New Source Performance Standards (NSPS) (326 IAC 12 and 40 CFR Part 60) included in this exemption.
- (b) 40 CFR Part 60 Subpart UU - Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture is not included in this approval because the source does not have any of the applicable equipment (saturators, mineral handling and storage equipment, asphalt storage tanks or blowing stills).
- (c) There are no National Emission Standards for Hazardous Air Pollutants (NESHAP)(326 IAC 14, 20 and 40 CFR Part 61, 63) included in this exemption.

- (d) 40 CFR Part 63 Subpart LLLLL - National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing is not included in this approval because this is not a major source of HAPs (source does not have emissions of any single HAP equal to or greater than ten (10) tons per year or combined HAP emissions equal to or greater than twenty-five (25) tons per year).

State Rule Applicability - Entire Source

326 IAC 2-1.1-5 (Nonattainment New Source Review)

This source is not major under nonattainment NSR because it has the potential to emit less than 100 tons of PM10 (as a surrogate for PM2.5). Therefore, the Nonattainment New Source Review requirements are not applicable.

326 IAC 2-2 (Prevention of Significant Deterioration (PSD) Requirements)

This source is not a major stationary source because no attainment pollutant is emitted at a rate of 250 tons per year or greater. Therefore, pursuant to 326 IAC 2-2, the PSD requirements do not apply.

326 IAC 2-3 (Emission Offset)

This source is not a major stationary source because no nonattainment regulated pollutants (VOC and NOx) are emitted at a rate equal to or greater than one hundred (100) tons per year. Therefore, pursuant to 326 IAC 2-3, the Emission Offset requirements do not apply.

326 IAC 2-4.1 (Major Sources of Hazardous Air Pollutants (HAP))

This source is not a major source of HAPs, and will emit less than 10 tons per year of a single HAP and 25 tons per year of a combination of HAP; therefore, 326 IAC 2-4.1 does not apply.

326 IAC 2-6 (Emission Reporting)

Pursuant to 326 IAC 2-6-1(a)(1), (2), and (3), this source is not subject to 326 IAC 2-6 (Emission Reporting) because, as an Exemption, it is not required to have an operating permit under 326 IAC 2-7, it does not emit lead into the ambient air at levels equal to or greater than five (5) tons per year, and it is not located in Lake or Porter Counties.

326 IAC 5-1 (Opacity Limitations)

This source is located in Marion County. Therefore, 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.

326 IAC 6.5-1-2 (PM Limitations Except Lake County) and 326 IAC 6.5-6 (Marion County)

This source has the potential to emit particulate of less than one hundred (100) tons per year and has actual emissions less than ten (10) tons per year. Mid-States Asphalt is not specifically identified in 326 IAC 6.5-6 (Marion County). Therefore, 326 IAC 6.5-1-2 (PM Limitations Except Lake County) and 326 IAC 6.5-6 (Marion County) do not apply to this source.

326 IAC 6-3 (Particulate Emission Limitations for Manufacturing Processes)

This source is an asphalt roofing packaging operation which does not have the potential to emit particulate. Therefore, 326 IAC 6-3 does not apply to the source.

326 IAC 6-4 (Fugitive Dust Emission Limitations)

Pursuant to 326 IAC 6-4 (Fugitive Dust Emissions Limitations), the source 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.

326 IAC 8-1-6 (General Volatile Organic Compound Reduction Requirements)

This source commenced construction and operation after January 1, 1980. Neither the source nor any specific emission unit at this source has the potential to emit twenty five (25) tons per year or more of volatile organic compounds (VOC). Therefore, this source is not subject to 326 IAC 8-1-6 (General Provisions Relating to VOC Rules: General Reduction Requirements for New Facilities).

Recommendation

The staff recommends to the Administrator that an exemption from air pollution permitting requirements be approved. This recommendation is based on the following facts and conditions:

Unless otherwise stated, information used in this review was derived from the source's application received on June 18, 2007 and additional information received from the Source on June 20, 2007.

Conclusion

The construction and operation of this asphalt roofing packaging operation shall be subject to the conditions of this Exemption No.: E097-24949-00617.