



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

TO: Interested Parties / Applicant

DATE: June 9, 2010

RE: Walsh & Kelly, Inc. / 039-29191-03325

FROM: Matthew Stuckey, Branch 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, Suite N 501E, 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.dot12/3/07



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Mr. Roger Knip
Walsh & Kelly, Inc.
24358 SR 23
South Bend, IN 46614

June 9, 2010

Re: 039-29191-03325
First Administrative Amendment to
F039-17738-03325

Dear Mr. Knip:

Brooks Construction Company, Inc. was issued a Federally Enforceable State Operating Permit (FESOP) Renewal No. F039-17738-03325 on July 14, 2004 for a portable hot mix asphalt plant source, located at 18130 U.S. Highway 20, Goshen, Indiana, 46526. On April 23, 2010, the Office of Air Quality (OAQ) received an application from the source, requesting that the permit be updated to indicate a change in ownership and company name to Walsh & Kelly, Inc. These changes to the permit are considered an administrative amendment pursuant to 326 IAC 2-8-10(a)(4). Pursuant to the provisions of 326 IAC 2-8-10, the permit is hereby administratively amended as follows with the deleted language as ~~strikeouts~~ and new language **bolded**.

- (a) The company name and phone No. in the permit including all report forms have been revised as follows:

Source Name: ~~Brooks Construction Company, Inc.~~ **Walsh & Kelly, Inc.**
General Source Phone Number: ~~260-478-1990~~ **(574) 288 - 4811**

- (b) IDEM has decided to remove source mailing address from a permit including all report forms. However, this information is still used for mailing a permit to responsible official and kept in IDEM's records.

Mailing Address: ~~_____~~ P.O. Box 9560, Fort Wayne, Indiana, 46899

- (c) Upon further review, IDEM, OAQ has decided to make the following changes:

- (1) For clarity, IDEM has changed references to the general conditions: "in accordance with Section B", "in accordance with Section C", or other similar language, to "Section C ... contains the Permittee's obligations with regard to the records required by this condition."
- (2) IDEM has decided that the phrases "no later than" and "not later than" are clearer than "within" in relation to the end of a timeline. Therefore, all timelines have been switched to "no later than" or "not later than" except for the timelines in Section B - Emergency Provisions because the underlying rule states for these conditions to specify "within."
- (3) Several of IDEM's branches and sections have been renamed. Therefore, IDEM has updated the addresses listed in the permit. References to "Permit Administration and Development Section" and the "Permits Branch" have been changed to "Permit Administration and Support Section". References to "Asbestos Section", "Compliance Data Section", "Air Compliance Section", and "Compliance Branch" have been changed to "Compliance and Enforcement Branch".
- (4) Condition B.1, "Permit No Defense" has been moved to the front page.

- (4) Condition B.1, "Permit No Defense" has been moved to the front page.
- (5) Condition - Prior Permits Superseded has been revised to add the permit number, F 039-17738-03325, for clarification.
- (6) Condition B - Permit Term has been revised for clarification.
- (7) IDEM has decided to clarify what rule requirements a certification needs to meet. IDEM has decided to remove the last sentence dealing with the need for certification from the forms because the Conditions requiring the forms already address this issue.
- (8) To clarify that Section B - Certification only states what a certification must be, IDEM has revised the condition.
- (9) Section B -Duty to Provide Information has been revised.
- (10) IDEM has added a new paragraph (b) to handle a future situation where the Permittee adds units that need preventive maintenance plans developed. IDEM has decided to clarify other aspects of Section B - Preventive Maintenance Plan.
- (11) IDEM is revising Section B - Emergency Provisions to delete paragraph (h). 326 IAC 2-8-4(3) (C) (ii) allows that deviations reported under an independent requirement do not have to be included in the Quarterly Deviation and Compliance Monitoring Report.
- (12) IDEM, OAQ has decided that having a separate condition for the reporting of deviations is unnecessary. Therefore, IDEM has removed Section B - Deviation form Permit Requirements and Conditions and added the requirements of that condition to Section C - General Reporting Requirements. Paragraph (d) of Section C - General Reporting Requirements has been removed because IDEM already states the timeline and certification needs of each report in the condition requiring the report.
- (13) IDEM has decided to state which rule establishes the authority to set a deadline for the Permittee to submit additional information. Therefore, Section B - Permit Renewal has been revised.
- (14) A permit revision has been revised to reference 326 IAC 2.
- (15) IDEM has added 326 IAC 5-1-1 to the exception clause of Section C - Opacity, since 326 IAC 5-1-1 does list exceptions.
- (16) IDEM has revised Section C - Incineration to more closely reflect the two underlying rules.
- (17) IDEM has revised Section C - Asbestos Abatement Projects Condition to remove the statement that the requirement to use an Indiana Accredited Asbestos inspector is not federally enforceable, since all conditions and requirements in a FESOP are federally enforceable.
- (18) IDEM has removed the first paragraph of Section C - Performance Testing because specific testing conditions elsewhere in the permit will specify the timeline and procedures.
- (19) IDEM has removed Section C - Monitoring Methods. The conditions that require the monitoring or testing, if required, state what methods shall be used.

- (20) IDEM has revised Section C - Compliance Monitoring. The reference to recordkeeping has been removed because other conditions already address recordkeeping. The voice of the condition has been changed to clearly indicate that it is the Permittee that must follow the requirements of the condition.
- (21) IDEM has revised Section C - Response to Excursions or Exceedances. The introduction sentence has been added to clarify that it is only when an excursion or exceedance is detected that the requirements of this condition need to be followed. The word "excess" was added to the last sentence of paragraph (a) because the Permittee only has to minimize excess emissions. The middle of paragraph (b) has been deleted as it was duplicative of paragraph (a). The phrase "or are returning" was added to subparagraph (b)(2) as this is an acceptable response assuming the operation or emission unit does return to normal or its usual manner of operation. The phrase "within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable" was replaced with "normal or usual manner of operation" because the first phrase is just a limited list of the second phrase. The recordkeeping required by paragraph (e) was changed to require only records of the response because the previously listed items are required to be recorded elsewhere in the permit.
- (22) IDEM has revised Section C - Actions Related to Noncompliance Demonstrated by a Stack Test. The requirements to take response steps and minimize excess emissions have been removed because Section C - Response to Excursions or Exceedances already requires response steps related to exceedances and excess emissions minimization. The start of the timelines was switched from "the receipt of the test results" to "the date of the test." There was confusion if the "receipt" was by IDEM, the Permittee, or someone else. Since the start of the timelines has been moved up, the length of the timelines was increased. The new timelines require action within a comparable timeline; and the new timelines still ensure that the Permittee will return to compliance within a reasonable timeframe.
- (23) The voice of paragraph (b) of Section C - General Record Keeping Requirements has been change to clearly indicate that it is the Permittee that must follow the requirements of the paragraph.
- (24) IDEM has decided to simplify the referencing in Section C - Compliance with 40 CFR 82 and 326 IAC 22-1.
- (25) IDEM has decided to clarify Section D - Testing Requirements.
- (26) IDEM has included the replacement of an instrument as an acceptable action.
- (27) The word "status" has been added to Section D - Testing, Record Keeping and Reporting Requirements. The Permittee has the obligation to document the compliance status. The wording has been revised to properly reflect this.
- (28) The phrase "of this permit" has been added to the paragraph of the Quarterly Deviation and Compliance Monitoring Report to match the underlying rule.

SECTION B ————— GENERAL CONDITIONS

B.1 — Permit No Defense [IC 13]

~~Indiana statutes from IC 13 and rules from 326 IAC, quoted in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except~~

for the requirement to obtain a FESOP under 326 IAC 2-8.

~~B.2 — Definitions [326 IAC 2-8-1]~~

~~Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, the applicable definitions found in the statutes or regulations (IC 13-11, 326 IAC 1-2, and 326 IAC 2-7) shall prevail.~~

~~B.3 — Permit Term [326 IAC 2-8-4(2)][326 IAC 2-1.1-9.5]~~

~~This permit, F039-17738-03325, is issued for a fixed term of ten (10) years from the issuance date of this permit, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3. Subsequent revisions, modifications, or amendments of this permit do not affect the expiration date.~~

~~B.4 — Enforceability [326 IAC 2-8-6]~~

~~Unless otherwise stated, all terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM, the United States Environmental Protection Agency (U.S. EPA) and by citizens in accordance with the Clean Air Act.~~

~~B.5 — Termination of Right to Operate [326 IAC 2-8-9][326 IAC 2-8-3(h)]~~

~~The Permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least nine (9) months prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-8-3(h) and 326 IAC 2-8-9.~~

~~B.6 — Severability [326 IAC 2-8-4(4)]~~

~~The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.~~

~~B.7 — Property Rights or Exclusive Privilege [326 IAC 2-8-4(5)(D)]~~

~~This permit does not convey any property rights of any sort, or any exclusive privilege.~~

~~B.8 — Duty to Provide Information [326 IAC 2-8-4(5)(E)]~~

~~(a) — The Permittee shall furnish to IDEM, OAQ, within a reasonable time, any information that IDEM, OAQ, may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The submittal by the Permittee does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1). Upon request, the Permittee shall also furnish to IDEM, OAQ, copies of records required to be kept by this permit.~~

~~(b) — For information furnished by the Permittee to IDEM, OAQ, the Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1 when furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.~~

~~B.9 — Compliance Order Issuance [326 IAC 2-8-5(b)]~~

~~IDEM, OAQ may issue a compliance order to this Permittee upon discovery that this permit is in nonconformance with an applicable requirement. The order may require immediate compliance or contain a schedule for expeditious compliance with the applicable requirement.~~

~~B.10 — Certification [326 IAC 2-8-3(d)][326 IAC 2-8-4(3)(C)(i)][326 IAC 2-8-5(1)]~~

~~(a) — Where specifically designated by this permit or required by an applicable requirement, any application form, report, or compliance certification submitted shall contain certification by an authorized individual of truth, accuracy, and completeness. This certification, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.~~

~~(b) One (1) certification shall be included, using the attached Certification Form, with each submittal requiring certification. One (1) certification may cover multiple forms in one (1) submittal.~~

~~(c) An authorized individual is defined at 326 IAC 2-1.1-1(1).~~

~~B.11 Annual Compliance Certification [326 IAC 2-8-5(a)(1)]~~

~~(a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. All certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted in letter form no later than April 15 of each year to:~~

~~Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2254~~

~~(b) The annual compliance certification report required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.~~

~~(c) The annual compliance certification report shall include the following:~~

- ~~(1) The appropriate identification of each term or condition of this permit that is the basis of the certification;~~
- ~~(2) The compliance status;~~
- ~~(3) Whether compliance was continuous or intermittent;~~
- ~~(4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-8-4(3); and~~
- ~~(5) Such other facts as specified in Sections D of this permit, IDEM, OAQ, may require to determine the compliance status of the source.~~

~~The notification which shall be submitted by the Permittee does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

~~B.12 Preventive Maintenance Plan [326 IAC 1-6-3][326 IAC 2-8-4(9)][326 IAC 2-8-5(a)(1)]~~

~~(a) If required by specific condition(s) in Section D of this permit, the Permittee shall maintain and implement Preventive Maintenance Plans (PMPs), including the following information on each facility:~~

- ~~(1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;~~
- ~~(2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and~~
- ~~(3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.~~

- (b) ~~A copy of the PMPs shall be submitted to IDEM, OAQ, upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ. IDEM, OAQ, may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or is the primary contributor to an exceedance of any limitation on emissions or potential to emit. The PMPs do not require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~
- (c) ~~To the extent the Permittee is required by 40 CFR Part 60/63 to have an Operation, Maintenance, and Monitoring (OMM) Plan for a unit, such Plan is deemed to satisfy the PMP requirements of 326 IAC 1-6-3 for that unit.~~

B.13 Emergency Provisions [326 IAC 2-8-12]

- (a) ~~An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation, except as provided in 326 IAC 2-8-12.~~
- (b) ~~An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a health-based or technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describes the following:~~
- (1) ~~An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;~~
 - (2) ~~The permitted facility was at the time being properly operated;~~
 - (3) ~~During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;~~
 - (4) ~~For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ, within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;~~

~~Telephone No.: 1-800-451-6027 (ask for Office of Air Quality, Compliance Section) or,
Telephone No.: 317-233-0178 (ask for Compliance Section)
Facsimile No.: 317-233-6865~~

~~And~~

~~IDEM Northern Regional Office:
Telephone No.: 1-800-753-5519 or,
Telephone No.: 574-245-4870
Facsimile No.: 574-245-4877~~

- (5) ~~For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile to:~~

~~Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality~~

~~100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2254~~

~~within two (2) working days of the time when emission limitations were exceeded due to the emergency.~~

~~The notice fulfills the requirement of 326 IAC 2-8-4(3)(C)(ii) and must contain the following:~~

- ~~(A) — A description of the emergency;~~
- ~~(B) — Any steps taken to mitigate the emissions; and~~
- ~~(C) — Corrective actions taken.~~

~~The notification which shall be submitted by the Permittee does not require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

- ~~(6) — The Permittee immediately took all reasonable steps to correct the emergency.~~
- ~~(c) — In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.~~
- ~~(d) — This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.~~
- ~~(e) — The Permittee seeking to establish the occurrence of an emergency shall make records available upon request to ensure that failure to implement a PMP did not cause or contribute to an exceedance of any limitations on emissions. However, IDEM, OAQ may require that the Preventive Maintenance Plans required under 326 IAC 2-8-3(c)(6) be revised in response to an emergency.~~
- ~~(f) — Failure to notify IDEM, OAQ by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-8 and any other applicable rules.~~
- ~~(g) — Operations may continue during an emergency only if the following conditions are met:
 - ~~(1) — If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.~~
 - ~~(2) — If an emergency situation causes a deviation from a health-based limit, the Permittee may not continue to operate the affected emissions facilities unless:
 - ~~(A) — The Permittee immediately takes all reasonable steps to correct the emergency situation and to minimize emissions; and~~
 - ~~(B) — Continued operation of the facilities is necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw material of substantial economic value.~~~~~~

~~Any operations shall continue no longer than the minimum time required to prevent the situations identified in (g)(2)(B) of this condition.~~

- ~~(h) The Permittee shall include all emergencies in the Quarterly Deviation and Compliance Monitoring Report.~~

~~B.14 Deviations from Permit Requirements and Conditions [326 IAC 2-8-4(3)(C)(iii)]~~

- ~~(a) Deviations from any permit requirements (for emergencies see Section B – Emergency Provision), the probable cause of such deviations, and any response steps or preventive measures taken shall be reported to:~~

~~Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2254~~

~~using the attached Quarterly Deviation and Compliance Monitoring Report, or its equivalent. A deviation required to be reported pursuant to an applicable requirement that exists independent of this permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report.~~

~~The Quarterly Deviation and Compliance Monitoring Report does require the certification by an “authorized individual” as defined by 326 IAC 2-1.1-1(1).~~

- ~~(b) A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit.~~

~~B.15 Permit Modification, Reopening, Revocation and Reissuance, or Termination
[326 IAC 2-8-4(5)(C)][326 IAC 2-8-7(a)][326 IAC 2-8-8]~~

- ~~(a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a FESOP modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-8-4(5)(C)] The notification by the Permittee does require the certification by an “authorized individual” as defined by 326 IAC 2-1.1-1(1).~~

- ~~(b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAQ determines any of the following:~~

~~(1) That this permit contains a material mistake.~~

~~(2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.~~

~~(3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-8-8(a)]~~

- ~~(c) Proceedings by IDEM, OAQ, to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-8-8(b)]~~

- ~~(d) — The reopening and revision of this permit, under 326 IAC 2-8-8(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAQ, at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAQ may provide a shorter time period in the case of an emergency. [326 IAC 2-8-8(c)]~~

~~B.16 — Permit Renewal [326 IAC 2-8-3(h)]~~

- ~~(a) — The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ and shall include the information specified in 326 IAC 2-8-3. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(24) and 326 IAC 2-7-1(40). The renewal application does require the certification by an “authorized individual” as defined by 326 IAC 2-1.1-1(1).~~

~~Request for renewal shall be submitted to:~~

~~Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, IN 46204-2254~~

- ~~(b) — Timely Submittal of Permit Renewal [326 IAC 2-8-3]~~

~~(1) — A timely renewal application is one that is:~~

~~(A) — Submitted at least nine (9) months prior to the date of the expiration of this permit; and~~

~~(B) — If the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.~~

~~(2) — If IDEM, OAQ upon receiving a timely and complete permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect until the renewal permit has been issued or denied.~~

- ~~(c) — Right to Operate After Application for Renewal [326 IAC 2-8-9]~~

~~If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-8 until IDEM, OAQ takes final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by the deadline specified in writing by IDEM, OAQ, any additional information identified as needed to process the application.~~

~~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
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2254

Any such application shall be certified by an "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.~~

~~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
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2254

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~~

- (5) ~~The Permittee maintains records on-site, on a rolling five (5) year basis, which document all such changes and emission trades that are subject to 326 IAC 2-8-15(b) through (d). The Permittee shall make such records available, upon reasonable request, for public review.~~

~~Such records shall consist of all information required to be submitted to IDEM, OAQ in the notices specified in 326 IAC 2-8-15(b)(2), (c)(1), and (d).~~

~~(b) Emission Trades [326 IAC 2-8-15(c)]
The Permittee may trade emissions increases and decreases at the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-8-15(e).~~

~~(c) Alternative Operating Scenarios [326 IAC 2-8-15(d)]
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-8-4(7). No prior notification of IDEM, OAQ or U.S. EPA is required.~~

~~B.19 Permit Revision Requirement [326 IAC 2-8-11.1]~~

~~A modification, construction, or reconstruction is governed by the requirements of 326 IAC 2 and 326 IAC 2-8-11.1.~~

~~B.20 Inspection and Entry [326 IAC 2-8-5(a)(2)][IC 13-14-2-2][IC 13-17-3-2][IC 13-30-3-1]~~

~~Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee's right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, U.S. EPA, or an authorized representative to perform the following:~~

- ~~(a) Enter upon the Permittee's premises where a FESOP source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;~~
- ~~(b) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;~~
- ~~(c) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, inspect at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;~~
- ~~(d) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and~~
- ~~(e) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.~~

~~B.21 Transfer of Ownership or Operational Control [326 IAC 2-8-10]~~

- ~~(a) The Permittee must comply with the requirements of 326 IAC 2-8-10 whenever the Permittee seeks to change the ownership or operational control of the source and no other change in the permit is necessary.~~
- ~~(b) Any application requesting a change in the ownership or operational control of the source shall contain a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new Permittee. The application shall be submitted to:~~

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue

~~MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2254~~

~~The application which shall be submitted by the Permittee does require the certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

- ~~(c) The Permittee may implement 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.22 Annual Fee Payment [326 IAC 2-7-19][326 IAC 2-8-4(6)][326 IAC 2-8-16][326 IAC 2-1.1-7]~~

- ~~(a) The Permittee shall pay annual fees to IDEM, OAQ, within thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ the applicable fee is due April 1 of each year.~~
- ~~(b) Failure to pay may result in administrative enforcement action, or revocation of this permit.~~
- ~~(c) The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-4230 (ask for OAQ, Billing, Licensing, and Training (BLT) Section), to determine the appropriate permit fee.~~

~~B.23 Credible Evidence [326 IAC 2-8-4(3)][326 IAC 2-8-5][62 FR 8314][326 IAC 1-1-6]~~

~~For the purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of any condition of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether the Permittee would have been in compliance with the condition of this permit if the appropriate performance or compliance test or procedure had been performed.~~

SECTION B GENERAL CONDITIONS

B.1 Reserved

B.2 Definitions [326 IAC 2-8-1]

Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, the applicable definitions found in the statutes or regulations (IC 13-11, 326 IAC 1-2 and 326 IAC 2-7) shall prevail.

B.3 Permit Term [326 IAC 2-8-4(2)][326 IAC 2-1.1-9.5][IC 13-15-3-6(a)]

- (a) This permit, F 039-17738-03325, is issued for a fixed term of ten (10) years from the issuance date of this permit, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3. Subsequent revisions, modifications, or amendments of this permit do not affect the expiration date of this permit.
- (b) If IDEM, OAQ, upon receiving a timely and complete renewal permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect, until the renewal permit has been issued or denied.

B.4 Enforceability [326 IAC 2-8-6] [IC 13-17-12]

Unless otherwise stated, all terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM, the United States Environmental Protection Agency (U.S. EPA) and by citizens in accordance with the Clean Air Act.

B.5 Termination of Right to Operate [326 IAC 2-8-9][326 IAC 2-8-3(h)]

The Permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least nine (9) months prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-8-3(h) and 326 IAC 2-8-9.

B.6 Severability [326 IAC 2-8-4(4)]

The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.

B.7 Property Rights or Exclusive Privilege [326 IAC 2-8-4(5)(D)]

This permit does not convey any property rights of any sort or any exclusive privilege.

B.8 Duty to Provide Information [326 IAC 2-8-4(5)(E)]

- (a) The Permittee shall furnish to IDEM, OAQ, within a reasonable time, any information that IDEM, OAQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. Upon request, the Permittee shall also furnish to IDEM, OAQ copies of records required to be kept by this permit.
- (b) For information furnished by the Permittee to IDEM, OAQ, the Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1. When furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.

B.9 Compliance Order Issuance [326 IAC 2-8-5(b)]

IDEM, OAQ may issue a compliance order to this Permittee upon discovery that this permit is in nonconformance with an applicable requirement. The order may require immediate compliance or contain a schedule for expeditious compliance with the applicable requirement.

B.10 Certification [326 IAC 2-8-3(d)][326 IAC 2-8-4(3)(C)(i)][326 IAC 2-8-5(1)]

- (a) A certification required by this permit meets the requirements of 326 IAC 2-8-5(a)(1) if:
 - (i) it contains a certification by an "authorized individual", as defined by 326 IAC 2-1.1-1(1), and
 - (ii) the certification states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (b) The Permittee may use the attached Certification Form, or its equivalent with each submittal requiring certification. One (1) certification may cover multiple forms in one (1) submittal.
- (c) An "authorized individual" is defined at 326 IAC 2-1.1-1(1).

B.11 Annual Compliance Certification [326 IAC 2-8-5(a)(1)]

- (a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. All certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted no later than July 1 of each year to:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

- (b) The annual compliance certification report required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.
- (c) The annual compliance certification report shall include the following:
- (1) The appropriate identification of each term or condition of this permit that is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether compliance was continuous or intermittent;
 - (4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-8-4(3); and
 - (5) Such other facts, as specified in Sections D of this permit, as IDEM, OAQ may require to determine the compliance status of the source.

The submittal by the Permittee does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

B.12 Preventive Maintenance Plan [326 IAC 1-6-3][326 IAC 2-8-4(9)][326 IAC 2-8-5(a)(1)]

- (a) A Preventive Maintenance Plan meets the requirements of 326 IAC 1-6-3 if it includes, at a minimum:
- (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
 - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and
 - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

The Permittee shall implement the PMPs.

- (b) If required by specific condition(s) in Section D of this permit where no PMP was previously required, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMPs) no later than ninety (90) days after issuance of this permit or ninety (90) days after initial start-up, whichever is later, including the following information on each facility:
- (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
 - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and
 - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If, due to circumstances beyond the Permittee's control, the PMPs cannot be prepared and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

The PMP extension notification does not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

The Permittee shall implement the PMPs.

- (c) A copy of the PMPs shall be submitted to IDEM, OAQ upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ. IDEM, OAQ may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or is the primary contributor to an exceedance of any limitation on emissions. The PMPs and their submittal do not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (d) To the extent the Permittee is required by 40 CFR Part 60/63 to have an Operation Maintenance, and Monitoring (OMM) Plan for a unit, such Plan is deemed to satisfy the PMP requirements of 326 IAC 1-6-3 for that unit.

B.13 Emergency Provisions [326 IAC 2-8-12]

- (a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation except as provided in 326 IAC 2-8-12.
- (b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a health-based or technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:

- (1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;
- (2) The permitted facility was at the time being properly operated;
- (3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;
- (4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ, or Northern Regional Office within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

Telephone Number: 1-800-451-6027 (ask for Office of Air Quality, Compliance and Enforcement Branch), or
Telephone Number: 317-233-0178 (ask for Office of Air Quality, Compliance and Enforcement Branch)
Facsimile Number: 317-233-6865
Northern Regional Office phone: (574) 245-4870; fax: (574) 245-4877.

- (5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile to:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

within two (2) working days of the time when emission limitations were exceeded due to the emergency.

The notice fulfills the requirement of 326 IAC 2-8-4(3)(C)(ii) and must contain the following:

- (A) A description of the emergency;
- (B) Any steps taken to mitigate the emissions; and
- (C) Corrective actions taken.

The notification which shall be submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (6) The Permittee immediately took all reasonable steps to correct the emergency.
- (c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.

- (d) **This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.**
- (e) **The Permittee seeking to establish the occurrence of an emergency shall make records available upon request to ensure that failure to implement a PMP did not cause or contribute to an exceedance of any limitations on emissions. However, IDEM, OAQ may require that the Preventive Maintenance Plans required under 326 IAC 2-8-3(c)(6) be revised in response to an emergency.**
- (f) **Failure to notify IDEM, OAQ by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-8 and any other applicable rules.**
- (g) **Operations may continue during an emergency only if the following conditions are met:**
 - (1) **If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.**
 - (2) **If an emergency situation causes a deviation from a health-based limit, the Permittee may not continue to operate the affected emissions facilities unless:**
 - (A) **The Permittee immediately takes all reasonable steps to correct the emergency situation and to minimize emissions; and**
 - (B) **Continued operation of the facilities is necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw material of substantial economic value.**

Any operations shall continue no longer than the minimum time required to prevent the situations identified in (g)(2)(B) of this condition.

B.14 Reserved

B.15 Permit Modification, Reopening, Revocation and Reissuance, or Termination
[326 IAC 2-8-4(5)(C)][326 IAC 2-8-7(a)][326 IAC 2-8-8]

- (a) **This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Federally Enforceable State Operating Permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-8-4(5)(C)] The notification by the Permittee does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).**
- (b) **This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAQ determines any of the following:**
 - (1) **That this permit contains a material mistake.**

- (2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.
- (3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-8-8(a)]
- (c) Proceedings by IDEM, OAQ to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-8-8(b)]
- (d) The reopening and revision of this permit, under 326 IAC 2-8-8(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAQ at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAQ may provide a shorter time period in the case of an emergency. [326 IAC 2-8-8(c)]

B.16 Permit Renewal [326 IAC 2-8-3(h)]

- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ and shall include the information specified in 326 IAC 2-8-3. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40). The renewal application does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

Request for renewal shall be submitted to:

Indiana Department of Environmental Management
Permit Administration and Support Section, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

- (b) A timely renewal application is one that is:
 - (1) Submitted at least nine (9) months prior to the date of the expiration of this permit; and
 - (2) If the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.
- (c) If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-8 until IDEM, OAQ takes final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by the deadline specified, pursuant to 326 IAC 2-8-3(g), in writing by IDEM, OAQ any additional information identified as being needed to process the application.

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
Permit Administration and Support Section, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

Any such application does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

(c) The Permittee may implement 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 the source that are described in 326 IAC 2-8-15(b) through (d) without a 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
Permit Administration and Support Section, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
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

- (5) The Permittee maintains records on-site, on a rolling five (5) year basis, which document all such changes and emission trades that are subject to 326 IAC 2-8-15(b) through (d). The Permittee shall make such records available, upon reasonable request, for public review.

Such records shall consist of all information required to be submitted to IDEM, OAQ in the notices specified in 326 IAC 2-8-15(b)(2), (c)(1), and (d).

- (b) **Emission Trades [326 IAC 2-8-15(c)]**
The Permittee may trade emissions increases and decreases at the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-8-15(c).
- (c) **Alternative Operating Scenarios [326 IAC 2-8-15(d)]**
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-8-4(7). No prior notification of IDEM, OAQ, or U.S. EPA is required.
- (d) **Backup fuel switches specifically addressed in, and limited under, Section D of this permit shall not be considered alternative operating scenarios. Therefore, the notification requirements of part (a) of this condition do not apply.**

B.19 Permit Revision Requirement [326 IAC 2-8-11.1]

A modification, construction, or reconstruction is governed by the requirements of 326 IAC 2.

B.20 Inspection and Entry [326 IAC 2-8-5(a)(2)][IC 13-14-2-2][IC 13-17-3-2][IC 13-30-3-1]

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee's right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, U.S. EPA, or an authorized representative to perform the following:

- (a) Enter upon the Permittee's premises where a FESOP source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and

- (e) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.

B.21 Transfer of Ownership or Operational Control [326 IAC 2-8-10]

- (a) The Permittee must comply with the requirements of 326 IAC 2-8-10 whenever the Permittee seeks to change the ownership or operational control of the source and no other change in the permit is necessary.
- (b) Any application requesting a change in the ownership or operational control of the source shall contain a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new Permittee. The application shall be submitted to:

Indiana Department of Environmental Management
Permit Administration and Support Section, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

Any such application does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (c) The Permittee may implement 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.22 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-8-4(6)] [326 IAC 2-8-16][326 IAC 2-1.1-7]

- (a) The Permittee shall pay annual fees to IDEM, OAQ no later than thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ the applicable fee is due April 1 of each year.
- (b) Failure to pay may result in administrative enforcement action or revocation of this permit.
- (c) The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-4230 (ask for OAQ, Billing, Licensing, and Training Section), to determine the appropriate permit fee.

B.23 Credible Evidence [326 IAC 2-8-4(3)][326 IAC 2-8-5][62 FR 8314] [326 IAC 1-1-6]

For the purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of any condition of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether the Permittee would have been in compliance with the condition of this permit if the appropriate performance or compliance test or procedure had been performed.

SECTION C SOURCE OPERATION CONDITIONS

Entire Source

Emissions Limitations and Standards [326 IAC 2-8-4(1)]

C.1 ~~Particulate Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) Pounds per Hour [326 IAC 6-3-2]~~

~~Pursuant to 326 IAC 6-3-2(e)(2), particulate emissions from any process not exempt under 326 IAC 6-3-1(b) or (c) which has a maximum process weight rate less than 100 pounds per hour and the methods in 326 IAC 6-3-2(b) through (d) do not apply shall not exceed 0.551 pounds per hour.~~

C.2 ~~Overall Source Limit [326 IAC 2-8]~~

~~The purpose of this permit is to limit this source's potential to emit to less than major source levels for the purpose of Section 502(a) of the Clean Air Act.~~

~~(a) Pursuant to 326 IAC 2-8:~~

~~(1) The potential to emit any regulated pollutant, except particulate matter (PM), from the entire source shall be limited to less than one hundred (100) tons per twelve (12) consecutive month period. This limitation shall also make the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) and 326 IAC 2-3 (Emission Offset) not applicable;~~

~~(2) The potential to emit any individual hazardous air pollutant (HAP) from the entire source shall be limited to less than ten (10) tons per twelve (12) consecutive month period; and~~

~~(3) The potential to emit any combination of HAPs from the entire source shall be limited to less than twenty five (25) tons per twelve (12) consecutive month period.~~

~~(4) The potential to emit of particulate matter (PM), from the entire source shall be limited to less than 250 tons per twelve (12) consecutive month period.~~

~~(b) This condition shall include all emission points at this source including those that are insignificant as defined in 326 IAC 2-7-1(21). The source shall be allowed to add insignificant activities not already listed in this permit, provided that the source's potential to emit does not exceed the above specified limits.~~

~~(c) Section D of this permit contains independently enforceable provisions to satisfy this requirement.~~

C.3 ~~Opacity [326 IAC 5-1]~~

~~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.~~

~~C.4 — Open Burning [326 IAC 4-1][IC 13-17-9]~~

~~The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1.~~

~~C.5 — Incineration [326 IAC 4-2][326 IAC 9-1-2(3)]~~

~~The Permittee shall not operate an incinerator or incinerate any waste or refuse except as provided in 326 IAC 4-2 and in 326 IAC 9-1-2.~~

~~C.6 — Fugitive Dust Emissions [326 IAC 6-4]~~

~~The Permittee 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 (Fugitive Dust Emissions).~~

~~C.7 — Fugitive Particulate Matter Emission Limitations [326 IAC 6-5]~~

~~Pursuant to 326 IAC 6-5 (Fugitive Particulate Matter Emission Limitations), fugitive particulate matter emissions shall be controlled according to the plan submitted on March 11, 1996. The plan is included as Attachment A.~~

~~C.8 — Asbestos Abatement Projects [326 IAC 14-10][326 IAC 18][40 CFR 61, Subpart M]~~

~~(a) — Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos-containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.~~

~~(b) — The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:~~

~~(1) — When the amount of affected asbestos-containing material increases or decreases by at least twenty percent (20%); or~~

~~(2) — If there is a change in the following:~~

~~(A) — Asbestos removal or demolition start date;~~

~~(B) — Removal or demolition contractor; or~~

~~(C) — Waste disposal site.~~

~~(c) — The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).~~

~~(d) — The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).~~

~~All required notifications shall be submitted to:~~

Indiana Department of Environmental Management
Asbestos Section, Office of Air Quality
100 North Senate Avenue
MC 61-52 IGCN 1003
Indianapolis, Indiana 46204-2254

The notice shall include a signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project. The notifications do not require a certification by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

~~(e) Procedures for Asbestos Emission Control~~

~~The Permittee shall comply with the applicable emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-1 emission control requirements are applicable for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.~~

~~(f) Demolition and Renovation~~

~~The Permittee shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos pursuant to 40 CFR 61.145(a).~~

~~(g) Indiana Accredited Asbestos Inspector~~

~~The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Accredited Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos. The requirement to use an Indiana Accredited Asbestos inspector is not federally enforceable.~~

Testing Requirements [326 IAC 2-8-4(3)]

~~C.9 Performance Testing [326 IAC 3-6]~~

-
- ~~(a) All testing shall be performed according to the provisions of 326 IAC 3-6 (Source Sampling Procedures), except as provided elsewhere in this permit, utilizing any applicable procedures and analysis methods specified in 40 CFR 51, 40 CFR 60, 40 CFR 61, 40 CFR 63, 40 CFR 75, or other procedures approved by IDEM, OAQ.~~

~~A test protocol, except as provided elsewhere in this permit, shall be submitted to:~~

~~Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2254~~

~~no later than thirty-five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

- ~~(b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

- (c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ, if the Permittee submits to IDEM, OAQ, a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.

Compliance Requirements [326 IAC 2-1.1-11]

C.10 Compliance Requirements [326 IAC 2-1.1-11]

The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements by issuing an order under 326 IAC 2-1.1-11. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U. S. EPA.

Compliance Monitoring Requirements [326 IAC 2-8-4][326 IAC 2-8-5(a)(1)]

C.11 Compliance Monitoring [326 IAC 2-8-4(3)][326 IAC 2-8-5(a)(1)]

Unless otherwise specified in this permit, all monitoring and record keeping requirements not already legally required shall be implemented upon issuance of this permit. If required by Section D, the Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment.

Unless otherwise specified in the approval for the new emissions unit, compliance monitoring for new emission units or emission units added through a permit revision shall be implemented when operation begins.

C.12 Monitoring Methods [326 IAC 3][40 CFR 60][40 CFR 63]

Any monitoring or testing required by Section D of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, 40 CFR 60, Appendix B, 40 CFR 63, or other approved methods as specified in this permit.

C.13 Instrument Specifications [326 IAC 2-1.1-11][326 IAC 2-8-4(3)][326 IAC 2-8-5(1)]

- (a) When required by any condition of this permit, an analog instrument used to measure a parameter related to the operation of an air pollution control device shall have a scale such that the expected maximum reading for the normal range shall be no less than twenty percent (20%) of full scale.
- (b) The Permittee may request that the IDEM, OAQ approve the use of an instrument that does not meet the above specifications provided the Permittee can demonstrate that an alternative instrument specification will adequately ensure compliance with permit conditions requiring the measurement of the parameters.

Corrective Actions and Response Steps [326 IAC 2-8-4][326 IAC 2-8-5(a)(1)]

C.14 Risk Management Plan [326 IAC 2-8-4][40 CFR 68]

If a regulated substance, as defined in 40 CFR 68, is present at a source in more than a threshold quantity, the Permittee must comply with the applicable requirements of 40 CFR 68.

C.15 Response to Excursions or Exceedances [326 IAC 2-8-4][326 IAC 2-8-5]

- (a) Upon detecting an excursion or exceedance, the Permittee shall restore operation of the emissions unit (including any control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

- ~~(b) — The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Corrective actions may include, but are not limited to, the following:~~
- ~~(1) — initial inspection and evaluation;~~
 - ~~(2) — recording that operations returned to normal without operator action (such as through response by a computerized distribution control system); or~~
 - ~~(3) — any necessary follow up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.~~
- ~~(c) — A determination of whether the Permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include, but is not limited to, the following:~~
- ~~(1) — monitoring results;~~
 - ~~(2) — review of operation and maintenance procedures and records;~~
 - ~~(3) — inspection of the control device, associated capture system, and the process.~~
- ~~(d) — Failure to take reasonable response steps shall be considered a deviation from the permit.~~
- ~~(e) — The Permittee shall maintain the following records:~~
- ~~(1) — monitoring data;~~
 - ~~(2) — monitor performance data, if applicable; and~~
 - ~~(3) — corrective actions taken.~~

C.16 — Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-8-4][326 IAC 2-8-5]

- ~~(a) — When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate response actions. The Permittee shall submit a description of these response actions to IDEM, OAQ, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize excess emissions from the affected facility while the response actions are being implemented.~~
- ~~(b) — A retest to demonstrate compliance shall be performed within one hundred twenty (120) days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAQ that retesting in one hundred twenty (120) days is not practicable, IDEM, OAQ may extend the retesting deadline.~~
- ~~(c) — IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.~~

The response action documents submitted pursuant to this condition do require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]

~~C.17 General Record Keeping Requirements [326 IAC 2-8-4(3)][326 IAC 2-8-5]~~

- ~~(a) Records of all required monitoring data, reports and support information required by this permit shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be physically present or electronically accessible at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.~~
- ~~(b) Unless otherwise specified in this permit, all record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance.~~

~~C.18 General Reporting Requirements [326 IAC 2-8-4(3)(C)][326 IAC 2-1.1-11]~~

- ~~(a) The Permittee shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported. This report shall be submitted within thirty (30) days of the end of the reporting period. The Quarterly Deviation and Compliance Monitoring Report shall include the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~
- ~~(b) The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted to:~~
- ~~Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251~~
- ~~(c) Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.~~
- ~~(d) Unless otherwise specified in this permit, all reports required in Section D of this permit shall be submitted within thirty (30) days of the end of the reporting period. All reports do require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~
- ~~(e) Reporting periods are based on calendar years, unless otherwise specified in this permit. For the purpose of this permit "calendar year" means the twelve (12) month period from January 1 to December 31 inclusive.~~

Portable Source Requirement

~~C.19 Relocation of Portable Sources [326 IAC 2-14-4]~~

- ~~(a) This portable source is allowed to operate in all areas of Indiana except Lake County, LaPorte County, Porter County, and in areas that are designated as extreme, severe, or serious non-attainment for any National Ambient Air Quality Standard. This determination is based on the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration), 326 IAC 2-3 (Emission Offset), 326 IAC 2-6 (Emission Reporting), 326 IAC 5-1 (Opacity Limitations), and 326 IAC 6.8-11 (Lake County: Particulate Matter Contingency Measures). Prior to locating in Lake County, LaPorte County, Porter County, and in area~~

~~that is designated as extreme, severe, or serious non-attainment for any National Ambient Air Quality Standard, the Permittee must submit a request and obtain a permit modification.~~

~~(b) A request to relocate shall be submitted to IDEM, OAQ at least thirty (30) days prior to the intended date of relocation. This submittal shall include the following:~~

~~(1) A list of governmental officials entitled to receive notice of application to relocate. IC 13-15-3-1~~

~~(2) A list of adjacent landowners that the Permittee will send written notice to not more than ten (10) days after submission of the request to relocate. IC 13-15-8~~

~~The notification by the Permittee does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

~~(c) A "Relocation Site Approval" letter shall be obtained prior to relocating.~~

~~(d) The Permittee shall also notify the applicable local air pollution control agency when relocating to, or from, one the following:~~

~~(1) Madison County - (Anderson Office of Air Management)~~

~~(2) City of Evansville plus four (4) miles beyond the corporate limits but not outside Vanderburgh County - (Evansville EPA)~~

~~(3) City of Gary - (Gary Department of Environmental Affairs)~~

~~(4) City of Hammond - (Hammond Department of Environmental Management)~~

~~(5) Marion County - (Indianapolis Office of Environmental Services)~~

~~(6) Vigo County - (Vigo County Air Pollution Control)~~

~~(e) A valid operation permit consists of this document and any subsequent "Relocation Site Approval" letter specifying the current location of the portable plant.~~

Stratospheric Ozone Protection

C.20 Compliance with 40 CFR 82 and 326 IAC 22-1

~~Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with the standards for recycling and emissions reduction:~~

~~(a) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices pursuant to 40 CFR 82.156~~

~~(b) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.~~

~~(c) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.~~

SECTION C SOURCE OPERATION CONDITIONS

Entire Source

Emission Limitations and Standards [326 IAC 2-8-4(1)]

C.1 Particulate Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) Pounds per Hour [326 IAC 6-3-2]

Pursuant to 326 IAC 6-3-2(e)(2), particulate emissions from any process not exempt under 326 IAC 6-3-1(b) or (c) which has a maximum process weight rate less than 100 pounds per hour and the methods in 326 IAC 6-3-2(b) through (d) do not apply shall not exceed 0.551 pounds per hour.

C.2 Overall Source Limit [326 IAC 2-8]

The purpose of this permit is to limit this source's potential to emit to less than major source levels for the purpose of Section 502(a) of the Clean Air Act.

- (a) Pursuant to 326 IAC 2-8:
- (1) The potential to emit any regulated pollutant, except particulate matter (PM), from the entire source shall be limited to less than one hundred (100) tons per twelve (12) consecutive month period.
 - (2) The potential to emit any individual hazardous air pollutant (HAP) from the entire source shall be limited to less than ten (10) tons per twelve (12) consecutive month period; and
 - (3) The potential to emit any combination of HAPs from the entire source shall be limited to less than twenty-five (25) tons per twelve (12) consecutive month period.
- (b) Pursuant to 326 IAC 2-2 (PSD), potential to emit particulate matter (PM) from the entire source shall be limited to less than one hundred (100) tons per twelve (12) consecutive month period.
- (c) This condition shall include all emission points at this source including those that are insignificant as defined in 326 IAC 2-7-1(21). The source shall be allowed to add insignificant activities not already listed in this permit, provided that the source's potential to emit does not exceed the above specified limits.
- (d) Section D of this permit contains independently enforceable provisions to satisfy this requirement.

C.3 Opacity [326 IAC 5-1]

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-1 (Applicability) and 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 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 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.

C.4 Open Burning [326 IAC 4-1] [IC 13-17-9]

The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1.

C.5 Incineration [326 IAC 4-2] [326 IAC 9-1-2]

The Permittee shall not operate an incinerator except as provided in 326 IAC 4-2 or in this permit. The Permittee shall not operate a refuse incinerator or refuse burning equipment except as provided in 326 IAC 9-1-2 or in this permit.

C.6 Fugitive Dust Emissions [326 IAC 6-4]

The Permittee 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 (Fugitive Dust Emissions).

C.7 Fugitive Particulate Matter Emission Limitations [326 IAC 6-5]

Pursuant to 326 IAC 6-5 (Fugitive Particulate Matter Emission Limitations), fugitive particulate matter emissions shall be controlled according to the attached plan as in Attachment A.

C.8 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]

- (a) Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.
- (b) The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:
 - (1) When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or
 - (2) If there is a change in the following:
 - (A) Asbestos removal or demolition start date;
 - (B) Removal or demolition contractor; or
 - (C) Waste disposal site.
- (c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).
- (d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).

All required notifications shall be submitted to:

**Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251**

The notice shall include a signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project. The notifications do not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (e) **Procedures for Asbestos Emission Control**
The Permittee shall comply with the applicable emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-1, emission control requirements are applicable for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.
- (f) **Demolition and Renovation**
The Permittee shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos pursuant to 40 CFR 61.145(a).
- (g) **Indiana Licensed Asbestos Inspector**
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Licensed Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos.

Testing Requirements [326 IAC 2-8-4(3)]

C.9 Performance Testing [326 IAC 3-6]

- (a) For performance testing required by this permit, a test protocol, except as provided elsewhere in this permit, shall be submitted to:

**Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251**

no later than thirty-five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ if the Permittee submits to IDEM, OAQ a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.

Compliance Requirements [326 IAC 2-1.1-11]

C.10 Compliance Requirements [326 IAC 2-1.1-11]

The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements by issuing an order under 326 IAC 2-1.1-11. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U. S. EPA.

Compliance Monitoring Requirements [326 IAC 2-8-4][326 IAC 2-8-5(a)(1)]

C.11 Compliance Monitoring [326 IAC 2-8-4(3)][326 IAC 2-8-5(a)(1)]

Unless otherwise specified in this permit, for all monitoring requirements not already legally required, the Permittee shall be allowed up to ninety (90) days from the date of permit issuance or of initial start-up, whichever is later, to begin such monitoring. If due to circumstances beyond the Permittee's control, any monitoring equipment required by this permit cannot be installed and operated no later than ninety (90) days after permit issuance or the date of initial startup, whichever is later, the Permittee may extend the compliance schedule related to the equipment for an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

in writing, prior to the end of the initial ninety (90) day compliance schedule, with full justification of the reasons for the inability to meet this date.

The notification which shall be submitted by the Permittee does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

Unless otherwise specified in the approval for the new emission unit(s), compliance monitoring for new emission units or emission units added through a permit revision shall be implemented when operation begins.

C.12 Reserved

C.13 Instrument Specifications [326 IAC 2-1.1-11] [326 IAC 2-8-4(3)][326 IAC 2-8-5(1)]

- (a) When required by any condition of this permit, an analog instrument used to measure a parameter related to the operation of an air pollution control device shall have a scale such that the expected maximum reading for the normal range shall be no less than twenty percent (20%) of full scale.
- (b) The Permittee may request that the IDEM, OAQ approve the use of an instrument that does not meet the above specifications provided the Permittee can

demonstrate that an alternative instrument specification will adequately ensure compliance with permit conditions requiring the measurement of the parameters.

Corrective Actions and Response Steps [326 IAC 2-8-4][326 IAC 2-8-5(a)(1)]

C.14 Risk Management Plan [326 IAC 2-8-4] [40 CFR 68]

If a regulated substance, as defined in 40 CFR 68, is present at a source in more than a threshold quantity, the Permittee must comply with the applicable requirements of 40 CFR 68.

C.15 Response to Excursions or Exceedances [326 IAC 2-8-4] [326 IAC 2-8-5]

Upon detecting an excursion where a response step is required by the D Section or an exceedance of a limitation in this permit:

- (a) The Permittee shall take reasonable response steps to restore operation of the emissions unit (including any control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing excess emissions.
- (b) The response shall include minimizing the period of any startup, shutdown or malfunction. The response may include, but is not limited to, the following:
 - (1) initial inspection and evaluation;
 - (2) recording that operations returned or are returning to normal without operator action (such as through response by a computerized distribution control system); or
 - (3) any necessary follow-up actions to return operation to normal or usual manner of operation.
- (c) A determination of whether the Permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include, but is not limited to, the following:
 - (1) monitoring results;
 - (2) review of operation and maintenance procedures and records; and/or
 - (3) inspection of the control device, associated capture system, and the process.
- (d) Failure to take reasonable response steps shall be considered a deviation from the permit.
- (e) The Permittee shall record the reasonable response steps taken.

C.16 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-8-4][326 IAC 2-8-5]

- (a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall submit a description of its response actions to IDEM, OAQ, no later than seventy-five (75) days after the date of the test.

- (b) A retest to demonstrate compliance shall be performed no later than one hundred eighty (180) days after the date of the test. Should the Permittee demonstrate to IDEM, OAQ that retesting in one hundred eighty (180) days is not practicable, IDEM, OAQ may extend the retesting deadline
- (c) IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.

The response action documents submitted pursuant to this condition do require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]

C.17 General Record Keeping Requirements [326 IAC 2-8-4(3)] [326 IAC 2-8-5]

- (a) Records of all required monitoring data, reports and support information required by this permit shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be physically present or electronically accessible at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.
- (b) Unless otherwise specified in this permit, for all record keeping requirements not already legally required, the Permittee shall be allowed up to ninety (90) days from the date of permit issuance or the date of initial start-up, whichever is later, to begin such record keeping.

C.18 General Reporting Requirements [326 IAC 2-8-4(3)(C)] [326 IAC 2-1.1-11]

- (a) The Permittee shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported except that a deviation required to be reported pursuant to an applicable requirement that exists independent of this permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report. This report shall be submitted not later than thirty (30) days after the end of the reporting period. The Quarterly Deviation and Compliance Monitoring Report shall include a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1). A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit.
- (b) The address for report submittal is:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251
- (c) Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping

receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.

- (d) Reporting periods are based on calendar years, unless otherwise specified in this permit. For the purpose of this permit "calendar year" means the twelve (12) month period from January 1 to December 31 inclusive.

Portable Source Requirement

C.19 Relocation of Portable Sources [326 IAC 2-14-4]

- (a) This portable source is allowed to operate in all areas of Indiana except Lake County, LaPorte County, Porter County, and in areas that are designated as extreme, severe, or serious non-attainment for any National Ambient Air Quality Standard. This determination is based on the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration), 326 IAC 2-3 (Emission Offset), 326 IAC 2-6 (Emission Reporting), 326 IAC 5-1 (Opacity Limitations), and 326 IAC 6.8-11 (Lake County: Particulate Matter Contingency Measures). Prior to locating in Lake County, LaPorte County, Porter County, and in area that is designated as extreme, severe, or serious non-attainment for any National Ambient Air Quality Standard, the Permittee must submit a request and obtain a permit modification.
- (b) A request to relocate shall be submitted to IDEM, OAQ at least thirty (30) days prior to the intended date of relocation. This submittal shall include the following:
- (1) A list of governmental officials entitled to receive notice of application to relocate. IC 13-15-3-1
 - (2) A list of adjacent landowners that the Permittee will send written notice to not more than ten (10) days after submission of the request to relocate. IC 13-15-8
 - (3) The new location address of the portable source.
 - (4) Whether or not this portable source will be relocated to another source.
 - (5) If relocating to another source:
 - (A) Name, location address, and permit number of the source this portable source is relocating to.
 - (B) Whether or not the sources will be considered as one source. See Non Rule Policy (NRP) Air-005 and Air-006.
 - (6) If the sources will be considered as one source, whether or not the source to be relocated to has received the necessary approvals from IDEM to allow the relocation.

The notification by the Permittee does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (c) A "Relocation Site Approval" letter shall be obtained prior to relocating.

- (d) **A valid operation permit consists of this document and any subsequent "Relocation Site Approval" letter specifying the current location of the portable plant.**

Stratospheric Ozone Protection

C.20 Compliance with 40 CFR 82 and 326 IAC 22-1

Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with applicable standards for recycling and emissions reduction.

D.1.10 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

~~A Preventive Maintenance Plan, in accordance with Section B - Preventive Maintenance Plan, of this permit,~~ is required for this facility and its control device. **Section B - Preventive Maintenance Plan contains the Permittee's obligation with regard to the preventive maintenance plan required by this condition.**

D.1.12 Testing Requirements [326 IAC 2-8-5(a)(1), (4)][326 IAC 2-1.1-11]

In order to demonstrate ~~the~~ **compliance status** with Conditions D.1.3, D.1.4(b), and D.1.8(b), the Permittee shall perform PM and PM10 testing utilizing methods as approved by the Commissioner, at least once every five years from ~~October 12, 2004, the date of~~ the most recent valid compliance demonstration. PM10 includes filterable and condensible PM10. Testing shall be conducted in accordance with **the provisions of 326 IAC 3-6 (Source Sampling Procedures)**. Section C - Performance Testing **contains the Permittee's obligation with regard to the performance testing required by this condition.**

D.1.16 Visible Emissions Notations

- (e) If abnormal emissions are observed, the Permittee shall take reasonable response steps. ~~in accordance with Section C - Response to Excursions or Exceedances~~ **contains the Permittee's obligation with regard to the reasonable response steps required by this condition.** Failure to take response steps ~~in accordance with Section C - Response to Excursions or Exceedances~~ shall be considered a deviation from this permit.

D.1.17 Parametric Monitoring

- (a) ----- . When for any one reading, the pressure drop across the baghouse is outside the normal range of 2.0 and 10.0 inches of water or a range established during the latest stack test, the Permittee shall take reasonable response steps. ~~in accordance with Section C- Response to Excursions or Exceedances-~~ **contains the Permittee's obligation with regard to the reasonable response steps required by this condition.** A pressure reading that is outside the above mentioned range is not a deviation from this permit. Failure to take response steps ~~in accordance with Section C - Response to Excursions or Exceedances~~ shall be considered a deviation from this permit.
- (b) The instrument used for determining the pressure shall comply with Section C - Instrument Specifications, of this permit, shall be subject to approval by IDEM, OAQ, and shall be calibrated **or replaced** at least once every six (6) months.

D.1.19 Record Keeping Requirements

- (a) To document **the compliance status** with Condition D.1.16, the Permittee shall maintain records of -----
- (b) To document **the compliance status** with Condition D.1.17, the Permittee shall maintain records of -----

- (c) To document **the** compliance **status** with Condition D.1.6 and D.1.7(b) and (c), D.1.9 (a) and (c), the Permittee shall maintain records -----
- (d) To document **the** compliance **status** with Conditions D.1.7(a), (b), and (c), D.1.9(a) and (b), and D.1.6, the Permittee shall keep records of the actual amount of each fuel used at the dryer/mixer burner all other fuel combustion equipment, since the last compliance determination period and equivalent sulfur dioxide and hydrogen chloride emissions. Records necessary to demonstrate compliance shall be available ~~within~~ **not later than** thirty (30) days of the end of each compliance period.
- (e) To document **the** compliance **status** with Conditions D.1.4(a) and D.1.8(a), the Permittee shall keep records of-----
- (f) To document **the** compliance **status** with Condition D.1.7(d), the Permittee shall maintain records at -----

Records may include: delivery tickets, manufacturer's data, material safety data sheets (MSDS), and other documents necessary to verify the type and amount used. Test results of ASTM tests for cold mix emulsified asphalt may be used to document volatilization. ~~All records shall be maintained in accordance with Section C—General Record Keeping Requirements, of this permit.~~

- (g) ~~All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.~~ **contains the Permittee's obligations with regard to the records required by this condition.**

D.1.20 Reporting Requirements

A quarterly summary of the information to document **the** compliance **status** with Conditions D.1.4(a), D.1.7(a), (d), D.1.8(a), and D.1.9(b) shall be submitted to ~~the addresses listed in Section C—General Reporting Requirements, of this permit, using the reporting forms located at the end of this permit, or their equivalent, within~~ **not later than** thirty (30) days after the end of the quarter being reported. The report submitted by the Permittee does require ~~the a~~ certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT OFFICE OF AIR QUALITY

COMPLIANCE AND ENFORCEMENT BRANCH FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP) QUARTERLY DEVIATION AND COMPLIANCE MONITORING REPORT

Page 1 of 2

<p>This report shall be submitted quarterly based on a calendar year. Any deviation from the requirements of this permit, the date(s) of each deviation, the probable cause of the deviation, and the response steps taken must be reported. A deviation required to be reported pursuant to an applicable requirement that exists independent of the permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report. Additional pages may be attached if necessary. If no deviations occurred, please specify in the box marked ΔNo deviations occurred this reporting period@.</p>
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Page 1 of 2

This report shall be submitted quarterly based on a calendar year. Any deviation from the requirements of this permit, the date(s) of each deviation, the probable cause of the deviation, and the response steps taken must be reported. A deviation required to be reported pursuant to an applicable requirement that exists independent of the permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report. Additional pages may be attached if necessary. If no deviations occurred, please specify in the box marked "No deviations occurred this reporting period".

All other conditions of the permit shall remain unchanged and in effect. Attached please find the entire revised permit.

A copy of the permit is available on the Internet at: <http://www.in.gov/ai/appfiles/idem-caats/>. For additional information about air permits and how the public and interested parties can participate, refer to the IDEM's Guide for Citizen Participation and Permit Guide on the Internet at: www.idem.in.gov

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 Ms. Renee Traivaranon, of my staff, at 317-234-5615 or 1-800-451-6027, and ask for extension 4-5615.

Sincerely,



Iryn Calilung, Section Chief
Permits Branch
Office of Air Quality

IC/rt

Attachments: Updated Permit
Notice of Decision

cc: File - Elkhart County
Elkhart County Health Department
U.S. EPA, Region V
Compliance and Enforcement Branch
Billing, Licensing and Training Section



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

Federally Enforceable State Operating Permit Renewal OFFICE OF AIR QUALITY

Walsh & Kelly, Inc. (Portable)

(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 provisions of this permit is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or 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.

Indiana statutes from IC 13 and rules from 326 IAC, quoted in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a FESOP under 326 IAC 2-8.

Operation Permit No. F039-17738-03325	
Original signed by: Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: July 14, 2004 Expiration Date: July 14, 2014

First Significant Permit Revision No. 039-21827-03325, issued on January 19, 2006
Second Significant Permit Revision No. 039-25540-03325, issued on April 2, 2008

First Administrative Amended No. 039-29191-03325	
Issued by:  Iryn Calilung, Section Chief Permits Branch Office of Air Quality	Issuance Date: June 9, 2010 Expiration Date: July 14, 2014

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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 hot mix asphalt plant source.

Source Address:	18130 U.S. Highway 20, Goshen, Indiana 46536
General Source Phone Number:	(574) 288 - 4811
SIC Code:	2951
County Location:	Ekhart
Source Location Status:	Attainment for all criteria pollutants
Source Status:	Federally Enforceable State Operating Permit Program Minor Source, under PSD and Emission Offset Rules and Nonattainment New Source Review Rules Minor Source, Section 112 of the Clean Air Act Not 1 of 28 Source Categories

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 dryer/mixer, constructed after June 11, 1973, identified as Emissions Unit No. 2, with a maximum capacity of 300 tons per hour, equipped with one (1) 84 MMBtu/hr natural gas-fired burner, using No. 2 distillate fuel oil, and refinery blend fuel oil, and waste oil as back-up fuels, controlled by one (1) baghouse with a knockout box, exhausting to Stack SV1.
- (b) One (1) drag slat conveyor.
- (c) Three (3) feeder conveyors.
- (d) One (1) screen.
- (e) Cold-mix (emulsified) asphalt storage piles, containing emulsified asphalt with 1.5% oil distillate by volume.

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:

- (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 one (1) No. 2 distillate fuel oil-fired hot oil heater, identified as Emission Unit No. 10, with a maximum heat input rate of 1.4 million Btu per hour, using natural gas as back-up fuel, and exhausting at Stack SV2.
- (b) A laboratory as described in 326 IAC 2-7-1(20)(C), including one (1) testing lab trailer.
- (c) Paved and unpaved roads and parking lots with public access.

- (d) Storage tanks with volatile organic compound emissions equal to or less than 3 pounds per hour and 15 pounds per day, and HAP emissions equal to or less than 5 pounds per day and 1 ton per year of a single HAP and 12.5 pounds per day and 2.5 ton per year of any combination of HAPs, including:
 - (1) Two (2) liquid asphalt storage tanks, constructed after July 23, 1984, identified as Tank No. 11 and T12 each with a maximum storage capacity of 20,000 gallons, exhausting at Stacks SV3 and SV4.
 - (2) One (1) No. 2 distillate fuel oil storage tank, constructed before July 23, 1984, identified as Tank No. 12, with a maximum storage capacity of 8,000 gallons, exhausting at Stack SV4.
 - (3) One (1) hot mix asphalt cement storage silo, constructed before July 23, 1984, with a maximum storage capacity of 300 tons.
- (e) Processing and storage units with particulate matter emissions equal to or less than 5 pounds per hour and 25 pounds per day, including the following units:
 - (1) One (1) cold feed system consisting of four (4) compartments with a total aggregate holding capacity of 100 tons.
 - (2) One (1) RAP feed bin with a capacity of 25 tons.
 - (3) Aggregate storage piles, with a maximum storage capacity of 36,000 tons.

A.4 FESOP Applicability [326 IAC 2-8-2]

This portable source, otherwise required to have a Part 70 permit as described in 326 IAC 2-7-2(a), has applied to the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ) to renew a Federally Enforceable State Operating Permit (FESOP).

A.5 Prior Permits Superseded [326 IAC 2-1.1-9.5]

- (a) All terms and conditions of permits established prior to F 039-17738-03325 and issued pursuant to permitting programs approved into the state implementation plan have been either:
 - (1) incorporated as originally stated,
 - (2) revised, or
 - (3) deleted.by this permit.
- (b) All previous registrations and permits are superseded by this permit.

SECTION B GENERAL CONDITIONS

B.1 Reserved

B.2 Definitions [326 IAC 2-8-1]

Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, the applicable definitions found in the statutes or regulations (IC 13-11, 326 IAC 1-2 and 326 IAC 2-7) shall prevail.

B.3 Permit Term [326 IAC 2-8-4(2)][326 IAC 2-1.1-9.5][IC 13-15-3-6(a)]

- (a) This permit, F 039-17738-03325, is issued for a fixed term of ten (10) years from the issuance date of this permit, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3. Subsequent revisions, modifications, or amendments of this permit do not affect the expiration date of this permit.
- (b) If IDEM, OAQ, upon receiving a timely and complete renewal permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect, until the renewal permit has been issued or denied.

B.4 Enforceability [326 IAC 2-8-6] [IC 13-17-12]

Unless otherwise stated, all terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM, the United States Environmental Protection Agency (U.S. EPA) and by citizens in accordance with the Clean Air Act.

B.5 Termination of Right to Operate [326 IAC 2-8-9][326 IAC 2-8-3(h)]

The Permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least nine (9) months prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-8-3(h) and 326 IAC 2-8-9.

B.6 Severability [326 IAC 2-8-4(4)]

The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.

B.7 Property Rights or Exclusive Privilege [326 IAC 2-8-4(5)(D)]

This permit does not convey any property rights of any sort or any exclusive privilege.

B.8 Duty to Provide Information [326 IAC 2-8-4(5)(E)]

- (a) The Permittee shall furnish to IDEM, OAQ, within a reasonable time, any information that IDEM, OAQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. Upon request, the Permittee shall also furnish to IDEM, OAQ copies of records required to be kept by this permit.
- (b) For information furnished by the Permittee to IDEM, OAQ, the Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1. When furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.

B.9 Compliance Order Issuance [326 IAC 2-8-5(b)]

IDEM, OAQ may issue a compliance order to this Permittee upon discovery that this permit is in nonconformance with an applicable requirement. The order may require immediate compliance or contain a schedule for expeditious compliance with the applicable requirement.

B.10 Certification [326 IAC 2-8-3(d)][326 IAC 2-8-4(3)(C)(i)][326 IAC 2-8-5(1)]

- (a) A certification required by this permit meets the requirements of 326 IAC 2-8-5(a)(1) if:
 - (i) it contains a certification by an "authorized individual", as defined by 326 IAC 2-1.1-1(1), and
 - (ii) the certification states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (b) The Permittee may use the attached Certification Form, or its equivalent with each submittal requiring certification. One (1) certification may cover multiple forms in one (1) submittal.
- (c) An "authorized individual" is defined at 326 IAC 2-1.1-1(1).

B.11 Annual Compliance Certification [326 IAC 2-8-5(a)(1)]

- (a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. All certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted no later than July 1 of each year to:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251
- (b) The annual compliance certification report required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.
- (c) The annual compliance certification report shall include the following:
 - (1) The appropriate identification of each term or condition of this permit that is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether compliance was continuous or intermittent;
 - (4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-8-4(3); and
 - (5) Such other facts, as specified in Sections D of this permit, as IDEM, OAQ may require to determine the compliance status of the source.

The submittal by the Permittee does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

B.12 Preventive Maintenance Plan [326 IAC 1-6-3][326 IAC 2-8-4(9)][326 IAC 2-8-5(a)(1)]

- (a) A Preventive Maintenance Plan meets the requirements of 326 IAC 1-6-3 if it includes, at a minimum:
- (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
 - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and
 - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

The Permittee shall implement the PMPs.

- (b) If required by specific condition(s) in Section D of this permit where no PMP was previously required, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMPs) no later than ninety (90) days after issuance of this permit or ninety (90) days after initial start-up, whichever is later, including the following information on each facility:
- (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
 - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and
 - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If, due to circumstances beyond the Permittee's control, the PMPs cannot be prepared and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

The PMP extension notification does not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

The Permittee shall implement the PMPs.

- (c) A copy of the PMPs shall be submitted to IDEM, OAQ upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ. IDEM, OAQ may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or is the primary contributor to an exceedance of any limitation on emissions. The PMPs and their submittal do not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (d) To the extent the Permittee is required by 40 CFR Part 60/63 to have an Operation Maintenance, and Monitoring (OMM) Plan for a unit, such Plan is deemed to satisfy the PMP requirements of 326 IAC 1-6-3 for that unit.

B.13 Emergency Provisions [326 IAC 2-8-12]

- (a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation except as provided in 326 IAC 2-8-12.
- (b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a health-based or technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:

- (1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;
- (2) The permitted facility was at the time being properly operated;
- (3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;
- (4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ, or Northern Regional Office within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

Telephone Number: 1-800-451-6027 (ask for Office of Air Quality, Compliance and Enforcement Branch), or
Telephone Number: 317-233-0178 (ask for Office of Air Quality, Compliance and Enforcement Branch)
Facsimile Number: 317-233-6865
Northern Regional Office phone: (574) 245-4870; fax: (574) 245-4877.

- (5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile to:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

within two (2) working days of the time when emission limitations were exceeded due to the emergency.

The notice fulfills the requirement of 326 IAC 2-8-4(3)(C)(ii) and must contain the following:

- (A) A description of the emergency;
- (B) Any steps taken to mitigate the emissions; and
- (C) Corrective actions taken.

The notification which shall be submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (6) The Permittee immediately took all reasonable steps to correct the emergency.
- (c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.
- (d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.
- (e) The Permittee seeking to establish the occurrence of an emergency shall make records available upon request to ensure that failure to implement a PMP did not cause or contribute to an exceedance of any limitations on emissions. However, IDEM, OAQ may require that the Preventive Maintenance Plans required under 326 IAC 2-8-3(c)(6) be revised in response to an emergency.
- (f) Failure to notify IDEM, OAQ by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-8 and any other applicable rules.
- (g) Operations may continue during an emergency only if the following conditions are met:
 - (1) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.
 - (2) If an emergency situation causes a deviation from a health-based limit, the Permittee may not continue to operate the affected emissions facilities unless:
 - (A) The Permittee immediately takes all reasonable steps to correct the emergency situation and to minimize emissions; and
 - (B) Continued operation of the facilities is necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw material of substantial economic value.

Any operations shall continue no longer than the minimum time required to prevent the situations identified in (g)(2)(B) of this condition.

B.14 Reserved

B.15 Permit Modification, Reopening, Revocation and Reissuance, or Termination
[326 IAC 2-8-4(5)(C)][326 IAC 2-8-7(a)][326 IAC 2-8-8]

- (a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Federally Enforceable State Operating Permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-8-4(5)(C)] The notification by the Permittee does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAQ determines any of the following:
 - (1) That this permit contains a material mistake.
 - (2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.
 - (3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-8-8(a)]
- (c) Proceedings by IDEM, OAQ to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-8-8(b)]
- (d) The reopening and revision of this permit, under 326 IAC 2-8-8(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAQ at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAQ may provide a shorter time period in the case of an emergency. [326 IAC 2-8-8(c)]

B.16 Permit Renewal [326 IAC 2-8-3(h)]

- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ and shall include the information specified in 326 IAC 2-8-3. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40). The renewal application does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

Request for renewal shall be submitted to:

Indiana Department of Environmental Management
Permit Administration and Support Section, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251
- (b) A timely renewal application is one that is:
 - (1) Submitted at least nine (9) months prior to the date of the expiration of this permit; and
 - (2) If the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.
- (c) If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-8 until IDEM, OAQ takes final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by the deadline specified, pursuant to 326 IAC 2-8-3(g), in writing by IDEM, OAQ any additional information identified as being needed to process the application.

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
Permit Administration and Support Section, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

Any such application does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

(c) The Permittee may implement 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 the source that are described in 326 IAC 2-8-15(b) through (d) without a 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
Permit Administration and Support Section, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
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

(5) The Permittee maintains records on-site, on a rolling five (5) year basis, which document all such changes and emission trades that are subject to

326 IAC 2-8-15(b) through (d). The Permittee shall make such records available, upon reasonable request, for public review.

Such records shall consist of all information required to be submitted to IDEM, OAQ in the notices specified in 326 IAC 2-8-15(b)(2), (c)(1), and (d).

- (b) Emission Trades [326 IAC 2-8-15(c)]
The Permittee may trade emissions increases and decreases at the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-8-15(c).
- (c) Alternative Operating Scenarios [326 IAC 2-8-15(d)]
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-8-4(7). No prior notification of IDEM, OAQ, or U.S. EPA is required.
- (d) Backup fuel switches specifically addressed in, and limited under, Section D of this permit shall not be considered alternative operating scenarios. Therefore, the notification requirements of part (a) of this condition do not apply.

B.19 Permit Revision Requirement [326 IAC 2-8-11.1]

A modification, construction, or reconstruction is governed by the requirements of 326 IAC 2.

B.20 Inspection and Entry [326 IAC 2-8-5(a)(2)][IC 13-14-2-2][IC 13-17-3-2][IC 13-30-3-1]

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee's right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, U.S. EPA, or an authorized representative to perform the following:

- (a) Enter upon the Permittee's premises where a FESOP source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and
- (e) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.

B.21 Transfer of Ownership or Operational Control [326 IAC 2-8-10]

- (a) The Permittee must comply with the requirements of 326 IAC 2-8-10 whenever the Permittee seeks to change the ownership or operational control of the source and no other change in the permit is necessary.

- (b) Any application requesting a change in the ownership or operational control of the source shall contain a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new Permittee. The application shall be submitted to:

Indiana Department of Environmental Management
Permit Administration and Support Section, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

Any such application does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (c) The Permittee may implement 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.22 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-8-4(6)] [326 IAC 2-8-16][326 IAC 2-1.1-7]

- (a) The Permittee shall pay annual fees to IDEM, OAQ no later than thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ the applicable fee is due April 1 of each year.
- (b) Failure to pay may result in administrative enforcement action or revocation of this permit.
- (c) The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-4230 (ask for OAQ, Billing, Licensing, and Training Section), to determine the appropriate permit fee.

B.23 Credible Evidence [326 IAC 2-8-4(3)][326 IAC 2-8-5][62 FR 8314] [326 IAC 1-1-6]

For the purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of any condition of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether the Permittee would have been in compliance with the condition of this permit if the appropriate performance or compliance test or procedure had been performed.

SECTION C SOURCE OPERATION CONDITIONS

Entire Source

Emission Limitations and Standards [326 IAC 2-8-4(1)]

C.1 Particulate Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) Pounds per Hour [326 IAC 6-3-2]

Pursuant to 326 IAC 6-3-2(e)(2), particulate emissions from any process not exempt under 326 IAC 6-3-1(b) or (c) which has a maximum process weight rate less than 100 pounds per hour and the methods in 326 IAC 6-3-2(b) through (d) do not apply shall not exceed 0.551 pounds per hour.

C.2 Overall Source Limit [326 IAC 2-8]

The purpose of this permit is to limit this source's potential to emit to less than major source levels for the purpose of Section 502(a) of the Clean Air Act.

- (a) Pursuant to 326 IAC 2-8:
 - (1) The potential to emit any regulated pollutant, except particulate matter (PM), from the entire source shall be limited to less than one hundred (100) tons per twelve (12) consecutive month period.
 - (2) The potential to emit any individual hazardous air pollutant (HAP) from the entire source shall be limited to less than ten (10) tons per twelve (12) consecutive month period; and
 - (3) The potential to emit any combination of HAPs from the entire source shall be limited to less than twenty-five (25) tons per twelve (12) consecutive month period.
- (b) Pursuant to 326 IAC 2-2 (PSD), potential to emit particulate matter (PM) from the entire source shall be limited to less than one hundred (100) tons per twelve (12) consecutive month period.
- (c) This condition shall include all emission points at this source including those that are insignificant as defined in 326 IAC 2-7-1(21). The source shall be allowed to add insignificant activities not already listed in this permit, provided that the source's potential to emit does not exceed the above specified limits.
- (d) Section D of this permit contains independently enforceable provisions to satisfy this requirement.

C.3 Opacity [326 IAC 5-1]

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-1 (Applicability) and 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 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 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.

C.4 Open Burning [326 IAC 4-1] [IC 13-17-9]

The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1.

C.5 Incineration [326 IAC 4-2] [326 IAC 9-1-2]

The Permittee shall not operate an incinerator except as provided in 326 IAC 4-2 or in this permit. The Permittee shall not operate a refuse incinerator or refuse burning equipment except as provided in 326 IAC 9-1-2 or in this permit.

C.6 Fugitive Dust Emissions [326 IAC 6-4]

The Permittee 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 (Fugitive Dust Emissions).

C.7 Fugitive Particulate Matter Emission Limitations [326 IAC 6-5]

Pursuant to 326 IAC 6-5 (Fugitive Particulate Matter Emission Limitations), fugitive particulate matter emissions shall be controlled according to the attached plan as in Attachment A.

C.8 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]

- (a) Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.
- (b) The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:
 - (1) When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or
 - (2) If there is a change in the following:
 - (A) Asbestos removal or demolition start date;
 - (B) Removal or demolition contractor; or
 - (C) Waste disposal site.
- (c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).
- (d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).

All required notifications shall be submitted to:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

The notice shall include a signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project. The notifications do not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (e) **Procedures for Asbestos Emission Control**
The Permittee shall comply with the applicable emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-1, emission control requirements are applicable for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.
- (f) **Demolition and Renovation**
The Permittee shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos pursuant to 40 CFR 61.145(a).
- (g) **Indiana Licensed Asbestos Inspector**
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Licensed Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos.

Testing Requirements [326 IAC 2-8-4(3)]

C.9 Performance Testing [326 IAC 3-6]

- (a) For performance testing required by this permit, a test protocol, except as provided elsewhere in this permit, shall be submitted to:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

no later than thirty-five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ if the Permittee submits to IDEM, OAQ a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.

Compliance Requirements [326 IAC 2-1.1-11]

C.10 Compliance Requirements [326 IAC 2-1.1-11]

The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements by issuing an order under 326 IAC 2-1.1-11. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U. S. EPA.

Compliance Monitoring Requirements [326 IAC 2-8-4][326 IAC 2-8-5(a)(1)]

C.11 Compliance Monitoring [326 IAC 2-8-4(3)][326 IAC 2-8-5(a)(1)]

Unless otherwise specified in this permit, for all monitoring requirements not already legally required, the Permittee shall be allowed up to ninety (90) days from the date of permit issuance or of initial start-up, whichever is later, to begin such monitoring. If due to circumstances beyond the Permittee's control, any monitoring equipment required by this permit cannot be installed and operated no later than ninety (90) days after permit issuance or the date of initial startup, whichever is later, the Permittee may extend the compliance schedule related to the equipment for an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

in writing, prior to the end of the initial ninety (90) day compliance schedule, with full justification of the reasons for the inability to meet this date.

The notification which shall be submitted by the Permittee does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

Unless otherwise specified in the approval for the new emission unit(s), compliance monitoring for new emission units or emission units added through a permit revision shall be implemented when operation begins.

C.12 Reserved

C.13 Instrument Specifications [326 IAC 2-1.1-11] [326 IAC 2-8-4(3)][326 IAC 2-8-5(1)]

- (a) When required by any condition of this permit, an analog instrument used to measure a parameter related to the operation of an air pollution control device shall have a scale such that the expected maximum reading for the normal range shall be no less than twenty percent (20%) of full scale.
- (b) The Permittee may request that the IDEM, OAQ approve the use of an instrument that does not meet the above specifications provided the Permittee can demonstrate that an alternative instrument specification will adequately ensure compliance with permit conditions requiring the measurement of the parameters.

Corrective Actions and Response Steps [326 IAC 2-8-4][326 IAC 2-8-5(a)(1)]

C.14 Risk Management Plan [326 IAC 2-8-4] [40 CFR 68]

If a regulated substance, as defined in 40 CFR 68, is present at a source in more than a threshold quantity, the Permittee must comply with the applicable requirements of 40 CFR 68.

C.15 Response to Excursions or Exceedances [326 IAC 2-8-4] [326 IAC 2-8-5]

Upon detecting an excursion where a response step is required by the D Section or an exceedance of a limitation in this permit:

- (a) The Permittee shall take reasonable response steps to restore operation of the emissions unit (including any control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing excess emissions.
- (b) The response shall include minimizing the period of any startup, shutdown or malfunction. The response may include, but is not limited to, the following:
 - (1) initial inspection and evaluation;
 - (2) recording that operations returned or are returning to normal without operator action (such as through response by a computerized distribution control system); or
 - (3) any necessary follow-up actions to return operation to normal or usual manner of operation.
- (c) A determination of whether the Permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include, but is not limited to, the following:
 - (1) monitoring results;
 - (2) review of operation and maintenance procedures and records; and/or
 - (3) inspection of the control device, associated capture system, and the process.
- (d) Failure to take reasonable response steps shall be considered a deviation from the permit.
- (e) The Permittee shall record the reasonable response steps taken.

C.16 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-8-4][326 IAC 2-8-5]

- (a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall submit a description of its response actions to IDEM, OAQ, no later than seventy-five (75) days after the date of the test.
- (b) A retest to demonstrate compliance shall be performed no later than one hundred eighty (180) days after the date of the test. Should the Permittee demonstrate to IDEM, OAQ that retesting in one hundred eighty (180) days is not practicable, IDEM, OAQ may extend the retesting deadline
- (c) IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.

The response action documents submitted pursuant to this condition do require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]

C.17 General Record Keeping Requirements [326 IAC 2-8-4(3)] [326 IAC 2-8-5]

- (a) Records of all required monitoring data, reports and support information required by this permit shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be physically present or electronically accessible at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.
- (b) Unless otherwise specified in this permit, for all record keeping requirements not already legally required, the Permittee shall be allowed up to ninety (90) days from the date of permit issuance or the date of initial start-up, whichever is later, to begin such record keeping.

C.18 General Reporting Requirements [326 IAC 2-8-4(3)(C)] [326 IAC 2-1.1-11]

- (a) The Permittee shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported except that a deviation required to be reported pursuant to an applicable requirement that exists independent of this permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report. This report shall be submitted not later than thirty (30) days after the end of the reporting period. The Quarterly Deviation and Compliance Monitoring Report shall include a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1). A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit.
- (b) The address for report submittal is:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251
- (c) Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.
- (d) Reporting periods are based on calendar years, unless otherwise specified in this permit. For the purpose of this permit "calendar year" means the twelve (12) month period from January 1 to December 31 inclusive.

Portable Source Requirement

C.19 Relocation of Portable Sources [326 IAC 2-14-4]

- (a) This portable source is allowed to operate in all areas of Indiana except Lake County, LaPorte County, Porter County, and in areas that are designated as extreme, severe, or serious non-attainment for any National Ambient Air Quality Standard. This determination is based on the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration), 326 IAC 2-3 (Emission Offset), 326 IAC 2-6 (Emission Reporting), 326 IAC 5-1 (Opacity

Limitations), and 326 IAC 6.8-11 (Lake County: Particulate Matter Contingency Measures). Prior to locating in Lake County, LaPorte County, Porter County, and in area that is designated as extreme, severe, or serious non-attainment for any National Ambient Air Quality Standard, the Permittee must submit a request and obtain a permit modification.

- (b) A request to relocate shall be submitted to IDEM, OAQ at least thirty (30) days prior to the intended date of relocation. This submittal shall include the following:
- (1) A list of governmental officials entitled to receive notice of application to relocate. IC 13-15-3-1
 - (2) A list of adjacent landowners that the Permittee will send written notice to not more than ten (10) days after submission of the request to relocate. IC 13-15-8
 - (3) The new location address of the portable source.
 - (4) Whether or not this portable source will be relocated to another source.
 - (5) If relocating to another source:
 - (A) Name, location address, and permit number of the source this portable source is relocating to.
 - (B) Whether or not the sources will be considered as one source. See Non Rule Policy (NRP) Air-005 and Air-006.
 - (6) If the sources will be considered as one source, whether or not the source to be relocated to has received the necessary approvals from IDEM to allow the relocation.

The notification by the Permittee does require a certification that meets the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (c) A "Relocation Site Approval" letter shall be obtained prior to relocating.
- (d) A valid operation permit consists of this document and any subsequent "Relocation Site Approval" letter specifying the current location of the portable plant.

Stratospheric Ozone Protection

C.20 Compliance with 40 CFR 82 and 326 IAC 22-1

Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with applicable standards for recycling and emissions reduction.

SECTION D.1 EMISSIONS UNIT OPERATION CONDITIONS

Facility Description [326 IAC 2-8-4(10)]:

- (a) One (1) drum dryer/mixer, constructed after June 11, 1973, identified as Emissions Unit No. 2, with a maximum capacity of 300 tons per hour, equipped with one (1) 84 MMBtu/hr natural gas-fired burner, using No. 2 distillate fuel oil, refinery blend fuel oil, and waste oil as back-up fuels, controlled by one (1) baghouse with a knockout box, exhausting to Stack SV1.
- (b) One (1) drag slat conveyor.
- (c) Three (3) feeder conveyors.
- (d) One (1) screen.
- (e) Cold-mix (emulsified) asphalt storage piles, containing emulsified asphalt with 1.5% oil distillate by volume.

(The information describing the process contained in this emissions unit description box is descriptive information and does not constitute enforceable conditions.)

Emission Limitations and Standards [326 IAC 2-8-4(1)]

D.1.1 General Provisions Relating to NSPS [326 IAC 12-1][40 CFR 60, Subpart A]

The provisions of 40 CFR 60 Subpart A - General Provisions, which are incorporated as 326 IAC 12-1, apply to the facility described in this section except when otherwise specified in 40 CFR 60 Subpart I.

D.1.2 Particulate Matter (PM) [40 CFR 60, Subpart I][326 IAC 12-1]

Pursuant to 40 CFR 60, Subpart I:

- (a) particulate matter emissions from the asphalt plant shall not exceed 0.04 grains per dry standard cubic foot (gr/dscf), and
- (b) the visible emissions from the plant shall not exceed 20 percent opacity.

D.1.3 Particulate Matter (PM) [326 IAC 6.5-1-2]

Pursuant to 326 IAC 6.5-1-2 (formerly 326 IAC 6-1-2) (Nonattainment Area Particulate Limitations), particulate matter (PM) emissions from the drum-mix dryer shall be limited to 0.03 grains per dry standard cubic foot (gr/dscf). Compliance with this requirement ensures compliance with Condition D.1.2(a).

D.1.4 Particulate Matter 10 Micron (PM₁₀), Volatile Organic Compounds (VOC), and Carbon Monoxide (CO) [326 IAC 2-8-4][326 IAC 2-2][326 IAC 2-3][326 IAC 2-1.1-5]

Pursuant to 326 IAC 2-8-4, the emissions of PM₁₀, CO, and VOC from the dryer/mixer shall be limited as follows:

- (a) The asphalt production rate shall be limited to less than 1,500,000 tons per twelve (12) consecutive month period with compliance determined at the end of each month.

- (b) PM₁₀ emissions from the dryer/mixer shall be limited to less than 0.074 pounds of PM₁₀ per ton of asphalt produced.
- (c) CO emissions from the dryer/mixer shall be limited to less than 0.130 pounds of CO per ton of asphalt produced.
- (d) VOC emissions from the dryer/mixer shall be limited to less than 0.032 pounds of VOC per ton of asphalt produced.

Compliance with these limits, combined with the potential to emit PM₁₀, CO, and VOC from all other emission units at this source, will render 326 IAC 2-7 (Part 70 Permit Program), and 326 IAC 2-2 (PSD), and 326 IAC 2-3 (Emission Offset) not applicable. Compliance with this limit will also render the requirements of 326 IAC 2-1.1-5 (Nonattainment New Source Review) not applicable for PM_{2.5} emissions when located in a county that is nonattainment for PM_{2.5}.

D.1.5 Volatile Organic Compound (VOC) [326 IAC 8-5-2]

Pursuant to 326 IAC 8-5-2, the Permittee shall not cause or allow the use of cutback asphalt or asphalt emulsion containing more than seven percent (7%) oil distillate by volume of emulsion for any paving application except the following purposes:

- (a) Penetrating prime coating
- (b) Stockpile storage
- (c) Application during the months of November, December, January, February and March.

D.1.6 Sulfur Dioxide (SO₂) [326 IAC 7-1.1-2][326 IAC 7-2-1]

- (a) Pursuant to 326 IAC 7-1.1 (SO₂ Emissions Limitations), the SO₂ emissions from the dryer/mixer burner at the asphalt plant shall not exceed five-tenths (0.5) pound per million Btu heat input while combusting distillate oil (including No. 2 fuel oil).
- (b) Pursuant to 326 IAC 7-1.1 (Sulfur Dioxide Emission Limitations), sulfur dioxide emissions from the dryer/mixer burner shall be limited to 1.6 pounds per million Btu heat input when using residual oil (including refinery blend fuel oil and waste oil).
- (c) Pursuant to 326 IAC 7-2-1, compliance shall be demonstrated on a calendar month average.

D.1.7 FESOP Limits for SO₂ and VOC [326 IAC 2-8-4][326 IAC 2-2][326 IAC 2-3]

Pursuant to 326 IAC 2-8-4, the SO₂ emissions from the dryer/mixer burner shall be limited as follows:

- (a) The total usage of refinery blend fuel oil and refinery blend fuel oil equivalents for the dryer/mixer burner and all other fuel combustion equipment shall be limited to less than 1,320,000 gallons or equivalent per twelve (12) consecutive month period, with compliance determined at the end of each month.

For the purpose of determining compliance with this limit:

- (1) Every 250 million cubic feet of natural gas shall be equivalent to one thousand (1000) gallons of refinery blend fuel oil. However, the natural gas usage shall in no case exceed 735.84 million cubic feet per twelve (12) consecutive month period.

- (2) Every 2.11 gallons of No. 2 fuel oil shall be equivalent to one (1) gallon of refinery blend fuel oil. However, the No. 2 fuel oil usage shall in no case exceed 2,530,000 gallons per twelve (12) consecutive month period.
 - (3) Every 1.02 gallons of waste oil shall be equivalent to one (1) gallon of refinery blend fuel oil. However, the waste oil usage shall in no case exceed 750,000 gallons per twelve (12) consecutive month period.
- (b) The sulfur content of the No. 2 fuel oil shall not exceed 0.5% by weight.
- (c) The sulfur content of the refinery blend fuel oil and waste oil each shall not exceed 1.0% by weight.

Compliance with these limits, combined with the potential to emit SO₂ from all other units at this source, will limit the source-wide SO₂ to less than 100 tons per twelve (12) consecutive month period and render 326 IAC 2-7 (Part 70 Permit Program) and 326 IAC 2-2 (PSD) not applicable.

- (d) The VOC emissions from any liquid binder used in asphalt production shall not exceed 50.0 tons per year. The liquid binder used in asphalt production shall be limited as follows:
- (1) Cutback asphalt rapid cure liquid binder usage shall not exceed 52.63 tons of VOC solvent per twelve (12) consecutive month period with compliance determined at the end of each month. (Based on 95% volatilization)
 - (2) Cutback asphalt medium cure liquid binder usage shall not exceed 71.43 tons of VOC solvent per twelve (12) consecutive month period with compliance determined at the end of each month. (Based on 70% volatilization)
 - (3) Cutback asphalt slow cure liquid binder usage shall not exceed 200.0 tons of VOC solvent per twelve (12) consecutive month period with compliance determined at the end of each month. (Based on 25% volatilization)
 - (4) Emulsified asphalt with solvent liquid binder usage shall not exceed 102.04 tons of VOC solvent per twelve (12) consecutive month period with compliance determined at the end of each month. (Based on 49% volatilization)
 - (5) Emulsified asphalt with fuel oil liquid binder usage shall not exceed 714.29 tons of VOC solvent per twelve (12) consecutive month period with compliance determined at the end of each month. The fuel oil diluent shall be limited to 1.5% of the total weight of the emulsified asphalt mix. (Based on 7% volatilization)
 - (6) The VOC solvent allotments in (1) through (5) above shall be adjusted when more than one type of binder is used per twelve (12) month consecutive period with compliance determined at the end of each month. In order to determine the tons of VOC emitted per each type of binder (or for a type of binder not listed above), the Permittee shall use the following formula and divide the tons of VOC solvent used for each type of binder by the corresponding adjustment ratio listed in the table that follows. [The adjustment ratio is equal to 1/(percent of initial VOC in solvent that volatilizes or is emitted from the final product)]

Tons of solvent contained in binder/ Adjustment ratio = tons of VOC emitted; or

Tons of solvent contained in binder x Percent volatilization = tons of VOC emitted

Type of binder	Adjustment ratio
Cutback Asphalt Rapid Cure (95% volatilization)	1.05
Cutback Asphalt Medium Cure (70% volatilization)	1.42
Cutback Asphalt Slow Cure (25% volatilization)	4.00
Emulsified Asphalt (49% volatilization)	2.04
Emulsified Asphalt (7% volatilization)	14.28

The equivalent total tons of VOC emitted from the combined liquid binders shall be less than 50.0 tons per twelve consecutive month period with compliance determined at the end of each month.

Compliance with these limits, combined with the VOC emissions from other units at the source, will limit source-wide VOC emissions to less than 100 tons per twelve (12) consecutive month period and will render 326 IAC 2-7 (Part 70 Permit Program), 326 IAC 2-2 (PSD), and 326 IAC 2-3 (Emission Offset) not applicable.

D.1.8 Particulate Matter (PM) [326 IAC 2-2]

In order to render the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) not applicable, the source shall comply with the following:

- (a) The asphalt production rate shall be limited to less than 1,500,000 tons per twelve (12) consecutive month period with compliance determined at the end of each month.
- (b) PM emissions from the dryer/mixer shall be limited to less than 0.186 pounds of PM per ton of asphalt produced.

Compliance with these limits, combined with the potential to emit PM from all other emission units at this source, will limit the source-wide total potential to emit of PM to less than 250 tons per 12 consecutive month period and shall render 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) not applicable.

D.1.9 Hazardous Air Pollutants (HAP) [326 IAC 2-8-4][326 IAC 2-4.1]

Pursuant to 326 IAC 2-8-4, the following additional limits shall apply to the source:

- (a) The chlorine content of the waste oil used in the dryer/mixer burner all other fuel combustion equipment shall not exceed four tenths of a percent (0.40%) by weight.
- (b) The usage of waste oil used in the dryer/mixer burner all other fuel combustion equipment shall be limited to less than 750,000 gallons per twelve (12) consecutive month period, with compliance determined at the end of each month.
- (c) The HCl emissions from the dryer/mixer burner shall be limited to less than 26.4 pounds of HCl per 1,000 gallons of waste oil burned.

Compliance with these limits, combined with the potential to emit HAP from all other emission units at this source, will limit the source-wide potential to emit HCl to less than 10 tons per year and combined HAPs to less than 25 tons per year and render 326 IAC 2-7 (Part 70) and 326 IAC 2-4.1 (Major Sources of Hazardous Air Pollutants (HAP)) not applicable.

D.1.10 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

A Preventive Maintenance Plan is required for this facility and its control device. Section B - Preventive Maintenance Plan contains the Permittee's obligation with regard to the preventive maintenance plan required by this condition.

Compliance Determination Requirements

D.1.11 Particulate Emissions Control

- (a) In order to comply with Conditions D.1.2, D.1.3, D.1.4(b), and D.1.8(b), the knock-out box and baghouse controlling emissions from the dryer/mixer shall be in operation at all times that the dryer/mixer at this asphalt plant is in operation.
- (b) In the event that bag failure is observed in a multi-compartment baghouse, if operations will continue for ten (10) days or more after the failure is observed before the failed units will be repaired or replaced, the Permittee shall promptly notify the IDEM, OAQ of the expected date the failed units will be repaired or replaced. The notification shall also include the status of the applicable compliance monitoring parameters with respect to normal, and the results of any response actions taken up to the time of notification.

D.1.12 Testing Requirements [326 IAC 2-8-5(a)(1), (4)][326 IAC 2-1.1-11]

In order to demonstrate the compliance status with Conditions D.1.3, D.1.4(b), and D.1.8(b), the Permittee shall perform PM and PM10 testing utilizing methods as approved by the Commissioner, at least once every five years from the most recent valid compliance demonstration. PM10 includes filterable and condensable PM10. Testing shall be conducted in accordance with the provisions of 326 IAC 3-6 (Source Sampling Procedures). Section C - Performance Testing contains the Permittee's obligation with regard to the performance testing required by this condition.

D.1.13 Sulfur Dioxide (SO₂) Emissions and Sulfur Content

Compliance with Conditions D.1.6 and D.1.7(b) and (c) shall be determined utilizing one of the following options.

- (a) Pursuant to 326 IAC 3-7-4, the Permittee shall demonstrate that the sulfur dioxide emissions and sulfur content do not exceed the limitations contained in Conditions D.1.6 and D.1.7(b) and (c) by:
 - (1) Providing vendor analysis of fuel delivered, if accompanied by a vendor certification; or
 - (2) Analyzing the oil sample to determine the sulfur content of the oil via the procedures in 40 CFR 60, Appendix A, Method 19.
 - (A) Oil samples may be collected from the fuel tank immediately after the fuel tank is filled and before any oil is combusted; and
 - (B) If a partially empty fuel tank is refilled, a new sample and analysis would be required upon filling.

- (b) Compliance may also be determined by conducting a stack test for sulfur dioxide emissions from the 84 MMBtu per hour burner for the dryer/mixer, using 40 CFR 60, Appendix A, Method 6 in accordance with the procedures in 326 IAC 3-6.

A determination of noncompliance pursuant to any of the methods specified in (a) or (b) above shall not be refuted by evidence of compliance pursuant to the other method.

D.1.14 VOC Emissions

Compliance with Condition D.1.7(d) shall be demonstrated each month based on the amount of fuel oil diluent used in the production of cold mix emulsified asphalt for the twelve (12) consecutive month period.

D.1.15 Hydrogen Chloride (HCl) Emissions and Chlorine Content

In order to comply with Conditions D.1.9(a) and D.1.9(c), the Permittee shall demonstrate that the chlorine content of the fuel used for the dryer burner all other fuel combustion equipment does not exceed four tenths of a percent (0.40%) by weight, when operating on waste oil, by providing a vendor analysis of fuel delivered accompanied by a vendor certification.

Compliance Monitoring Requirements [326 IAC 2-8-4][326 IAC 2-8-5(a)(1)]

D.1.16 Visible Emissions Notations

- (a) Visible emission notations of the dryer/mixer baghouse stack, the transfer points, and the conveyor exhausts shall be performed once per day during normal daylight operations. A trained employee shall record whether emissions are normal or abnormal.
- (b) For processes operated continuously, "normal" means those conditions prevailing, or expected to prevail, eighty percent (80%) of the time the process is in operation, not counting startup or shut down time.
- (c) In the case of batch or discontinuous operations, readings shall be taken during that part of the operation that would normally be expected to cause the greatest emissions.
- (d) A trained employee is an employee who has worked at the plant at least one (1) month and has been trained in the appearance and characteristics of normal visible emissions for that specific process.
- (e) If abnormal emissions are observed, the Permittee shall take reasonable response steps. Section C - Response to Excursions or Exceedances contains the Permittee's obligation with regard to the reasonable response steps required by this condition. Failure to take response steps shall be considered a deviation from this permit.

D.1.17 Parametric Monitoring

- (a) The Permittee shall record the pressure drop across the baghouse used in conjunction with the dryer/mixer burner at least once per day when the dryer/mixer is in operation. When for any one reading, the pressure drop across the baghouse is outside the normal range of 2.0 and 10.0 inches of water or a range established during the latest stack test, the Permittee shall take reasonable response steps. Section C- Response to Excursions or Exceedances contains the Permittee's obligation with regard to the reasonable response steps required by this condition. A pressure reading that is outside the above mentioned range is not a deviation from this permit. Failure to take response steps shall be considered a deviation from this permit.

- (b) The instrument used for determining the pressure shall comply with Section C - Instrument Specifications, of this permit, shall be subject to approval by IDEM, OAQ, and shall be calibrated or replaced at least once every six (6) months.

D.1.18 Broken or Failed Bag Detection

- (a) For a single compartment baghouse controlling emissions from a process operated continuously, a failed unit and the associated process shall be shut down immediately until the failed unit has been repaired or replaced. Operations may continue only if the event qualifies as an emergency and the Permittee satisfies the requirements of the emergency provisions of this permit (Section B - Emergency Provisions).
- (b) For a single compartment baghouse controlling emissions from a batch process, the feed to the process shall be shut down immediately until the failed unit has been repaired or replaced. The emissions unit shall be shut down no later than the completion of the processing of the material in the emission unit. Operations may continue only if the event qualifies as an emergency and the Permittee satisfies the requirements of the emergency provisions of this permit (Section B - Emergency Provisions).

Bag failure can be indicated by a significant drop in the baghouse's pressure reading with abnormal visible emissions, by an opacity violation, or by other means such as gas temperature, flow rate, air infiltration, leaks, dust traces or triboflows.

Record Keeping and Reporting Requirement [326 IAC 2-8-4(3)][326 IAC 2-8-16]

D.1.19 Record Keeping Requirements

- (a) To document the compliance status with Condition D.1.16, the Permittee shall maintain records of visible emission notations of the dryer/mixer baghouse stack, the transfer points, and the conveyor exhausts once per day. The Permittee shall include in its daily record when a visible emission notation is not taken and the reason for the lack of visible emission notation (e.g., the plant did not operate that day).
- (b) To document the compliance status with Condition D.1.17, the Permittee shall maintain records of the pressure drop during normal operation. The Permittee shall include in its daily record when a pressure drop reading is not taken and the reason for the lack of a pressure drop reading, (e.g., the dryer/mixer did not operate that day).
- (c) To document the compliance status with Condition D.1.6 and D.1.7(b) and (c), D.1.9 (a) and (c), the Permittee shall maintain records in accordance with (1) through (8) below. Records maintained for (1) through (8) shall be taken monthly and shall be complete and sufficient to establish compliance with the SO₂ emission limits established in Conditions D.1.6 and D.1.7(b) and (c), D.1.9 (a) and (c).
 - (1) Calendar dates covered in the compliance determination period;
 - (2) Actual fuel usage of each type of fuel used per month since the last compliance determination period;
 - (3) Average heating value of the No. 2 oil refinery blend fuel oil, and waste oil;
 - (4) Average sulfur dioxide (SO₂) emission rate (pounds per million Btu);

- (5) A certification, signed by the owner or operator, that the records of the fuel supplier certifications represent all of the fuel combusted during the period; and if the fuel supplier certification is used to demonstrate compliance the following, as a minimum, shall be maintained:
- (6) Fuel supplier certifications;
- (7) The name of the fuel supplier; and
- (8) A statement from the fuel supplier that certifies the sulfur content of the fuel oil, or waste oil, and a statement from the fuel supplier that certifies the chlorine content of the waste oil.

The Permittee shall retain records of all recording/monitoring data and support information for a period of five (5) years, or longer if specified elsewhere in this permit, from the date of the monitoring sample, measurement, or report. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

- (d) To document the compliance status with Conditions D.1.7(a), (b), and (c), D.1.9(a) and (b), and D.1.6, the Permittee shall keep records of the actual amount of each fuel used at the dryer/mixer burner all other fuel combustion equipment, since the last compliance determination period and equivalent sulfur dioxide and hydrogen chloride emissions. Records necessary to demonstrate compliance shall be available not later than thirty (30) days of the end of each compliance period.
- (e) To document the compliance status with Conditions D.1.4(a) and D.1.8(a), the Permittee shall keep records of the amount of hot mix asphalt produced per month. Records maintained shall be complete and sufficient to establish compliance with the hot mix asphalt production limits established in Conditions D.1.4(a) and D.1.8(a).
- (f) To document the compliance status with Condition D.1.7(d), the Permittee shall maintain records at the facility of the amount of fuel oil diluent used in the production of cold mix emulsified asphalt each month. The records shall be complete and sufficient to establish compliance with the VOC usage limit set in Condition D.1.7(d) of this permit. The records shall contain a minimum of the following:
 - (1) Amount of cold-mix (emulsified) asphalt produced each month and for the past twelve (12) months.
 - (2) Amount and type of emulsion used in the production of cold mix emulsified asphalt each month;
 - (3) The percent fuel oil used in the emulsion;
 - (4) The VOC solvent content by weight of the emulsion used in the production of cold mix emulsified asphalt each month; and
 - (5) The amount of VOC volatilized from the cold-mix (emulsified) asphalt produced each month and for the past twelve (12) months.

Records may include: delivery tickets, manufacturer's data, material safety data sheets (MSDS), and other documents necessary to verify the type and amount used. Test results of ASTM tests for cold mix emulsified asphalt may be used to document volatilization.

- (g) Section C - General Record Keeping Requirements, contains the Permittee's obligations with regard to the records required by this condition.

D.1.20 Reporting Requirements

A quarterly summary of the information to document the compliance status with Conditions D.1.4(a), D.1.7(a), (d), D.1.8(a), and D.1.9(b) shall be submitted not later than thirty (30) days after the end of the quarter being reported. The report submitted by the Permittee does require a certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

SECTION D.2

FACILITY OPERATION CONDITIONS

Facility Description [326 IAC 2-8-4(10)]:

- (a) One (1) No. 2 distillate fuel oil storage tank, constructed before July 23, 1984, identified as Tank No. 12, with a maximum storage capacity of 8,000 gallons, exhausting at Stack SV4.

(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.)

Emission Limitations and Standards [326 IAC 2-8-4(1)]

D.2.1 Record Keeping and Reporting Requirements [326 IAC 8-9-6]

Pursuant to 326 IAC 8-9-6 (Volatile Organic Liquid Storage Vessels), the Permittee shall maintain a record and submit to the department a report containing the following information on the 8,000 gallon No. 2 distillate fuel oil storage tank:

- (a) The vessel identification number.
- (b) The vessel dimensions.
- (c) The vessel capacity.

The owner or operator of a stationary vessel shall keep all records as described for the life of the vessel.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE AND ENFORCEMENT BRANCH**

**FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP)
CERTIFICATION**

Source Name: Walsh & Kelly, Inc.
Source Address: 18130 U.S. Highway 20, Goshen, Indiana 46536
FESOP Permit No.: F 039-17738-03325

This certification shall be included when submitting monitoring, testing reports/results or other documents as required by this permit.

Please check what document is being certified:

- Annual Compliance Certification Letter
- Test Result (specify)_____
- Report (specify)_____
- Notification (specify)_____
- Affidavit (specify)_____
- Other (specify)_____

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Signature:

Printed Name:

Title/Position:

Date:

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE AND ENFORCEMENT BRANCH
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251
Phone: (317) 233-0178
Fax: (317) 233-6865**

**FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP)
EMERGENCY OCCURRENCE REPORT**

Source Name: Walsh & Kelly, Inc.
Source Address: 18130 U.S. Highway 20, Goshen, Indiana 46536
FESOP Permit No.: F 039-17738-03325

This form consists of 2 pages

Page 1 of 2

- This is an emergency as defined in 326 IAC 2-7-1(12)
- The Permittee must notify the Office of Air Quality (OAQ), within four (4) business hours (1-800-451-6027 or 317-233-0178, ask for Compliance and Enforcement Branch); and
 - The Permittee must submit notice in writing or by facsimile within two (2) working days (Facsimile Number: 317-233-6865), and follow the other requirements of 326 IAC 2-7-16

If any of the following are not applicable, mark N/A

Facility/Equipment/Operation:

Control Equipment:

Permit Condition or Operation Limitation in Permit:

Description of the Emergency:

Describe the cause of the Emergency:

If any of the following are not applicable, mark N/A

Page 2 of 2

Date/Time Emergency started:
Date/Time Emergency was corrected:
Was the facility being properly operated at the time of the emergency? Y N Describe:
Type of Pollutants Emitted: TSP, PM-10, SO ₂ , VOC, NO _x , CO, Pb, other:
Estimated amount of pollutant(s) emitted during emergency:
Describe the steps taken to mitigate the problem:
Describe the corrective actions/response steps taken:
Describe the measures taken to minimize emissions:
If applicable, describe the reasons why continued operation of the facilities are necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw materials of substantial economic value:

Form Completed by: _____

Title / Position: _____

Date: _____

Phone: _____

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 OFFICE OF AIR QUALITY
 Compliance and Enforcement Branch
 Single Liquid Binder Solvent Quarterly Report**

Source Name: Walsh & Kelly, Inc.
 Source Address: 18130 U.S. Highway 20, Goshen, Indiana 46526
 FESOP No.: F039-17738-03325
 Facility: Asphalt plant
 Parameter: VOC – solvent usage, liquid binder usage
 Limit: Cutback asphalt rapid cure liquid binder usage shall not exceed 52.63 tons of VOC solvent per twelve (12) consecutive month period with compliance determined at the end of each month.
 Cutback asphalt medium cure liquid binder usage shall not exceed 71.43 tons of VOC solvent per twelve (12) consecutive month period with compliance determined at the end of each month.
 Cutback asphalt slow cure liquid binder usage shall not exceed 200.0 tons of VOC solvent per twelve (12) consecutive month period with compliance determined at the end of each month.
 Emulsified asphalt with solvent liquid binder usage shall not exceed 102.04 tons of VOC solvent per twelve (12) consecutive month period with compliance determined at the end of each month.
 Emulsified asphalt with fuel oil liquid binder usage shall not exceed 714.29 tons of VOC solvent per twelve (12) consecutive month period with compliance determined at the end of each month.

YEAR: _____

The following liquid binder solvent was the only liquid binder solvent used over the previous 12 month period: _____ Limit applicable: _____
 (use of more than one binder requires the use of the "Multiple Liquid Binder Solvents" report form)

Month	Column 1	Column 2	Column 1 + Column 2
	Solvent Usage This Month (tons)	Solvent Usage Previous 11 Months (tons)	Solvent Usage 12 Month Total (tons)
Month 1			
Month 2			
Month 3			

- No deviation occurred in this quarter.
- Deviation/s occurred in this quarter.
 Deviation has been reported on: _____

Submitted by: _____
 Title / Position: _____
 Signature: _____
 Date: _____
 Phone: _____

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 OFFICE OF AIR QUALITY
 Compliance and Enforcement Branch**

Multiple Liquid Binder Solvent Quarterly Report

Source Name: Walsh & Kelly, Inc.
 Source Address: 18130 U.S. Highway 20, Goshen, Indiana 46526
 FESOP No.: F039-17738-03325
 Facility: Cold-mix asphalt production
 Parameter: VOC Emissions from Liquid Binder Solvent Usage
 Limit:: 50.0 tons per year

Year: _____

Month	Type of Liquid binder	Solvent Usage This Month (tons)	Divisor	VOC emitted This Month (tons) for each solvent	VOC emitted This Month (tons)	VOC emitted Previous 11 Months (tons)	This month + Previous 11 months =VOC emitted 12 Month Total(tons)
Month 1	Cutback Asphalt Rapid Cure (95% volatilization)		1.05				
	Cutback Asphalt Medium Cure (70% volatilization)		1.42				
	Cutback Asphalt Slow Cure (25% volatilization)		4.00				
	Emulsified Asphalt (49% volatilization)		2.04				
	Emulsified Asphalt (7% volatilization)		14.28				
Month 2	Cutback Asphalt Rapid Cure (95% volatilization)		1.05				
	Cutback Asphalt Medium Cure (70% volatilization)		1.42				
	Cutback Asphalt Slow Cure (25% volatilization)		4.00				
	Emulsified Asphalt (49% volatilization)		2.04				
	Emulsified Asphalt (7% volatilization)		14.28				
Month 3	Cutback Asphalt Rapid Cure (95% volatilization)		1.05				
	Cutback Asphalt Medium Cure (70% volatilization)		1.42				
	Cutback Asphalt Slow Cure (25% volatilization)		4.00				
	Emulsified Asphalt (49% volatilization)		2.04				
	Emulsified Asphalt (7% volatilization)		14.28				

No deviation occurred in this reporting period.

Deviation/s occurred in this reporting period.

Deviation has been reported on:

Submitted by: _____

Date: _____

Title / Position: _____

Phone: _____

Signature: _____

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 OFFICE OF AIR QUALITY
 Compliance and Enforcement Branch
 FESOP Quarterly Report**

Source Name: Walsh & Kelly, Inc.
 Source Address: 18130 U.S. Highway 20, Goshen, Indiana 46526
 FESOP No.: F039-17738-03325
 Facility: 84.0 MMBtu per hour burner for the dryer/mixer
 Parameter: Refinery blend fuel oil & refinery blend fuel oil equivalents usage
 Limit: The total usage of refinery blend fuel oil and refinery blend fuel oil equivalents for the dryer/mixer burner all other fuel combustion equipment shall be limited to less than 1,320,000 gallons or equivalent per twelve (12) consecutive month period, with compliance determined at the end of each month.

For the purpose of determining compliance with this limit:
 (1) Every 250 million cubic feet of natural gas shall be equivalent to one thousand (1000) gallons of refinery blend fuel oil.
 (2) Every 2.11 gallons of No. 2 fuel oil shall be equivalent to one (1) gallon of refinery blend fuel oil
 (3) Every 1.02 gallons of waste oil shall be equivalent to one (1) gallon of refinery blend fuel oil.

The sulfur content of the No. 2 fuel oil shall not exceed 0.5% by weight and the sulfur content of the refinery blend fuel oil and waste oil shall not exceed 1.0% by weight.

YEAR: _____

Month	Column 1	Column 2	Column 1 + Column 2
	Refinery Blend Fuel Oil & Equivalent Usage This Month (gallons)	Refinery Blend Fuel Oil & Equivalent Usage Previous 11 Months (gallons)	12 Month Total Refinery Blend Fuel Oil & Equivalent Usage (gallons)
Month 1			
Month 2			
Month 3			

- No deviation occurred in this quarter.
 Deviation/s occurred in this quarter.
 Deviation has been reported on: _____

Submitted by: _____
 Title / Position: _____
 Signature: _____
 Date: _____
 Phone: _____

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
Compliance and Enforcement Branch**

FESOP Quarterly Report

Source Name: Walsh & Kelly, Inc.
Source Address: 18130 U.S. Highway 20, Goshen, Indiana 46526
FESOP No.: F039-17738-03325
Facility: One (1) drum dryer/mixer
Parameter: Hot mix asphalt production
Limit: 1,500,000 tons per twelve (12) consecutive month period, with compliance determined at the end of each month

QUARTER: _____ YEAR: _____

Month	Asphalt Produced (tons)	Asphalt Produced (tons)	Asphalt Produced (tons)
	This Month	Previous 11 Months	12 Month Total

- No deviation occurred in this quarter.
- Deviation/s occurred in this quarter.
Deviation has been reported on _____

Submitted by: _____

Title/Position: _____

Signature: _____

Date: _____

Phone: _____

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
Compliance and Enforcement Branch**

**FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP)
QUARTERLY DEVIATION AND COMPLIANCE MONITORING REPORT**

Source Name: Walsh & Kelly, Inc.
Source Address: 18130 U.S. Highway 20, Goshen, Indiana 46526
FESOP No.: F039-17738-03325

Months: _____ to _____ Year: _____

Page 1 of 2

<p>This report shall be submitted quarterly based on a calendar year. Any deviation from the requirements of this permit, the date(s) of each deviation, the probable cause of the deviation, and the response steps taken must be reported. A deviation required to be reported pursuant to an applicable requirement that exists independent of the permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report. Additional pages may be attached if necessary. If no deviations occurred, please specify in the box marked "No deviations occurred this reporting period".</p>	
<input type="checkbox"/> NO DEVIATIONS OCCURRED THIS REPORTING PERIOD.	
<input type="checkbox"/> THE FOLLOWING DEVIATIONS OCCURRED THIS REPORTING PERIOD	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	

Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	
Permit Requirement (specify permit condition #)	
Date of Deviation:	Duration of Deviation:
Number of Deviations:	
Probable Cause of Deviation:	
Response Steps Taken:	

Form Completed By: _____

Title/Position: _____

Date: _____

Phone: _____

Attachment A

Walsh & Kelly, Inc. Asphalt Plant Site Fugitive Dust Control Plan

- (a) Fugitive particulate matter emissions from paved roads, unpaved roads and parking lots shall be controlled by one or more of the following methods:
- Paved Roads and Parking lots:
- (1) cleaning by vacuum sweeping on an as-needed basis (monthly at minimum)
 - (2) power brooming while wet either from rain or application of water.
- Unpaved Roads and Parking Lots:
- (1) paving with asphalt;
 - (2) treating with emulsified asphalt;
 - (3) watering;
 - (4) double chip and seal the road surface.
- (b) Fugitive particulate matter emissions from aggregate stockpiles shall be controlled by one or more of the following methods on an as-needed basis:
- (1) maintaining minimum size and number of aggregate piles;
 - (2) treating around the stockpile area with emulsified asphalt;
 - (3) treating around the stockpile area with water;
 - (4) treating the stockpiles with water.
- (c) Fugitive particulate matter emissions from outdoor conveying of aggregates shall be controlled by applying water at the feed and intermediate points on an as-needed basis.
- (d) Fugitive particulate matter emissions from the transfer of aggregates shall be controlled by one or more of the following methods:
- (1) minimize the vehicular distance between transfer points;
 - (2) enclose the transfer points;
 - (3) apply water to transfer points on an as-needed basis.
- (e) Fugitive particulate matter emissions from the transportation of aggregate by truck, front end loader, etc., shall be controlled by one of the following methods:
- (1) tarping the aggregate hauling vehicles;
 - (2) maintain vehicle bodies in a condition that prevents leakage;
 - (3) spray the aggregates with water;
 - (4) maintain a 10 mile per hour speed limit in the yard.
- (f) Fugitive particulate matter emissions from the loading and unloading of aggregates shall be controlled by one of the following methods:
- (1) reduce free fall distance to a minimum;
 - (2) reduce the rate of discharge of the aggregate;
 - (3) spray the aggregate with water on an as-needed basis.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

SENT VIA U.S. MAIL: CONFIRMED DELIVERY AND SIGNATURE REQUESTED

TO: Roger Knip
VP Ops
Walsh & Kelly, Inc.
24358 SR 23
South Bend IN 46614

DATE: June 9, 2010

FROM: Matt Stuckey, Branch Chief
Permits Branch
Office of Air Quality

SUBJECT: Final Decision
Administrative Amendment
039-29191-03325

Enclosed is the final decision and supporting materials for the air permit application referenced above. Please note that this packet contains the original, signed, permit documents.

The final decision is being sent to you because our records indicate that you are the contact person for this application. However, if you are not the appropriate person within your company to receive this document, please forward it to the correct person.

A copy of the final decision and supporting materials has also been sent via standard mail to:
Sue Shadley Plews, Shadley, Racher & Braun
OAQ Permits Branch Interested Parties List

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178, or toll-free at 1-800-451-6027 (ext. 3-0178), and ask to speak to the permit reviewer who prepared the permit. If you think you have received this document in error, please contact Joanne Smiddie-Brush of my staff at 1-800-451-6027 (ext 3-0185), or via e-mail at jbrush@idem.IN.gov.

Final Applicant Cover letter.dot 11/30/07

Mail Code 61-53

IDEM Staff	BMILLER 6/9/2010 Walsh & Kelly Inc 039-29191-03325 (final)		Type of Mail: CERTIFICATE OF MAILING ONLY	AFFIX STAMP HERE IF USED AS CERTIFICATE OF MAILING
Name and address of Sender		Indiana Department of Environmental Management Office of Air Quality – Permits Branch 100 N. Senate Indianapolis, IN 46204		

Line	Article Number	Name, Address, Street and Post Office Address	Postage	Handing Charges	Act. Value (If Registered)	Insured Value	Due Send if COD	R.R. Fee	S.D. Fee	S.H. Fee	Rest. Del. Fee
											Remarks
1		Roger Knip VP, Operation Walsh & Kelly Inc 24358 SR 23 South Bend IN 46614 (Source CAATS) <i>(Via Confirmed Delivery)</i>									
2		Harry & Sue Burnstine 56860 SR 1550 Bristol IN 46507 <i>(Affected Party)</i>									
3		Ms. Deloris Cogan 1616 N. Bay Dr Elkhart IN 46514 <i>(Affected Party)</i>									
4		Elkhart City Council and Mayors Office 229 South Second Street Elkhart IN 46516 <i>(Local Official)</i>									
5		Dr. W.D. Pletchr Elkhart Clinic P.O. Box 201, 303 S. Nappanee St Elkhart IN 46515 <i>(Affected Party)</i>									
6		Elkhart County Health Department 608 Oakland Avenue Elkhart IN 46516 <i>(Health Department)</i>									
7		Paul & Helen Hershberger 57332 State Rd 15 Goshen IN 46526 <i>(Affected Party)</i>									
8		James & Patricia Thatcher 1798 US 20 Goshen IN 46526 <i>(Affected Party)</i>									
9		Ms. Donnalee Spradlin 57544 CR 27 Goshen IN 46528 <i>(Affected Party)</i>									
10		John & June Klaer 18105 US Hwy 20 Goshen IN 46526 <i>(Affected Party)</i>									
11		Mr. Maury Miller 17364 CR 18 Goshen IN 46526 <i>(Affected Party)</i>									
12		R. Rush 17051 CR 20 Goshen IN 46526 <i>(Affected Party)</i>									
13		Ken & Gloria Kopf, Jr 18520 US Hwy 20 Goshen IN 46526 <i>(Affected Party)</i>									
14		Khalaf Mashhour 17076 CR 28 Goshen IN 46526 <i>(Affected Party)</i>									
15		Ms. Angela Helmuth 57124 CR 27 Goshen IN 46526 <i>(Affected Party)</i>									

Total number of pieces Listed by Sender	Total number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving employee)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstructing insurance is \$50,000 per piece subject to a limit of \$50, 000 per occurrence. The maximum indemnity payable on Express mil merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual R900, S913, and S921 for limitations of coverage on inured and COD mail. See International Mail Manual for limitations o coverage on international mail. Special handling charges apply only to Standard Mail (A) and Standard Mail (B) parcels.
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Mail Code 61-53

IDEM Staff	BMILLER 6/9/2010 Walsh & Kelly Inc 039-29191-03325 (final)		Type of Mail: CERTIFICATE OF MAILING ONLY	AFFIX STAMP HERE IF USED AS CERTIFICATE OF MAILING
Name and address of Sender		Indiana Department of Environmental Management Office of Air Quality – Permits Branch 100 N. Senate Indianapolis, IN 46204		

Line	Article Number	Name, Address, Street and Post Office Address	Postage	Handling Charges	Act. Value (If Registered)	Insured Value	Due Send if COD	R.R. Fee	S.D. Fee	S.H. Fee	Rest. Del. Fee
											Remarks
1		Edward 17527 CR 14 Goshen IN 46526 (Affected Party)									
2		Ms. Barb Kindel 16866 US 20 Goshen IN 46526 (Affected Party)									
3		Charles & Nancy Cobb 57776 CR 27 Goshen IN 46528 (Affected Party)									
4		Ms. Sue Shadley Plews, Shadley, Racher & Braun 1346 N. Delaware St Indianapolis IN 46202 (Attorney)									
5		Laurence A. McHugh Barnes & Thornburg 100 North Michigan South Bend IN 46601-1632 (Affected Party)									
6		Robert & Lucille Littleford 4942 N. Sherman Blvd Milwaukee WI 53209 (Affected Party)									
7		Mr. Michael Stepanek, Jr C/O Citizens Protesting Rezoning Group 6615 Leeway Drive South Bend IN 46628-9594 (Affected Party)									
8		Dr. David Sabato The Southbend Clinic & Surgic Center 211 N. Eddy at LaSalle, P.O. Box 1755 South Bend IN 46634 (Affected Party)									
9		Dr. Robert Clausen The South Bend Clinic & Surgical Center 211 N. Eddy at LaSalle, P.O. Box 1755 South Bend IN 46634 (Affected Party)									
10		Elkhart County Board of Commissioners 117 North Second St. Goshen IN 46526 (Local Official)									
11											
12											
13											
14											
15											

Total number of pieces Listed by Sender	Total number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving employee)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstructing insurance is \$50,000 per piece subject to a limit of \$50, 000 per occurrence. The maximum indemnity payable on Express mil merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual R900, S913, and S921 for limitations of coverage on inured and COD mail. See International Mail Manual for limitations o coverage on international mail. Special handling charges apply only to Standard Mail (A) and Standard Mail (B) parcels.
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