



# 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](http://www.idem.IN.gov)

TO: Interested Parties / Applicant

DATE: June 17, 2010

RE: JH Rudolph & Company, Inc. - St. Croix Plant / 123-29250-00025

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. Brian Peters, EHS Manager  
J. H. Rudolph & Company, Inc. - St. Croix Plant  
534 Mozart St  
Tell City, IN 47586

June 17, 2010

Re: 123-29250-00025  
First Administrative Amendment to  
F123-28142-00025

Dear Mr. Peters:

J. H. Rudolph & Company, Inc. - St. Croix Plant was issued a Federally Enforceable State Operating Permit (FESOP) Renewal No. F123-28142-00025 on February 11, 2010, for a stationary drum hot-mix asphalt plant, with the capability of producing warm-mix asphalt, and a cold-mix asphalt production operation, located at 12050 Optical Road, English, IN 47118. On May 12, 2010, the Office of Air Quality (OAQ) received a letter from the source requesting that the permit be updated as follows:

A recent review of J. H. Rudolph & Company, Inc.'s Evansville permit included a comparison of the Evansville permit to the St. Croix permit. This comparison brought to our attention the items listed below. These items include adding nomenclature with regard to steel slag etc., and the correction of a typographical error. J. H. Rudolph & Company, Inc. is requesting that the permit be revised as follows:

- 1.] Addition of "and Steel Slag" to the title of Condition D.1.4 - Fuel Limitations, pg 25 of 54 of the permit;
- 2.] Addition of steel slag sulfur content and emission limits language, as previously agreed upon during the renewal, to Condition D.1.4 - Fuel Limitations, page 26 of 54 of the permit;
- 3.] Addition of "and Steel Slag" to the title of Condition D.1.4(h) - Multiple Fuel Usage Limitations, and subsequent supplementary language to the descriptive paragraph, pg 26 of 55 of the permit;
- 4.] Addition of language, as previously agreed upon during the renewal, to Condition D.1.10 - Sulfur Dioxide (SO<sub>2</sub>) Emissions and Sulfur Content, pages 28 of 54 of the permit, to allow for the determination of steel slag sulfur content and emissions;
- 5.] Changes to "Section" references in D.1.11 - Ash Content, Lead Content, Chlorine Content, and Hydrogen Chloride (HCl) Emissions, Condition D.1.16 - Record Keeping Requirements, and D.1.17 - Reporting Requirements, pages 28, 30 and 31 of 54 of the permit, to accommodate the steel slag requirements added to Conditions D.1.4 and D.1.10;
- 6.] Addition of "and Steel Slag" to the title of Condition D.1.12 - Multiple Fuel Usage Limitation, page 29 of 54, and subsequent supplementary language to the descriptive paragraph. Additionally, the inclusion of steel slag to the equation and definitions section of same condition;
- 7.] Addition of steel slag record keeping requirements, as previously agreed upon during the renewal, to Condition D.1.16 - Record Keeping Requirements, page 30 and 31 of 54 of the permit;

- 8.] Addition of steel slag nomenclature to the FESOP Quarterly Report, pages 48 and 49 of 54 of the permit, consistent with the changes described in item #6, above;
- 9.] The header on pages 50 thru 52 of 54, of the permit, contains the wrong owner, city, and permit number. These pages are also still marked "Draft".

IDEM agrees with the above-listed requested changes, since the requirements were previously agreed upon, accommodated for, and unintentionally omitted from the permit during the recent renewal. These changes to the permit are considered an administrative amendment pursuant to 326 IAC 2-8-10(a)(1) and 326 IAC 2-8-10(a)(6), since they are a revision to permit information where the revision will not trigger a new applicable requirement or violate a permit term.

Pursuant to the provisions of 326 IAC 2-8-10, the permit is hereby administratively amended. Unaffected permit conditions have been re-numbered and the Table of Contents updated, where applicable. The permit has been revised as follows with deleted language as ~~strikeouts~~ and new language **bolded**:

**D.1.4 Fuel and Steel Slag** Limitations [326 IAC 2-8-4][326 IAC 2-2][326 IAC 2-4.1]

Pursuant to 326 IAC 2-8-4, and in order to limit the SO<sub>2</sub>, NO<sub>x</sub>, HCl and combined HAP emissions from all emission units at this source, the Permittee shall comply with the following:

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- (c) **The calendar-month average sulfur content of the steel slag shall not exceed sixty-six hundredths percent (0.66%) by weight with compliance determined at the end of each month.**
- (d) **SO<sub>2</sub> emissions from the steel slag used in the hot-mix asphalt dryer/mixer shall not exceed fourteen ten-thousandths (0.0014) pounds of SO<sub>2</sub> per ton of steel slag processed.**

\*\*\*\*\*

(j) Multiple Fuel and Steel Slag Usage Limitation:

When combusting more than one fuel per twelve (12) consecutive month period in the dryer/mixer burner and all other combustion equipment, **in conjunction with the use of steel slag in the aggregate mix**, emissions from the dryer/mixer and all other combustion equipment shall be limited as follows:

**D.1.10 Sulfur Dioxide (SO<sub>2</sub>) Emissions and Sulfur Content**

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- (b) **Compliance with the steel slag limitations established in Condition D.1.4(c) shall be determined utilizing one of the following options.**
  - (1) **Providing vendor analysis of the steel slag delivered, if accompanied by a vendor certification; or**
  - (2) **Analyzing a sample of the steel slag delivery to determine the sulfur content of the steel slag, 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.**
  - (3) **Compliance may also be determined by conducting a stack test for sulfur dioxide emissions from the one hundred twenty (120) million British thermal units per hour burner, using 40 CFR 60, Appendix A, Method 6 in accordance with the procedures in 326 IAC 3-6, or other procedures approved by IDEM, OAQ.**

**A determination of noncompliance pursuant to any of the methods specified above shall not be refuted by evidence of compliance pursuant to the other method.**

D.1.11 Ash Content, Lead Content, Chlorine Content, and Hydrogen Chloride (HCl) Emissions

- (a) In order to comply with Conditions D.1.4(ee), the Permittee shall demonstrate that the ash content of the fuel used for the dryer/mixer burner, and all other fuel combustion equipment, does not exceed one percent (1.00%) by weight, when combusting re-refined waste oil, by providing a vendor analysis of fuel delivered accompanied by a vendor certification.
- (b) In order to comply with Conditions D.1.4(fd), the Permittee shall demonstrate that the lead content of the fuel used in the dryer/mixer burner, and all other fuel combustion equipment, does not exceed thirty-thousandths percent (0.030%) by weight, when combusting re-refined waste oil, by providing a vendor analysis of fuel delivered accompanied by a vendor certification.
- (c) In order to comply with Conditions D.1.4(ge) and D.1.4(hf), the Permittee shall demonstrate that the chlorine content of the fuel used in the dryer/mixer burner, and all other fuel combustion equipment, does not exceed ten-hundredths percent (0.10%) by weight, when combusting re-refined waste oil, by providing a vendor analysis of fuel delivered accompanied by a vendor certification.

D.1.12 Multiple Fuel and Steel Slag Usage Limitation

In order to comply with Condition D.1.4(jh) when combusting more than one fuel per twelve (12) consecutive month period in the dryer/mixer burner **and all other combustion equipment, in conjunction with the use of steel slag in the aggregate mix**, the Permittee shall limit fuel usage in the dryer/mixer burner according to the following formulas:

- (a) Sulfur dioxide emission calculation

$$\frac{S = G(E_G) + O(E_O) + F(E_F) + B(E_B) + W(E_W) + L(E_L)}{2,000 \text{ lbs/ton}}$$

where:

\*\*\*\*\*

**L = tons of steel slag used in last twelve (12) months**

\*\*\*\*\*

**E<sub>L</sub> = fourteen ten-thousandths (0.0014) pounds per ton of steel slag processed.**

\*\*\*\*\*

D.1.16 Record Keeping Requirements [326 IAC 2-8-4][326 IAC 2-2][326 IAC 2-3][326 IAC 7-1.1-2][326 IAC 7-2-1]

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- (c) **To document the compliance status with the steel slag limitations contained in Conditions D.1.4(c) and D.1.4(d), the Permittee shall maintain monthly records of the information listed in items (1) through (4) below.**
  - (1) **Calendar dates covered in the compliance determination period;**
  - (2) **Actual steel slag usage, calendar-month average sulfur content and equivalent sulfur dioxide emission rates for all steel slag used at the source since the last compliance determination period;**
  - (3) **A certification, signed by the owner or operator, that the records of the slag supplier certifications represent all of the steel slag used during the period; and**
  - (4) **If the slag supplier certification is used to demonstrate compliance the following, as a minimum, shall be maintained:**
    - (A) **Slag supplier certifications;**

- (B) The name of the slag supplier; and
- (C) A statement from the slag supplier that certifies the sulfur content of the steel slag.

Records that may be used to document the information included in (1) through (4) may include delivery tickets, manufacturer's data, material safety data sheets (MSDS), and other documents necessary to verify the type and amount used.

- (e) To document compliance with Conditions D.1.4(jh) and D.1.12 when combusting more than one fuel per twelve (12) consecutive month period in the dryer/mixer burner and all other combustion equipment, **in conjunction with the use of steel slag in the aggregate mix**, the Permittee shall maintain records of actual fuel usage, **actual slag usage**, and equivalent nitrogen oxides, sulfur dioxide, and hydrogen chloride emission rates for each fuel, **and the slag**, used at the source per month.

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D.1.17 Reporting Requirements

A quarterly summary of the information to document compliance with Conditions D.1.1(a), **D.1.2**, D.1.3(a), D.1.4(ig), D.1.4(jh), D.1.6(a) and D.1.12, 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 thirty (30) days after the end of the quarter being reported. The report submitted by the Permittee does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR QUALITY  
COMPLIANCE DATA SECTION

FESOP Quarterly Report  
Page 1 of 2

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Parameters: Multiple Fuel & **Steel Slag** Usage / Sulfur Dioxide (SO<sub>2</sub>) & Nitrogen Oxides (NO<sub>x</sub>) Emissions  
Limit: Sulfur Dioxide (SO<sub>2</sub>) emissions from the entire source shall not exceed one hundred (100) tons per twelve (12) consecutive month period. When combusting more than one fuel in the dryer/mixer burner **and all other combustion equipment, in conjunction with the use of steel slag in the aggregate mix**, the Permittee shall limit fuel usage according to the following equation:

$$S = \frac{G(E_G) + O(E_O) + F(E_F) + B(E_B) + W(E_W) + L(E_L)}{2,000 \text{ lbs/ton}}$$

where:

\*\*\*\*\*

**L** = tons of steel slag used in last twelve (12) months

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**E<sub>L</sub>** = fourteen ten-thousandths (0.0014) pounds per ton of steel slag processed.

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Multiple Fuel & Steel Slag Usage

FESOP Quarterly Report

QUARTER: \_\_\_\_\_ YEAR: \_\_\_\_\_

Month	Fuel Types (units)	Column 1	Column 2		Column 1 + Column 2	Equation Results	
		Usage This Month	Usage Previous 11 Months		Usage 12 Month Total	Sulfur Dioxide (SO <sub>2</sub> ) Emissions (tons per 12 months)	Nitrogen Oxides (NO <sub>x</sub> ) Emissions (tons per 12 months)
Month 1	Natural Gas (million cubic feet)			G			
	No. 2 distillate Fuel Oil ≤ 0.5 wt% sulfur (gallons)			O			
	No. 4 distillate fuel oil ≤ 0.5 wt% sulfur (gallons)			R			
	Biodiesel ≤ 0.5 wt% sulfur (gallons)			B			
	Re-refined Waste Oil ≤ 1.0 wt% sulfur (gallons)			U			
	<b>Steel slag ≤ 0.66% wt% sulfur (tons)</b>			L			
Month 2	Natural Gas (million cubic feet)			G			
	No. 2 distillate Fuel Oil ≤ 0.5 wt% sulfur (gallons)			O			
	No. 4 distillate fuel oil ≤ 0.5 wt% sulfur (gallons)			R			
	Biodiesel ≤ 0.5 wt% sulfur (gallons)			B			
	Re-refined Waste Oil ≤ 1.0 wt% sulfur (gallons)			U			
	<b>Steel slag ≤ 0.66% wt% sulfur (tons)</b>			L			
Month 3	Natural Gas (million cubic feet)			G			
	No. 2 distillate Fuel Oil ≤ 0.5 wt% sulfur (gallons)			O			
	No. 4 distillate fuel oil ≤ 0.5 wt% sulfur (gallons)			R			
	Biodiesel ≤ 0.5 wt% sulfur (gallons)			B			
	Re-refined Waste Oil ≤ 1.0 wt% sulfur (gallons)			U			
	<b>Steel slag ≤ 0.66% wt% sulfur (tons)</b>			L			

- 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: \_\_\_\_\_

DRAFT

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IDEM, OAQ has decided to make additional revisions to the permit as described below. Unaffected permit conditions have been re-numbered and the Table of Contents updated, where applicable. The permit has been revised as follows with deleted language as ~~strikeouts~~ and new language **bolded**:

- 1.] IDEM, OAQ has decided to remove all references to the source mailing address. IDEM, OAQ will continue to maintain records of the mailing address.
- 2.] Sections A.1: General Information, and C.2: Overall Source Limit, have been revised to correct the source's "1 of 28" Source Categories status, to indicate that the source is NOT one (1) of the 28 Source Categories.
- 3.] For clarity, IDEM, OAQ 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."
- 4.] IDEM, OAQ 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*."
- 5.] Section B - Duty to Provide Information has been revised.
- 6.] IDEM, OAQ has decided to clarify Section B - Certification: to be consistent with the rule, to clarify what rule requirements a certification needs to meet and to clarify what a certification must be. Finally, 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.
- 7.] IDEM, OAQ has decided to clarify Section B - Preventive Maintenance Plan to be consistent with the rule.
- 8.] IDEM, OAQ is revising Section B - Emergency Provisions to allow the Permittee to reference a previously reported emergency under paragraph (b)(5) in the Quarterly Deviation and Compliance Monitoring Report. Additionally, IDEM, OAQ is deleting paragraph (h), because 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.
- 9.] IDEM, OAQ has decided that having a separate condition for the reporting of deviations is unnecessary. Therefore, IDEM has removed Section B - Deviations from 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.
- 10.] IDEM, OAQ 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.
- 11.] IDEM, OAQ has added 326 IAC 5-1-1 to the exception clause of Section C - Opacity, since 326 IAC 5-1-1 does list exceptions.

- 12.] IDEM, OAQ has revised Section C - Incineration to more closely reflect the two underlying rules.
- 13.] IDEM, OAQ has removed the first paragraph of Section C - Performance Testing due to the fact that specific testing conditions elsewhere in the permit will specify the timeline and procedures.
- 14.] IDEM, OAQ has revised Section C - Compliance Monitoring. The reference to recordkeeping has been removed due to the fact that 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.
- 15.] IDEM OAQ has removed Section C - Monitoring Methods. The conditions that require the monitoring or testing, if required state what methods shall be used.
- 16.] IDEM, OAQ 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.
- 17.] IDEM, OAQ 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, OAQ, 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.
- 18.] The voice of paragraph (b) of Section C - General Record Keeping Requirements has been changed to more clearly indicate that it is the Permittee that must follow the requirements of the paragraph.
- 19.] IDEM, OAQ has decided to simplify the referencing in Section C - Compliance with 40 CFR 82 and 326 IAC 22-1.
- 20.] IDEM, OAQ has decided to clarify Condition D.1.2 - FESOP and PSD Limits, to specify the type of slag being permitted for use, consistent with the emission unit and pollution control equipment summaries found in sections A.2 and D.1. Different types of slag have different sulfur contents; use of another type, such as blast furnace slag, could cause the source to exceed the one hundred (100) ton per year FESOP threshold for SO<sub>2</sub>.
- 21.] IDEM, OAQ has decided to clarify Section D - Testing Requirements.
- 22.] IDEM, OAQ has decided to clarify the section references contained in the Section D - Record Keeping Requirement section of the permit, as appropriate for clarity;

- 23.] The word "status" has been added to Section D - Record Keeping Requirements, and Section D - Reporting Requirements. The Permittee has the obligation to document the compliance status. The wording has been revised to properly reflect this.
- 24.] The rule cite for Condition D.3.1 - Particulate emissions, has been corrected;
- 25.] The phrase "of this permit" has been added to the paragraph of the Quarterly Deviation and Compliance Monitoring Report to match the underlying rule.

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**A.1 General Information [326 IAC 2-8-3(b)]**

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Mailing Address: ~~\_\_\_\_\_~~ PO Box 5228, Evansville, IN 47716-5226

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Source Status: Federally Enforceable State Operating Permit Program  
Minor Source, under PSD and Emission Offset Rules  
Minor Source, Section 112 of the Clean Air Act  
**Not 1 of 28 Source Categories**

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**SECTION B GENERAL CONDITIONS**

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

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

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- (a) This permit, F123-28142-00025, 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.3 Term of Conditions [326 IAC 2-1.1-9.5]**

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Notwithstanding the permit term of a permit to construct, a permit to operate, or a permit modification, any condition established in a permit issued pursuant to a permitting program approved in the state implementation plan shall remain in effect until:

- (a) the condition is modified in a subsequent permit action pursuant to Title I of the Clean Air Act; or
- (b) the emission unit to which the condition pertains permanently ceases operation.

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

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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 Severability [326 IAC 2-8-4(4)]**

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

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

**B.7 Duty to Provide Information [326 IAC 2-8-4(5)(E)]**

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

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

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- (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.10 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.11 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.12 Emergency Provisions [326 IAC 2-8-12]**

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- (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 Southwest 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  
Southwest Regional Office phone: (812) 380-2305; fax: (812) 380-2304.

- (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.13 Prior Permits Superseded [326 IAC 2-1.1-9.5]**

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- (a) All terms and conditions of permits established prior to F123-28142-00025 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.
- (b) All previous registrations and permits are superseded by this permit.

**B.14 Termination of Right to Operate [326 IAC 2-8-9][326 IAC 2-8-3(h)]**

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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.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]**

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- (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)]**

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- (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]**

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- (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]**

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- (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 Source Modification Requirement [326 IAC 2-8-11.1]**

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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]**

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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]**

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- (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.

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**SECTION B GENERAL CONDITIONS**

**B.1 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.2 Permit Term [326 IAC 2-8-4(2)][326 IAC 2-1.1-9.5][IC 13-15-3-6(a)]**

- (a) This permit, F123-28142-00025, 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.3 — Term of Conditions [326 IAC 2-1.1-9.5]~~

~~Notwithstanding the permit term of a permit to construct, a permit to operate, or a permit modification, any condition established in a permit issued pursuant to a permitting program approved in the state implementation plan shall remain in effect until:~~

- ~~(a) — the condition is modified in a subsequent permit action pursuant to Title I of the Clean Air Act; or~~
- ~~(b) — the emission unit to which the condition pertains permanently ceases operation.~~

~~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 — 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.6 — 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.7 — 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.8 — 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.9 — 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 46204-2254

- ~~(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.~~
- ~~(d) — 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 the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

~~B.10 — 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.11 — 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.12 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, and Southwest 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 Compliance and Enforcement Branch)  
Facsimile Number: 317-233-6865  
Southwest Regional Office phone: (812) 380-2305; fax: (812) 380-2304.~~

- ~~(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 by 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 46204-2254~~

~~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. Any emergencies that have been previously reported pursuant to paragraph (b)(5) of this condition and certified by an "authorized individual" need only be referenced by the date of the original report.~~

~~B.13 — Prior Permits Superseded [326 IAC 2-1.1-9.5]~~

- ~~(a) — All terms and conditions of permits established prior to F123-28142-00025 and issued pursuant to permitting programs approved into the state implementation plan have been either:
  - ~~(1) — incorporated as originally stated,~~
  - ~~(2) — revised, or~~
  - ~~(4) — deleted.~~~~

~~(b) — All previous registrations and permits are superseded by this permit.~~

~~B.14 — 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.15 — Deviations from Permit Requirements and Conditions [326 IAC 2-8-4(3)(C)(ii)]~~

~~(a) — Deviations from any permit requirements (for emergencies see Section B - Emergency Provisions), the probable cause of such deviations, and any response steps or preventive measures taken shall be reported 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 46204-2254~~

~~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.16 — 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 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.17 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 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  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2254~~

- ~~(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 in writing by IDEM, OAQ any additional information identified as being needed to process the application.~~

~~B.18 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 46204-2254~~

~~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 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.19 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 46204-2254~~

~~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(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.20 Source Modification Requirement [326 IAC 2-8-11.1]~~

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

~~B.21 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.22 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 46204-2254~~

~~The application, 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).~~

- ~~(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.23 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 Section), to determine the appropriate permit fee.~~

~~B.24 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 one hundred (100) pounds per hour and the methods in 326 IAC 6-3-2(b) through (d) do not apply shall not exceed five hundred fifty-one thousandths (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 two hundred fifty (250) 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]**

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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]**

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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]**

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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]**

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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]**

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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 Stack Height [326 IAC 1-7]**

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The Permittee shall comply with the applicable provisions of 326 IAC 1-7 (Stack Height Provisions), for all exhaust stacks through which a potential (before controls) of twenty-five (25) tons per year or more of particulate matter or sulfur dioxide is emitted.

**C.9 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 demolitions 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.10 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.11 Compliance Requirements [326 IAC 2-1.1-11]**

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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.12 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.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 Emergency Reduction Plans [326 IAC 1-5-2] [326 IAC 1-5-3]**

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Pursuant to 326 IAC 1-5-2 (Emergency Reduction Plans; Submission):

- (a) The Permittee shall maintain the most recently submitted written emergency reduction plans (ERPs) consistent with safe operating procedures.
- (b) Upon direct notification by IDEM, OAQ that a specific air pollution episode level is in effect, the Permittee shall immediately put into effect the actions stipulated in the approved ERP for the appropriate episode level. [326 IAC 1-5-3]

**C.15 Risk Management Plan [326 IAC 2-8-4] [40 CFR 68]**

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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.16 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.17 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-8-4]  
[326 IAC 2-8-5]**

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

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- (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.19 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.

#### 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 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(c)(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 one hundred (100) pounds per hour and the methods in 326 IAC 6-3-2(b) through (d) do not apply, shall not exceed five hundred fifty-one thousandths (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 5-1-3 (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, or incinerate any waste or refuse, except as provided in 326 IAC 4-2 and 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 attached plan as in Attachment A.~~

C.8 ~~Stack Height [326 IAC 1-7]~~

~~The Permittee shall comply with the applicable provisions of 326 IAC 1-7 (Stack Height Provisions), for all exhaust stacks through which a potential (before controls) of twenty-five (25) tons per year or more of particulate matter or sulfur dioxide is emitted.~~

~~C.9 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 two hundred sixty (260) linear feet on pipes or one hundred sixty (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 demolitions start date;~~
- ~~(B) Removal or demolitions 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 46204-2254

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 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(e). 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.10 — 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 and Enforcement Branch, 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.11 — 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.12 — 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 within ninety (90) days of permit issuance, or ninety (90) days of initial start-up, whichever is later. If required by Section D, the Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment. If due to circumstances beyond its control, that equipment cannot be installed and operated within ninety (90) days, 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 46204-2254

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 the certification 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.13 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.14 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.~~

~~(c) 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.15 Emergency Reduction Plans [326 IAC 1-5-2] [326 IAC 1-5-3]~~

~~Pursuant to 326 IAC 1-5-2 (Emergency Reduction Plans; Submission):~~

~~(a) The Permittee shall maintain the most recently submitted written emergency reduction plans (ERPs) consistent with safe operating procedures.~~

~~(b) Upon direct notification by IDEM, OAQ that a specific air pollution episode level is in effect, the Permittee shall immediately put into effect the actions stipulated in the approved ERP for the appropriate episode level. [326 IAC 1-5-3]~~

~~C.16 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.17 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; 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 maintain the following records:~~
- (1) ~~monitoring data;~~
  - (2) ~~monitor performance data, if applicable; and~~
  - (3) ~~corrective actions taken.~~

~~C.18 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.19 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 or ninety (90) days of initial start-up, whichever is later.~~

~~C.20 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 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) 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.~~

~~Stratospheric Ozone Protection~~

~~C.21 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.~~

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SECTION D.1

EMISSIONS UNIT OPERATION CONDITIONS

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D.1.2 FESOP and PSD Limits [326 IAC 2-8-4] [326 IAC 2-2]

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Pursuant to 326 IAC 2-8-4 (FESOP), the amount of **steel** slag used in the production of asphalt shall not exceed three hundred seventy-five thousand (375,000) tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

\*\*\*\*\*

D.1.7 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

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A Preventive Maintenance Plan, ~~in accordance with Section B - Preventive Maintenance Plan, of this permit,~~ is required for the RAP grinding/crushing, material handling, screening, conveying, and material transfer points, dryer/mixer, and any/all related control device(s). **Section B - Preventive Maintenance Plan contains the Permittee's obligation with regard to the preventive maintenance plan required by this condition.**

D.1.8 Testing Requirements [326 IAC 2-8-5(a)(1), (4)] [326 IAC 2-1.1-11]

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In order to demonstrate compliance with the Conditions D.1.1 and D.1.3, the Permittee shall perform the following:

- (a) In order to demonstrate compliance with Conditions D.1.1(b), ~~within five (5) years from the last valid compliance demonstration,~~ the Permittee shall perform PM testing on the exhaust from the baghouse controlling the dryer/mixer, utilizing methods as approved by the Commissioner, ~~-. This test shall be repeated at least once every five (5) years from the date of the~~ **most recent** last valid compliance demonstration. 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.**
  
- (b) In order to demonstrate compliance with Conditions D.1.3(b) and D.1.3(c), the Permittee shall perform PM2.5 and PM10 testing on the exhaust from the baghouse controlling the dryer/mixer, **utilizing methods as approved by the Commissioner**, within 180 days of publication of the new or revised condensable PM test method(s) referenced in the U. S. EPA's Final Rule for Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM2.5), signed on May 8th, 2008, or within five (5) years of issuance of this FESOP Renewal, No. 123-28142-00025, whichever is later. These tests shall be repeated at least once every five (5) years from the date of ~~this~~ **the most recent** valid compliance demonstration. **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.** PM10 and PM2.5, each, includes filterable and condensable PM.

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D.1.13 Visible Emissions Notations

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- (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.1.14 Baghouse Parametric Monitoring [326 IAC 2-7-6(1)] [326 IAC 2-7-5(1)]

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- (a) The Permittee shall record the pressure drop across the baghouse used in conjunction with the dryer/mixer 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 two (2.0) and six (6.0) 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.

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D.1.16 Record Keeping Requirements [326 IAC 2-8-4][326 IAC 2-2][326 IAC 2-3][326 IAC 7-1.1-2]  
[326 IAC 7-2-1]

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- (a) To document **the compliance status with the asphalt production limit contained in** Conditions D.1.1(a), D.1.3(a) and D.1.6(a), the Permittee shall maintain records of the amount of asphalt produced per month. Records necessary to demonstrate compliance shall be available within thirty (30) days of the end of each compliance period.
- (b) To document **the compliance status with the fuel limitations contained in** Conditions D.1.4, and D.1.5, the Permittee shall maintain records in accordance with (1) through (7) below. Records maintained for (1) through (7) shall be taken daily and shall be complete and sufficient to establish compliance with the SO<sub>2</sub>, NO<sub>x</sub>, HCl, and combined HAPs emission limits established in Conditions D.1.4 and D.1.5. For the annual fuel limits, the compliance determination period is the most recent twelve (12) consecutive month period. For the sulfur and HCl content limits, the compliance determination period is each calendar month.

\*\*\*\*\*

- (de) To document **the compliance status with the multiple fuel and steel slag usage limitations contained in** Conditions D.1.4(j) and D.1.12 when combusting more than one fuel per twelve (12) consecutive month period in the dryer/mixer burner and all other combustion equipment, in conjunction with the use of steel slag in the aggregate mix, the Permittee shall maintain records of actual fuel usage, actual slag usage, and equivalent nitrogen oxides, sulfur dioxide, and hydrogen chloride emission rates for each fuel, and the slag, used at the source per month.
- (ed) To document **the compliance status with the visible emissions requirements contained in** Condition D.1.13, the Permittee shall maintain daily records of the visible emission notations from each of the conveyors, screens, material transfer points, and dryer/mixer stack (EP1) exhaust. 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).
- (fe) To document **the compliance status with the monitoring requirements contained in** Condition D.1.14, the Permittee shall maintain daily records of the pressure drop across the baghouse controlling the dryer/mixer. 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).
- (gf) ~~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.1.17 Reporting Requirements

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A quarterly summary of the information to document **the compliance status** with Conditions D.1.1(a), D.1.2, D.1.3(a), D.1.4(i), D.1.4(j), D.1.6(a) and D.1.12, shall be submitted ~~to the address 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~~ **not later than** thirty (30) days after the end of the quarter being reported. **Section C - General Reporting Requirements contains the Permittee's obligation with regard to the reporting required by this condition.** The report submitted by the Permittee does require ~~the~~ 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.2.3 Record Keeping Requirements**

To document **the** compliance **status** with **the VOC limitations contained in** Condition D.2.1, the Permittee shall maintain records in accordance with (a) through (d) below. Records maintained for (a) through (d) shall be taken monthly and shall be complete and sufficient to establish compliance with the VOC usage limits and/or the VOC emission limits established in Condition D.2.1.

\*\*\*\*\*

~~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.2.4 Reporting Requirements**

A quarterly summary of the information to document **the** compliance **status** with Condition D.2.1 shall be submitted ~~to the address 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. **Section C - General Reporting Requirements contains the Permittee's obligation with regard to the reporting required by this condition.** The report submitted by the Permittee does require ~~the~~ 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).

\*\*\*\*\*

**SECTION D.3 EMISSIONS UNIT OPERATION CONDITIONS**

\*\*\*\*\*

**D.3.1 Particulate Emissions [326 IAC 6-2]**

Pursuant to 326 IAC 6-2-~~43~~, the particulate emissions from the hot oil heater shall not exceed six tenths (0.6) pounds per MMBtu heat input.

\*\*\*\*\*

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

\*\*\*\*\*

~~A certification is not required for this report.~~

\*\*\*\*\*

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

FESOP Quarterly Report

\*\*\*\*\*

Attach a signed certification to complete this report.

\*\*\*\*\*

Note: All forms have been updated as indicated in the two (2) previous examples, where necessary.

\*\*\*\*\*

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

\*\*\*\*\*

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](http://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. Hannah Desrosiers, of my staff, at 317-234-5374 or 1-800-451-6027, and ask for extension 4-5374.

Sincerely,



Iryn Calilung, Section Chief  
Permits Branch  
Office of Air Quality

Attachments: Technical Support Documents and revised permit, including attachments A-D.

IC/hld

cc: File - Perry County  
Perry 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

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Commissioner

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## Federally Enforceable State Operating Permit (FESOP) Renewal OFFICE OF AIR QUALITY

**J.H. Rudolph & Company, Inc. - St. Croix Plant**  
**12050 Optical Road**  
**English, Indiana 47118**

(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.: F123-28142-00025	
Original Issued by:  Iryn Calilung, Section Chief Permits Branch Office of Air Quality	Issuance Date: February 11, 2010  Expiration Date: February 11, 2020

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## TABLE OF CONTENTS

<b>A. SOURCE SUMMARY.....</b>	<b>5</b>
A.1 General Information [326 IAC 2-8-3(b)]	
A.2 Emission Units and Pollution Control Equipment Summary [326 IAC 2-8-3(c)(3)]	
A.3 Insignificant Activities [326 IAC 2-7-1(21)][326 IAC 2-8-3(c)(3)(l)]	
A.4 FESOP Applicability [326 IAC 2-8-2]	
<b>B. GENERAL CONDITIONS .....</b>	<b>8</b>
B.1 Definitions [326 IAC 2-8-1]	
B.2 Permit Term [326 IAC 2-8-4(2)][326 IAC 2-1.1-9.5][IC 13-15-3-6(a)]	
B.3 Term of Conditions [326 IAC 2-1.1-9.5]	
B.4 Enforceability [326 IAC 2-8-6] [IC 13-17-12]	
B.5 Severability [326 IAC 2-8-4(4)]	
B.6 Property Rights or Exclusive Privilege [326 IAC 2-8-4(5)(D)]	
B.7 Duty to Provide Information [326 IAC 2-8-4(5)(E)]	
B.8 Certification [326 IAC 2-8-3(d)][326 IAC 2-8-4(3)(C)(i)][326 IAC 2-8-5(1)]	
B.9 Annual Compliance Certification [326 IAC 2-8-5(a)(1)]	
B.10 Compliance Order Issuance [326 IAC 2-8-5(b)]	
B.11 Preventive Maintenance Plan [326 IAC 1-6-3][326 IAC 2-8-4(9)] [326 IAC 2-8-5(a)(1)]	
B.12 Emergency Provisions [326 IAC 2-8-12]	
B.13 Prior Permits Superseded [326 IAC 2-1.1-9.5]	
B.14 Termination of Right to Operate [326 IAC 2-8-9][326 IAC 2-8-3(h)]	
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]	
B.16 Permit Renewal [326 IAC 2-8-3(h)]	
B.17 Permit Amendment or Revision [326 IAC 2-8-10][326 IAC 2-8-11.1]	
B.18 Operational Flexibility [326 IAC 2-8-15][326 IAC 2-8-11.1]	
B.19 Source Modification Requirement [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]	
B.21 Transfer of Ownership or Operational Control [326 IAC 2-8-10]	
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]	
B.23 Credible Evidence [326 IAC 2-8-4(3)][326 IAC 2-8-5][62 FR 8314] [326 IAC 1-1-6]	
<b>C. SOURCE OPERATION CONDITIONS.....</b>	<b>17</b>
<b>Emission Limitations and Standards [326 IAC 2-8-4(1)]</b>	
C.1 Particulate Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) Pounds per Hour [326 IAC 6-3-2]	
C.2 Overall Source Limit [326 IAC 2-8]	
C.3 Opacity [326 IAC 5-1]	
C.4 Open Burning [326 IAC 4-1] [IC 13-17-9]	
C.5 Incineration [326 IAC 4-2] [326 IAC 9-1-2]	
C.6 Fugitive Dust Emissions [326 IAC 6-4]	
C.7 Fugitive Particulate Matter Emission Limitations [326 IAC 6-5]	
C.8 Stack Height [326 IAC 1-7]	
C.9 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]	
<b>Testing Requirements [326 IAC 2-8-4(3)]</b>	
C.10 Performance Testing [326 IAC 3-6]	

**Compliance Requirements [326 IAC 2-1.1-11]**

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

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

- C.12 Compliance Monitoring [326 IAC 2-8-4(3)][326 IAC 2-8-5(a)(1)]
- C.13 Instrument Specifications [326 IAC 2-1.1-11] [326 IAC 2-8-4(3)]  
[326 IAC 2-8-5(1)]

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

- C.14 Emergency Reduction Plans [326 IAC 1-5-2] [326 IAC 1-5-3]
- C.15 Risk Management Plan [326 IAC 2-8-4] [40 CFR 68]
- C.16 Response to Excursions or Exceedances [326 IAC 2-8-4] [326 IAC 2-8-5]
- C.17 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-8-4]  
[326 IAC 2-8-5]

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

- C.18 General Record Keeping Requirements [326 IAC 2-8-4(3)] [326 IAC 2-8-5]
- C.19 General Reporting Requirements [326 IAC 2-8-4(3)(C)] [326 IAC 2-1.1-11]

**Stratospheric Ozone Protection**

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

**D.1. EMISSIONS UNIT OPERATION CONDITIONS - Drum Hot-mix Asphalt Plant..... 23**

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

- D.1.1 PSD Limits [326 IAC 2-2]
- D.1.2 FESOP and PSD Limits [326 IAC 2-8-4] [326 IAC 2-2]
- D.1.3 FESOP Limits [326 IAC 2-8-4] [326 IAC 2-2]
- D.1.4 Fuel and Steel Slag Limitations [326 IAC 2-8-4] [326 IAC 2-2] [326 IAC 2-4.1]
- D.1.5 Sulfur Dioxide (SO<sub>2</sub>) [326 IAC 7-1.1-1] [326 IAC 7-2-1]
- D.1.6 Volatile Organic Compounds (VOC) [326 IAC 8-1-6]
- D.1.7 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

**Compliance Determination Requirements**

- D.1.8 Testing Requirements [326 IAC 2-8-5(a)(1), (4)] [326 IAC 2-1.1-11]
- D.1.9 Particulate Matter (PM, PM<sub>10</sub>, and PM<sub>2.5</sub>) Control
- D.1.10 Sulfur Dioxide (SO<sub>2</sub>) Emissions and Sulfur Content
- D.1.11 Ash Content, Lead Content, Chlorine Content, and Hydrogen Chloride (HCl) Emissions
- D.1.12 Multiple Fuel and Steel Slag Usage Limitation

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

- D.1.13 Visible Emissions Notations
- D.1.14 Baghouse Parametric Monitoring [326 IAC 2-7-6(1)] [326 IAC 2-7-5(1)]
- D.1.15 Broken or Failed Bag Detection

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

- D.1.16 Record Keeping Requirements [326 IAC 2-8-4][326 IAC 2-2][326 IAC 2-3][326 IAC 7-1.1-2]  
[326 IAC 7-2-1]
- D.1.17 Reporting Requirements

**D.2. EMISSIONS UNIT OPERATION CONDITIONS - Cold-mix Asphalt Production and Storage..... 33**

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

- D.2.1 Volatile Organic Compounds (VOC) [326 IAC 2-8-4][326 IAC 2-2]
- D.2.2 Volatile Organic Compounds (VOC) [326 IAC 8-5-2]

- Record Keeping and Reporting Requirements [326 IAC 2-8-4(3)]**
  - D.2.3 Record Keeping Requirements
  - D.2.4 Reporting Requirements
  
- D.3. EMISSIONS UNIT OPERATION CONDITIONS - Hot Oil Heater..... 36**
  - Emission Limitations and Standards [326 IAC 2-8-4(1)]**
    - D.3.1 Particulate Emissions [326 IAC 6-2]
  
- D.4. EMISSIONS UNIT OPERATION CONDITIONS - Paved & Unpaved Roads ..... 37**
  - Emission Limitations and Standards [326 IAC 2-8-4(1)]**
    - D.4.1 PM and PM10 Emissions [326 IAC 2-8-4] [326 IAC 6-5]
  
- E.1. NSPS REQUIREMENTS - Hot-Mix Asphalt Facility..... 38**
  - New Source Performance Standards (NSPS) Requirements [326 IAC 2-8-4(1)]**
    - E.1.1 NSPS Subpart I Requirements - Standards of Performance for Hot-mix Asphalt Facilities [40 CFR Part 60, Subpart I] [326 IAC 12-1]
  
- E.2. NSPS REQUIREMENTS - Recycled Asphalt Pavement System..... 40**
  - New Source Performance Standards (NSPS) Requirements [326 IAC 2-8-4(1)]**
    - E.2.1 NSPS Subpart OOO Requirements - Standards of Performance for Nonmetallic Mineral Processing Plants [40 CFR Part 60, Subpart OOO] [326 IAC 12-1]
  
- E.3. NESHAPS REQUIREMENTS - Gasoline Fuel Transfer And Dispensing Operations ..... 41**
  - National Emission Standards for Hazardous Air Pollutants (NESHAP) Requirements [326 IAC 2-8-4(1)]**
    - E.3.1 NESHAP Subpart CCCCCC Requirements - Area Source Standards for Source Category: Gasoline Dispensing Facilities [40 CFR 63, Subpart 6C] [326 IAC 20]
  
- Certification Form ..... 42
- Emergency Occurrence Form ..... 43
- FESOP Quarterly Report: Combined Hot-Mix and Warm-mix Asphalt Production ..... 45
- FESOP Quarterly Report: Steel Slag Usage ..... 46
- FESOP Quarterly Report: Single Fuel Usage..... 47
- FESOP Quarterly Report: Multiple Fuel Usage ..... 48
- FESOP Quarterly Report: Single Liquid Binder Solvent Usage / VOC Emissions ..... 50
- FESOP Quarterly Report: Multiple Liquid Binder Solvent Usage / VOC Emissions..... 51
- Quarterly Deviation and Compliance Monitoring Report Form ..... 53
  
- Attachment A: Fugitive Dust Control Plan
- Attachment B: NSPS Subpart I - Standards of Performance for Hot Mix Asphalt Facilities [40 CFR Part 60, Subpart I] [326 IAC 12-1]
- Attachment C: NSPS Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants [40 CFR Part 60, Subpart OOO] [326 IAC 12-1]
- Attachment D: NESHAP Subpart CCCCCC - Area Source Standards for Source Category: Gasoline Dispensing Facilities [40 CFR 63, Subpart 6C] [326 IAC 20]

## 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)]

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The Permittee owns and operates a stationary drum hot-mix asphalt plant, with the capability of producing warm-mix asphalt, and a cold-mix asphalt production operation.

Source Address:	12050 Optical Road, English, Indiana 47118
General Source Phone Number:	(812) 547-1400
SIC Code:	2951
County Location:	Perry
Source Location Status:	Attainment for all criteria pollutants
Source Status:	Federally Enforceable State Operating Permit Program Minor Source, under PSD and Emission Offset 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)]

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

- (a) One (1) drum hot-mix asphalt plant, constructed in 2005, capable of processing three hundred twenty-five (325) tons of raw material per hour per hour, processing steel slag in the aggregate mix, equipped with one (1) one hundred twenty (120) million British thermal units (MMBtu) per hour re-refined waste oil fired dryer burner, using natural gas, No. 2 distillate fuel oil, No. 4 distillate fuel oil, and biodiesel as backup fuels, controlling particulate emissions with one (1) jetpulse baghouse, and exhausting to one (1) stack, identified as EP1. This asphalt plant has the capability of producing warm-mix asphalt;

Under 40 CFR 60.90, Subpart I - New Source Performance Standards for Hot Mix Asphalt Facilities, this is considered an affected hot-mix asphalt facility.

- (b) Material handling, screening, and conveying operations, constructed in 2005, uncontrolled and exhausting to the atmosphere, and consisting of the following:
- (1) Aggregate storage piles consisting of sand, gravel, and steel slag, as follows;
    - (A) Sand storage piles, with a maximum anticipated pile size of one and fifty hundredths (1.50) acres
    - (B) Gravel storage piles, with a maximum anticipated pile size of one and fifty hundredths (1.50) acres
    - (C) Steel slag storage piles, with a maximum anticipated pile size of one and fifty hundredths (1.50) acres
  - (2) Four (4) aggregate conveyors;
  - (3) One (1) scalping screen;
  - (4) Six (6) cold feed bins;

Under 40 CFR 60.90, Subpart I - New Source Performance Standards for Hot Mix Asphalt Facilities, this is considered an affected hot-mix asphalt facility.

- (c) One (1) recycled asphalt pavement (RAP) system, constructed in 2005, with a maximum throughput capacity of one hundred (100) tons of RAP per hour, uncontrolled and exhausting to the atmosphere, and including the following:
- (1) One (1) recycled asphalt pavement (RAP) Crusher;
  - (2) Five (5) RAP conveyors;
  - (3) Two (2) RAP feeder bins; and
  - (4) One (1) RAP screen.
  - (5) RAP storage piles, with a maximum anticipated pile size of one and fifty hundredths (1.50) acres

Under 40 CFR 60, Subpart OOO, New Source Performance Standards for Nonmetallic Mineral Processing Plants, this is considered an affected facility.

- (d) One (1) cold-mix asphalt production operation, constructed in 2005, uncontrolled and exhausting to the atmosphere, and including:
- (1) cold-mix (stockpile mix) asphalt storage piles;
  - (2) One (1) split compartment prime asphalt storage tank, constructed in 2005, with a maximum storage capacity of 15,000 gallons, uncontrolled and exhausting to the atmosphere; and
  - (3) One (1) emulsified asphalt storage tank, constructed in 2005, with a maximum storage capacity of 10,000 gallons, uncontrolled and exhausting to the atmosphere.

A.3 Insignificant Activities [326 IAC 2-7-1(21)][326 IAC 2-8-3(c)(3)(I)]

This stationary source also includes the following insignificant activities:

- (a) One (1) liquid asphalt cement hot oil heating system, constructed in 2005, and consisting of the following:
- (1) One (1) natural gas fired hot oil heater, with a maximum rated heat input capacity of two and one hundred fifteen thousandths (2.115) MMBtu/hr, using No. 2 distillate fuel oil, No. 4 distillate fuel oil, re-refined waste oil, and biodiesel as backup fuels, uncontrolled and exhausting to one (1) stack, identified as EP2;
- (b) One (1) natural gas fired inert gas generator, constructed in 2005, with a maximum rated heat input capacity of two hundred twenty-eight ten-thousandths (0.0228) MMBtu/hr, uncontrolled and exhausting to the atmosphere;
- (c) One (1) liquid asphalt storage tank, with a maximum storage capacity of 20,000 gallons, uncontrolled and exhausting to the atmosphere;
- (d) One (1) liquid asphalt storage tank, with a maximum storage capacity of 25,000 gallons, uncontrolled and exhausting to the atmosphere; and

- (e) One (1) liquid asphalt storage tank, with a maximum storage capacity of 18,000 gallons, uncontrolled and exhausting to the atmosphere;
- (f) One (1) No. 2 distillate fuel oil storage tank, constructed in 2005, with a maximum storage capacity of 15,500 gallons, uncontrolled and exhausting to the atmosphere;
- (g) One (1) waste oil storage tank, constructed in 2005, with a maximum storage capacity of 15,500 gallons, uncontrolled and exhausting to the atmosphere;
- (h) One (1) gasoline fuel transfer and dispensing operation, handling less than or equal to 1,300 gallons per day, having a maximum storage capacity less than or equal to 10,500 gallons, and including the following:
  - (1) One (1) gasoline storage tank, constructed in 2005, with a maximum storage capacity of 3,000 gallons, uncontrolled and exhausting to the atmosphere;  
  
Under 40 CFR 63, Subpart CCCCCC: National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities, the gasoline fuel transfer and dispensing operation, including the 3,000 gallon gasoline storage tank, is considered an affected facility.
- (i) One (1) petroleum fuel, other than gasoline, dispensing facility, having a maximum storage capacity of less than or equal to 10,500 gallons and dispensing less than or equal to 230,000 gallons per month, including the following:
  - (1) One (1) No. 2 on-road fuel tank, constructed in 2005, with a maximum storage capacity of 1,200 gallons, uncontrolled and exhausting to the atmosphere;
- (j) Replacement or repair of electrostatic precipitators, bags in baghouses and filters in other air filtration equipment;
- (k) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities; and
- (l) Paved and unpaved roads and parking lots with public access [326 IAC 6-4].

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

This stationary 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).

## SECTION B GENERAL CONDITIONS

### B.1 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.2 Permit Term [326 IAC 2-8-4(2)][326 IAC 2-1.1-9.5][IC 13-15-3-6(a)]

- (a) This permit, F123-28142-00025, 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.3 Term of Conditions [326 IAC 2-1.1-9.5]

Notwithstanding the permit term of a permit to construct, a permit to operate, or a permit modification, any condition established in a permit issued pursuant to a permitting program approved in the state implementation plan shall remain in effect until:

- (a) the condition is modified in a subsequent permit action pursuant to Title I of the Clean Air Act; or
- (b) the emission unit to which the condition pertains permanently ceases operation.

### 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 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.6 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.7 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.8 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.9 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.10 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.11 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.12 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 Southeast Regional Office and Southwest 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  
Southeast Regional Office phone: (812) 380-2305; fax: (812) 380-2304.  
Southwest Regional Office phone: (812) 380-2305; fax: (812) 380-2304.

- (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.13** Prior Permits Superseded [326 IAC 2-1.1-9.5]

- (a) All terms and conditions of permits established prior to F123-28142-00025 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.
- (b) All previous registrations and permits are superseded by this permit.

**B.14** 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.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]

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- (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)]

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- (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 Source Modification Requirement [326 IAC 2-8-11.1]**

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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]**

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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 one hundred (100) pounds per hour and the methods in 326 IAC 6-3-2(b) through (d) do not apply shall not exceed five hundred fifty-one thousandths (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 two hundred fifty (250) 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 Stack Height [326 IAC 1-7]

The Permittee shall comply with the applicable provisions of 326 IAC 1-7 (Stack Height Provisions), for all exhaust stacks through which a potential (before controls) of twenty-five (25) tons per year or more of particulate matter or sulfur dioxide is emitted.

C.9 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 demolitions 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.10 Performance Testing [326 IAC 3-6]**

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- (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.11 Compliance Requirements [326 IAC 2-1.1-11]**

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

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

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- (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 Emergency Reduction Plans [326 IAC 1-5-2] [326 IAC 1-5-3]**

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Pursuant to 326 IAC 1-5-2 (Emergency Reduction Plans; Submission):

- (a) The Permittee shall maintain the most recently submitted written emergency reduction plans (ERPs) consistent with safe operating procedures.

- (b) Upon direct notification by IDEM, OAQ that a specific air pollution episode level is in effect, the Permittee shall immediately put into effect the actions stipulated in the approved ERP for the appropriate episode level. [326 IAC 1-5-3]

C.15 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.16 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.17 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.18 General Record Keeping Requirements [326 IAC 2-8-4(3)] [326 IAC 2-8-5]**

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

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- (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.

### **Stratospheric Ozone Protection**

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

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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

### **Emissions Unit Description:** Drum, hot-mix asphalt plant

- (a) One (1) drum hot-mix asphalt plant, constructed in 2005, capable of processing three hundred twenty-five (325) tons of raw material per hour per hour, processing steel slag in the aggregate mix, equipped with one (1) one hundred twenty (120) million British thermal units (MMBtu) per hour re-refined waste oil fired dryer burner, using natural gas, No. 2 distillate fuel oil, No. 4 distillate fuel oil, and biodiesel as backup fuels, controlling particulate emissions with one (1) jetpulse baghouse, and exhausting to one (1) stack, identified as EP1. This asphalt plant has the capability of producing warm-mix asphalt;

Under 40 CFR 60.90, Subpart I - New Source Performance Standards for Hot Mix Asphalt Facilities, this is considered an affected hot-mix asphalt facility.

- (b) Material handling, screening, and conveying operations, constructed in 2005, uncontrolled and exhausting to the atmosphere, and consisting of the following:

- (1) Aggregate storage piles consisting of sand, gravel, and steel slag, as follows;

- (A) Sand storage piles, with a maximum anticipated pile size of one and fifty hundredths (1.50) acres
- (B) Gravel storage piles, with a maximum anticipated pile size of one and fifty hundredths (1.50) acres
- (C) Steel slag storage piles, with a maximum anticipated pile size of one and fifty hundredths (1.50) acres

- (2) Four (4) aggregate conveyors;

- (3) One (1) scalping screen;

- (4) Six (6) cold feed bins;

Under 40 CFR 60.90, Subpart I - New Source Performance Standards for Hot Mix Asphalt Facilities, this is considered an affected hot-mix asphalt facility.

- (c) One (1) recycled asphalt pavement (RAP) system, constructed in 2005, with a maximum throughput capacity of one hundred (100) tons of RAP per hour, uncontrolled and exhausting to the atmosphere, and including the following:

- (1) One (1) recycled asphalt pavement (RAP) Crusher;

- (2) Five (5) RAP conveyors;

- (3) Two (2) RAP feeder bins; and

- (4) One (1) RAP screen.

- (5) RAP storage piles, with a maximum anticipated pile size of one and fifty hundredths (1.50) acres

Under 40 CFR 60, Subpart OOO, New Source Performance Standards for Nonmetallic Mineral Processing Plants, this is considered an affected facility.

***(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 PSD Limits [326 IAC 2-2]**

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Pursuant to 326 IAC 2-2, the Permittee shall comply with the following:

- (a) The combined maximum amount of hot-mix and warm-mix asphalt produced shall not exceed 500,000 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.
- (b) The PM emissions from the dryer/mixer shall not exceed eight hundred fifty-eight thousandths (0.858) pounds of PM per ton of asphalt produced.

Compliance with these limitations, combined with the limits and emissions from other emission units at this source will render 326 IAC 2-7, Part 70, and 326 IAC 2-2, PSD, not applicable.

### **D.1.2 FESOP and PSD Limits [326 IAC 2-8-4] [326 IAC 2-2]**

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Pursuant to 326 IAC 2-8-4 (FESOP), the amount of steel slag used in the production of asphalt shall not exceed three hundred seventy-five thousand (375,000) tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

Compliance with this limit, combined with the potential SO<sub>2</sub> emissions from all other emission units at this source, shall limit the source-wide total potential to emit SO<sub>2</sub> to less than one hundred (100) tons per twelve (12) consecutive month period, and shall render 326 IAC 2-7 (Part 70 Permits) and 326 IAC 2-2 (Prevention of Significant Deterioration (PSD) not applicable.

### **D.1.3 FESOP Limits [326 IAC 2-8-4] [326 IAC 8-1-6] [326 IAC 2-2]**

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Pursuant to 326 IAC 2-8-4, the Permittee shall comply with the following:

- (a) The combined maximum amount of hot-mix and warm-mix asphalt produced shall not exceed 500,000 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.
- (b) PM<sub>10</sub> emissions from the dryer/mixer shall not exceed three hundred forty-five thousandths (0.345) pounds of PM<sub>10</sub> per ton of asphalt produced.
- (c) PM<sub>2.5</sub> emissions from the dryer/mixer shall not exceed three hundred sixty-four thousandths (0.364) pounds of PM<sub>2.5</sub> per ton of asphalt produced.
- (d) SO<sub>2</sub> emissions from the dryer/mixer shall not exceed (0.058) pounds of SO<sub>2</sub> per ton of asphalt produced.
- (e) CO emissions from the dryer/mixer shall not exceed one hundred thirty thousandths (0.130) pounds of CO per ton of asphalt produced.

Compliance with these limits, combined with the potential to emit PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, and CO from all other emission units at this source, shall limit the source-wide total potential to emit of PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, and CO to less than one hundred (100) tons per twelve (12) consecutive month period, each, and shall render 326 IAC 2-7 (Part 70 Permits) and 326 IAC 2-2 (Prevention of Significant Deterioration (PSD) not applicable.

### **D.1.4 Fuel and Steel Slag Limitations [326 IAC 2-8-4][326 IAC 2-2][326 IAC 2-4.1]**

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Pursuant to 326 IAC 2-8-4, and in order to limit the SO<sub>2</sub>, NO<sub>x</sub>, HCl and combined HAP emissions from all emission units at this source, the Permittee shall comply with the following:

- (a) The sulfur content of the No. 2 and No. 4 distillate fuel oils, and the biodiesel, each, shall not exceed five-tenths percent (0.5%) by weight;

- (b) The sulfur content of the re-refined waste oil shall not exceed one percent (1.00%) by weight;
- (c) The calendar-month average sulfur content of the steel slag shall not exceed sixty-six hundredths percent (0.66%) by weight with compliance determined at the end of each month.
- (d) SO<sub>2</sub> emissions from the steel slag used in the hot-mix asphalt dryer/mixer shall not exceed fourteen ten-thousandths (0.0014) pounds of SO<sub>2</sub> per ton of steel slag processed.
- (e) The ash content of the re-refined waste oil shall not exceed one percent (1.00%) by weight;
- (f) The lead content of the re-refined waste oil shall not exceed thirty-thousandths percent (0.030%) by weight;
- (g) The chlorine content of the re-refined waste oil shall not exceed ten-hundredths percent (0.10%) by weight; and
- (h) The HCl emissions from the dryer/mixer burner shall not exceed six and six tenths (6.6) pounds of HCl per one thousand (1000) gallons of re-refined fuel oil burned, based on a chlorine content limit of ten hundredths percent (0.10%) by weight.
- (i) Single Fuel Usage Limitations:  
When combusting only one type of fuel per twelve (12) consecutive month period in the dryer/mixer burner the usage of fuel shall be limited as follows:
  - (1) Re-refined waste oil usage shall not exceed 1,211,028 gallons per twelve (12) consecutive month period, with compliance determined at the end of each month;
  - (2) Natural gas usage shall not exceed 1,009 million cubic feet per twelve (12) consecutive month period, with compliance determined at the end of each month;
  - (3) No. 2 distillate fuel oil usage shall not exceed 2,507,340 gallons per twelve (12) consecutive month period, with compliance determined at the end of each month; and
  - (4) No. 4 distillate fuel oil usage shall not exceed 2,373,615 gallons per twelve (12) consecutive month period, with compliance determined at the end of each month.
  - (5) Biodiesel usage shall not exceed 2,507,340 gallons per twelve (12) consecutive month period, with compliance determined at the end of each month.
- (j) Multiple Fuel and Steel Slag Usage Limitation:  
When combusting more than one fuel per twelve (12) consecutive month period in the dryer/mixer burner and all other combustion equipment, in conjunction with the use of steel slag in the aggregate mix, emissions from the dryer/mixer and all other combustion equipment shall be limited as follows:
  - (1) Nitrogen oxides (NO<sub>x</sub>) emissions from the dryer/mixer, and all other combustion equipment, shall be less than one hundred (100) tons per twelve (12) consecutive month period, with compliance determined at the end of each month, and
  - (2) Sulfur dioxide (SO<sub>2</sub>) emissions from the dryer/mixer, and all other combustion equipment, shall be less than one hundred (100) tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

Compliance with these limits, combined with the potential emissions from all other emission units at this source, shall limit the source-wide total potential to emit NO<sub>x</sub> and SO<sub>2</sub> to less than one hundred (100) tons per twelve (12) consecutive month period, each, HCl to less than ten (10) tons per twelve (12) consecutive month period, and any combination of HAPs to less than twenty-five (25) tons per twelve (12) consecutive month period, and shall render 326 IAC 2-7 (Part 70 Permits), 326 IAC 2-2 (PSD), and 326 IAC 2-4.1 (Major Sources of Hazardous Air Pollutants (HAP)) not applicable.

D.1.5 Sulfur Dioxide (SO<sub>2</sub>) [326 IAC 7-1.1-1][326 IAC 7-2-1]

Pursuant to 326 IAC 7-1.1 (Sulfur Dioxide Emission Limitations), the Permittee shall comply with the following:

- (a) The sulfur dioxide (SO<sub>2</sub>) emissions from the dryer/mixer burner shall not exceed five tenths (0.5) pounds per million Btu heat input when using distillate oil (including the No. 2 and No. 4 distillate fuel oils, and biodiesel).
- (b) The sulfur dioxide (SO<sub>2</sub>) emissions from the dryer/mixer burner shall not exceed one and sixty hundredths (1.60) pounds per million Btu heat input when using residual oil and re-refined waste oil.
- (c) Pursuant to 326 IAC 7-2-1, compliance shall be demonstrated on a calendar month average.

D.1.6 Volatile Organic Compounds (VOC) [326 IAC 8-1-6]

In order to render the requirements of 326 IAC 8-1-6 not applicable, the dryer/mixer shall be limited as follows:

- (a) The asphalt production rate shall not exceed 500,000 tons per twelve (12) consecutive month period with compliance determined at the end of each month.
- (b) VOC emissions from the dryer/mixer shall not exceed thirty-two thousandths (0.032) pounds of VOC per ton of asphalt produced.

Compliance with these limits shall limit the potential to emit VOC from the dryer/mixer to less than twenty-five (25) tons per twelve (12) consecutive month period and shall render 326 IAC 8-1-6 (VOC Rules: General Reduction Requirements for New Facilities) not applicable.

D.1.7 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

A Preventive Maintenance Plan is required for the RAP grinding/crushing, material handling, screening, conveying, and material transfer points, dryer/mixer, and any/all related control device(s). 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.1.8 Testing Requirements [326 IAC 2-8-5(a)(1), (4)] [326 IAC 2-1.1-11]

In order to demonstrate compliance with the Conditions D.1.1 and D.1.3, the Permittee shall perform the following:

- (a) In order to demonstrate compliance with Condition D.1.1(b), the Permittee shall perform PM testing on the exhaust from the baghouse controlling the dryer/mixer, utilizing methods as approved by the Commissioner, at least once every five (5) years from the date of the most recent valid compliance demonstration. 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.

- (b) In order to demonstrate compliance with Conditions D.1.3(b) and D.1.3(c), the Permittee shall perform PM2.5 and PM10 testing on the exhaust from the baghouse controlling the dryer/mixer, utilizing methods as approved by the Commissioner, within 180 days of publication of the new or revised condensable PM test method(s) referenced in the U. S. EPA's Final Rule for Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM2.5), signed on May 8th, 2008, or within five (5) years of issuance of this FESOP Renewal, No. 123-28142-00025, whichever is later. These tests shall be repeated at least once every five (5) years from the date of the most recent valid compliance demonstration. 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. PM10 and PM2.5, each, includes filterable and condensable PM.

#### D.1.9 Particulate Matter (PM, PM10, and PM2.5) Control

- (a) In order to comply with Conditions D.1.1(b), D.1.3(b), and D.1.3(c), the baghouse for particulate control shall be in operation and control emissions from the dryer/mixer at all times when the dryer/mixer 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.1.10 Sulfur Dioxide (SO2) Emissions and Sulfur Content

- (a) Compliance with the sulfur dioxide emissions and sulfur content limitations in Conditions D.1.4(a), D.1.4(b), D.1.5(a), and D.1.5(b), shall be determined utilizing one of the following options. Pursuant to 326 IAC 7-2-1 (Sulfur Dioxide Reporting Requirements), compliance shall be demonstrated on a thirty (30) day calendar-month average.
  - (1) Pursuant to 326 IAC 3-7-4, the Permittee shall demonstrate compliance with sulfur dioxide emissions and sulfur content limitations by:
    - (A) Providing vendor analysis of heat content and sulfur content of fuel delivered, if accompanied by a vendor certification; or
    - (B) Analyzing the fuel sample to determine the sulfur content of the oil via the procedures in 40 CFR 60, Appendix A, Method 19.
      - (i) Fuel samples may be collected from the fuel tank immediately after the fuel tank is filled and before any fuel is combusted; and
      - (ii) If a partially empty fuel tank is refilled, a new sample and analysis would be required upon filling.
  - (2) Compliance may also be determined by conducting a stack test for sulfur dioxide emissions from the dryer/mixer burner, 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.

- (b) Compliance with the steel slag limitations established in Condition D.1.4(c) shall be determined utilizing one of the following options.

- (1) Providing vendor analysis of the steel slag delivered, if accompanied by a vendor certification; or
- (2) Analyzing a sample of the steel slag delivery to determine the sulfur content of the steel slag, 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.
- (3) Compliance may also be determined by conducting a stack test for sulfur dioxide emissions from the one hundred twenty (120) million British thermal units per hour burner, using 40 CFR 60, Appendix A, Method 6 in accordance with the procedures in 326 IAC 3-6, or other procedures approved by IDEM, OAQ.

A determination of noncompliance pursuant to any of the methods specified above shall not be refuted by evidence of compliance pursuant to the other method.

#### D.1.11 Ash Content, Lead Content, Chlorine Content, and Hydrogen Chloride (HCl) Emissions

- (a) In order to comply with Conditions D.1.4(e), the Permittee shall demonstrate that the ash content of the fuel used for the dryer/mixer burner, and all other fuel combustion equipment, does not exceed one percent (1.00%) by weight, when combusting re-refined waste oil, by providing a vendor analysis of fuel delivered accompanied by a vendor certification.
- (b) In order to comply with Conditions D.1.4(f), the Permittee shall demonstrate that the lead content of the fuel used in the dryer/mixer burner, and all other fuel combustion equipment, does not exceed thirty-thousandths percent (0.030%) by weight, when combusting re-refined waste oil, by providing a vendor analysis of fuel delivered accompanied by a vendor certification.
- (c) In order to comply with Conditions D.1.4(g) and D.1.4(h), the Permittee shall demonstrate that the chlorine content of the fuel used in the dryer/mixer burner, and all other fuel combustion equipment, does not exceed ten-hundredths percent (0.10%) by weight, when combusting re-refined waste oil, by providing a vendor analysis of fuel delivered accompanied by a vendor certification.

#### D.1.12 Multiple Fuel and Steel Slag Usage Limitation

In order to comply with Condition D.1.4(j) when combusting more than one fuel per twelve (12) consecutive month period in the dryer/mixer burner and all other combustion equipment, in conjunction with the use of steel slag in the aggregate mix, the Permittee shall limit fuel usage in the dryer/mixer burner according to the following formulas:

- (a) Sulfur dioxide emission calculation

$$S = \frac{G(E_G) + O(E_O) + F(E_F) + B(E_B) + W(E_W) + L(E_L)}{2,000 \text{ lbs/ton}}$$

where:

- S = tons of sulfur dioxide emissions for a 12-month consecutive period  
G = million cubic feet of natural gas used in the last 12 months  
O = gallons of No. 2 distillate fuel oil used in last 12 months with less than or equal to 0.5% sulfur content  
F = gallons of No. 4 distillate fuel oil used in last 12 months with less than or equal to 0.5% sulfur  
B = gallons of biodiesel used in last 12 months with less than or equal to 0.5% sulfur  
W = gallons of re-refined waste oil used in last 12 months with less than or equal to 1.0% sulfur  
L = tons of steel slag used in last twelve (12) months  
E<sub>G</sub> = 0.60 lb/million cubic feet of natural gas

$E_O$  = 71 pounds/1000 gallons of No. 2 distillate fuel oil  
 $E_F$  = 75 pounds/1000 gallons of No. 4 distillate fuel oil  
 $E_B$  = 71 pounds/1000 gallons of biodiesel  
 $E_W$  = 147 lb/1000 gallons of re-refined waste oil  
 $E_L$  = fourteen ten-thousandths (0.0014) pounds per ton of steel slag processed.

(b) Nitrogen oxide emission calculation

$$N = \frac{G(E_G) + O(E_O) + F(E_F) + B(E_B) + W(E_W)}{2,000 \text{ lbs/ton}}$$

where:

$N$  = tons of nitrogen oxide emissions for a 12-month consecutive period  
 $G$  = million cubic feet of natural gas used in the last 12 months  
 $O$  = gallons of No. 2 distillate fuel oil used in last 12 months  
 $F$  = gallons of No. 4 distillate fuel oil used in last 12 months  
 $B$  = gallons of biodiesel used in last 12 months  
 $W$  = gallons of re-refined waste oil used in last 12 months  
 $E_G$  = 190 lb/million cubic feet of natural gas  
 $E_O$  = 24 lb/1000 gallons of No. 2 distillate fuel oil  
 $E_F$  = 47 lb/1000 gallons of No. 4 distillate fuel oil  
 $E_B$  = 26.4 lb/1000 gallons of biodiesel  
 $E_W$  = 19 lb/1000 gallons of re-refined waste oil

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

D.1.13 Visible Emissions Notations

- (a) Visible emission notations of the grinding/crushing, material handling, screens, conveyors, material transfer points, and dryer/ mixer stack (EP1) exhaust 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. 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.1.14 Baghouse Parametric Monitoring [326 IAC 2-7-6(1)] [326 IAC 2-7-5(1)]

- (a) The Permittee shall record the pressure drop across the baghouse used in conjunction with the dryer/mixer 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 two (2.0) and six (6.0) 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 at least once every six (6) months.

#### D.1.15 Broken or Failed Bag Detection

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In the event that bag failure has been observed:

- (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 emissions 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, or dust traces.

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

#### D.1.16 Record Keeping Requirements [326 IAC 2-8-4][326 IAC 2-2][326 IAC 2-3][326 IAC 7-1.1-2][326 IAC 7-2-1]

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- (a) To document the compliance status with the asphalt production limit contained in Conditions D.1.1(a), D.1.3(a) and D.1.6(a), the Permittee shall maintain records of the amount of asphalt produced per month. Records necessary to demonstrate compliance shall be available within thirty (30) days of the end of each compliance period.
- (b) To document the compliance status with the fuel limitations contained in Conditions D.1.4, and D.1.5, the Permittee shall maintain records in accordance with (1) through (7) below. Records maintained for (1) through (7) shall be taken daily and shall be complete and sufficient to establish compliance with the SO<sub>2</sub>, NO<sub>x</sub>, HCl, and combined HAPs emission limits established in Conditions D.1.4 and D.1.5. For the annual fuel limits, the compliance determination period is the most recent twelve (12) consecutive month period. For the sulfur and HCl content limits, the compliance determination period is each calendar month.
  - (1) Calendar dates covered in the compliance determination period;
  - (2) Actual fuel usage, sulfur content, heat content and equivalent sulfur dioxide and nitrogen oxides emission rates for each fuel used at the source per month;
  - (3) Actual re-refined waste oil usage, chlorine content in weight percent (wt%), ash content in weight percent (wt%), lead content in weight percent (wt%), and equivalent hydrogen chloride (HCl) emission rate per month;
  - (4) 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:

- (5) Fuel supplier certifications;
- (6) The name of the fuel supplier; and
- (7) A statement from the fuel supplier that certifies the sulfur content of No. 2 distillate fuel oil, No. 4 distillate fuel oil, biodiesel, and re-refined waste oil, and the chlorine, ash, and lead content of the re-refined waste oil.

The Permittee shall maintain records of all recording/monitoring data and support information in accordance with Section C - General Record Keeping Requirements, of this permit. 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.

- (c) To document compliance status with the steel slag limitations contained in Conditions D.1.4(c) and D.1.4(d), the Permittee shall maintain monthly records of the information listed in items (1) through (4) below.

- (1) Calendar dates covered in the compliance determination period;
- (2) Actual steel slag usage, calendar-month average sulfur content and equivalent sulfur dioxide emission rates for all steel slag used at the source since the last compliance determination period;
- (3) A certification, signed by the owner or operator, that the records of the slag supplier certifications represent all of the steel slag used during the period; and
- (4) If the slag supplier certification is used to demonstrate compliance the following, as a minimum, shall be maintained:
  - (A) Slag supplier certifications;
  - (B) The name of the slag supplier; and
  - (C) A statement from the slag supplier that certifies the sulfur content of the steel slag.

Records that may be used to document the information included in (1) through (4) may include delivery tickets, manufacturer's data, material safety data sheets (MSDS), and other documents necessary to verify the type and amount used.

- (d) To document the compliance status with the multiple fuel and steel slag usage limitations contained in Conditions D.1.4(j) and D.1.12 when combusting more than one fuel per twelve (12) consecutive month period in the dryer/mixer burner and all other combustion equipment, in conjunction with the use of steel slag in the aggregate mix, the Permittee shall maintain records of actual fuel usage, actual slag usage, and equivalent nitrogen oxides, sulfur dioxide, and hydrogen chloride emission rates for each fuel, and the slag, used at the source per month.
- (e) To document the compliance status with the Visible Emissions requirements contained in Condition D.1.13, the Permittee shall maintain daily records of the visible emission notations from each of the conveyors, screens, material transfer points, and dryer/mixer stack (EP1) exhaust. 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).

- (f) To document the compliance with the monitoring requirements contained in Condition D.1.14, the Permittee shall maintain daily records of the pressure drop across the baghouse controlling the dryer/mixer. 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).
- (g) Section C - General Record Keeping Requirements contains the Permittee's obligations with regard to the records required by this condition.

#### D.1.17 Reporting Requirements

A quarterly summary of the information to document the compliance status with Conditions D.1.1(a), D.1.2, D.1.3(a), D.1.4(i), D.1.4(j), D.1.6(a) and D.1.12, shall be submitted using the reporting forms located at the end of this permit, or their equivalent, not later than thirty (30) days after the end of the quarter being reported. Section C - General Reporting Requirements contains the Permittee's obligation with regard to the reporting required by this condition. The report 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).

## SECTION D.2

## FACILITY CONDITIONS

### Emissions Unit Description: Cold-mix Asphalt Production and Storage

- (d) One (1) cold-mix asphalt production operation, constructed in 2005, uncontrolled and exhausting to the atmosphere, and including:
- (1) cold-mix (stockpile mix) asphalt storage piles;
  - (2) One (1) split compartment prime asphalt storage tank, constructed in 2005, with a maximum storage capacity of 15,000 gallons, uncontrolled and exhausting to the atmosphere; and
  - (3) One (1) emulsified asphalt storage tank, constructed in 2005, with a maximum storage capacity of 10,000 gallons, uncontrolled and exhausting to the atmosphere.

(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.2.1 Volatile Organic Compounds (VOC) [326 IAC 2-8-4][326 IAC 2-2]

Pursuant to 326 IAC 2-8-4, the VOC emissions from the use of liquid binders, containing VOC solvents as diluents, in the cold-mix asphalt manufacturing operations and storage piles shall not exceed sixty-eight and eighty-nine hundredths (68.89) tons per twelve (12) consecutive month period, with compliance determined at the end of each month. This shall be achieved by limiting the total VOC solvent usage in of any one of the selected binders as follows:

When more than one binder is used, the formula in subsection (f) must be applied so that the total VOC emissions do not sixty-eight and eighty-nine hundredths (68.89) tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

- (a) Cut back asphalt rapid cure, containing a maximum of twenty-five and three tenths percent (25.3%) of the liquid binder by weight of VOC solvent and ninety-five percent (95%) by weight of VOC solvent evaporating.

Cutback asphalt rapid cure liquid binder usage shall not exceed seventy-two and fifty-one hundredths (72.51) tons of VOC solvent per twelve (12) consecutive month period, with compliance determined at the end of each month.

- (b) Cut back asphalt medium cure, containing a maximum of twenty-eight and six tenths percent (28.6%) of the liquid binder by weight of VOC solvent and seventy percent (70%) by weight of VOC solvent evaporating.

Cutback asphalt medium cure liquid binder usage shall not exceed ninety-eight and forty-one hundredths (98.41) tons of VOC solvent per twelve (12) consecutive month period, with compliance determined at the end of each month.

- (c) Cut back asphalt slow cure, containing a maximum of twenty percent (20%) of the liquid binder by weight of VOC solvent and twenty-five percent (25%) by weight of VOC solvent evaporating.

Cutback asphalt slow cure liquid binder usage shall not exceed two hundred seventy-five and fifty-six hundredths (275.56) tons of VOC solvent per twelve (12) consecutive month period, with compliance determined at the end of each month.

- (d) Emulsified asphalt with solvent, containing a maximum of fifteen percent (15%) of liquid binder by weight of VOC solvent and forty-six and four tenths percent (46.4%) by weight of the VOC solvent in the liquid blend evaporating. The percent oil distillate in emulsified asphalt with solvent liquid, as determined by ASTM, must be seven percent (7%) or less of the total emulsion by volume

Emulsified asphalt with solvent liquid binder usage shall not exceed one hundred and forty-eight and forty-seven hundredths (148.47) tons of VOC solvent per twelve (12) consecutive month period, with compliance determined at the end of each month.

- (e) Other asphalt with solvent binder, containing a maximum twenty-five and nine tenths percent (25.9%) of the liquid binder of VOC solvent and two and five tenths percent (2.5%) by weight of the VOC solvent evaporating.

Other asphalt with solvent liquid binder shall not exceed two thousand seven hundred fifty-five and fifty-six hundredths (2,755.56) tons of VOC solvent per twelve (12) consecutive month period, with compliance determined at the end of each month.

- (f) The VOC solvent allotments in (1) through (5) above shall be adjusted when more than one type of binder is used per twelve (12) consecutive month period, with compliance determined at the end of each month. In order to determine the tons of VOC emitted per each type of binder, use the following formula and divide the tons of VOC solvent used for each type of binder by the corresponding adjustment factor listed in the table that follows.

$$\text{VOC Emitted (tons/day)} = \frac{\text{VOC solvent used for each binder (tons/day)}}{\text{Adjustment factor}}$$

Type of Binder	Adjustment Factor
Cutback Asphalt Rapid Cure	1.053
Cutback Asphalt Medium Cure	1.429
Cutback Asphalt Slow Cure	4.0
Emulsified Asphalt	2.155
Other Asphalt	40.0

Compliance with these limits, combined with the VOC emissions from other units at this source, will limit source-wide VOC emissions to less than one hundred (100) tons per year, and render 326 IAC 2-7 (Part 70 Permit Program) and 326 IAC 2-2 (PSD), not applicable.

D.2.2 Volatile Organic Compounds (VOC) [326 IAC 8-5-2]

Pursuant to 326 IAC 8-5-2 (Miscellaneous Operations: Asphalt Paving), the use of cutback asphalt or asphalt emulsion shall not contain 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.

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

### **D.2.3 Record Keeping Requirements**

---

To document the compliance status with the VOC limitations contained in Condition D.2.1, the Permittee shall maintain records in accordance with (a) through (d) below. Records maintained for (a) through (d) shall be taken monthly and shall be complete and sufficient to establish compliance with the VOC usage limits and/or the VOC emission limits established in Condition D.2.1.

- (a) Calendar dates covered in the compliance determination period;
- (b) Emulsified asphalt binder usage per month since the last compliance determination period;
- (c) VOC solvent content by weight of the emulsified asphalt binder used each month; and
- (d) Amount of VOC solvent used in the production of cold-mix asphalt, and the amount of VOC emitted each month.

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

### **D.2.4 Reporting Requirements**

---

A quarterly summary of the information to document the compliance status with Condition D.2.1 shall be submitted using the reporting forms located at the end of this permit, or their equivalent, not later than thirty (30) days after the end of the quarter being reported. Section C - General Reporting Requirements contains the Permittee's obligation with regard to the reporting required by this condition. The report 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).

### SECTION D.3

### EMISSIONS UNIT OPERATION CONDITIONS

#### **Emissions Unit Description: Insignificant Activities**

- (a) One (1) liquid asphalt cement hot oil heating system, constructed in 2005, and consisting of the following:
- (1) One (1) natural gas fired hot oil heater, with a maximum rated heat input capacity of two and one hundred fifteen thousandths (2.115) MMBtu/hr, using No. 2 distillate fuel oil, No. 4 distillate fuel oil, biodiesel, and re-refined waste oil as backup fuels, uncontrolled and exhausting to one (1) stack, identified as EP2;

(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.3.1 Particulate Emissions [326 IAC 6-2]**

Pursuant to 326 IAC 6-2-4, the particulate emissions from the hot oil heater shall not exceed six tenths (0.6) pounds per MMBtu heat input.

**SECTION D.4**

**EMISSIONS UNIT OPERATION CONDITIONS**

Emissions Unit Description: Paved & Unpaved Roads

(b) Paved and unpaved roads and parking lots with public access [326 IAC 6-5].

(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.4.1 PM and PM10 Emissions [326 IAC 2-8-4] [326 IAC 6-5]**

Pursuant to 326 IAC 2-8 and 326 IAC 6-5, the Permittee shall control PM, PM10, and PM2.5 emissions from paved and unpaved roads according to the fugitive dust plan, which is included as Attachment A of this permit.

## SECTION E.1

## NSPS REQUIREMENTS

### Emissions Unit Description: Hot-Mix Asphalt Plant

- (a) One (1) drum hot-mix asphalt plant, constructed in 2005, capable of processing three hundred twenty-five (325) tons of raw material per hour per hour, processing steel slag in the aggregate mix, equipped with one (1) one hundred twenty (120) million British thermal units (MMBtu) per hour re-refined waste oil fired dryer burner, using natural gas, No. 2 distillate fuel oil, No. 4 distillate fuel oil, and biodiesel as backup fuels, controlling particulate emissions with one (1) jetpulse baghouse, and exhausting to one (1) stack, identified as EP1. This asphalt plant has the capability of producing warm-mix asphalt;

Under 40 CFR 60.90, Subpart I - New Source Performance Standards for Hot Mix Asphalt Facilities, this is considered an affected hot-mix asphalt facility.

- (b) Material handling, screening, and conveying operations, constructed in 2005, uncontrolled and exhausting to the atmosphere, and consisting of the following:

- (1) Aggregate storage piles consisting of sand, gravel, and steel slag, as follows;

(A) Sand storage piles, with a maximum anticipated pile size of one and fifty hundredths (1.50) acres

(B) Gravel storage piles, with a maximum anticipated pile size of one and fifty hundredths (1.50) acres

(C) Steel slag storage piles, with a maximum anticipated pile size of one and fifty hundredths (1.50) acres

- (2) Four (4) aggregate conveyors;

- (3) One (1) scalping screen;

- (4) Six (6) cold feed bins;

Under 40 CFR 60.90, Subpart I - New Source Performance Standards for Hot Mix Asphalt Facilities, this is considered an affected hot-mix asphalt facility.

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

### New Source Performance Standards (NSPS) Requirements [326 IAC 2-8-4(1)]

#### E.1.1 NSPS Subpart I Requirements - Standards of Performance for Hot Mix Asphalt Facilities [40 CFR Part 60, Subpart I] [326 IAC 12-1]

Pursuant to 40 CFR 60.90(a), the affected facility to which the provisions of this subpart apply is each hot mix asphalt facility, as defined in § 60.91(a), that commences construction or modification after June 11, 1973. For the purpose of this subpart, a hot mix asphalt facility is comprised only of any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler, systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems.

The hot mix asphalt facility is subject to the following portions of 40 CFR 60, Subpart I (included as Attachment B of this permit):

- (1) 40 CFR 60.90;

- (2) 40 CFR 60.91;
- (3) 40 CFR 60.92; and
- (4) 40 CFR 60.93.

Nonapplicable portions of the NSPS will not be included in the permit.

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

## SECTION E.2

## NSPS REQUIREMENTS

Emissions Unit Description: Recycled Asphalt Pavement (RAP) System

- (c) One (1) recycled asphalt pavement (RAP) system, constructed in 2005, with a maximum throughput capacity of one hundred (100) tons of RAP per hour, uncontrolled and exhausting to the atmosphere, and including the following:
- (1) One (1) recycled asphalt pavement (RAP) Crusher;
  - (2) Five (5) RAP conveyors;
  - (3) Two (2) RAP feeder bins; and
  - (4) One (1) RAP screen.
  - (5) RAP storage piles, with a maximum anticipated pile size of one and fifty hundredths (1.50) acres

Under 40 CFR 60, Subpart OOO, New Source Performance Standards for Nonmetallic Mineral Processing Plants, this is considered an affected facility.

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

### New Source Performance Standards (NSPS) Requirements [326 IAC 2-8-4(1)]

#### E.2.1 40 CFR 60, Subpart OOO Requirements - Standards of Performance for Nonmetallic Mineral Processing Plants [40 CFR Part 60, Subpart OOO] [326 IAC 12-1]

Pursuant to CFR Part 60, Subpart OOO, the Permittee shall comply with the provisions of 40 CFR Part 60, Subpart OOO, which are incorporated by reference as 326 IAC 12-1 for the recycled asphalt pavement (RAP) system as specified as follows. Pursuant to 40 CFR 60.670, the affected facility to which the provisions of this subpart apply is each crusher and grinding mill in each recycled asphalt pavement (RAP) system, at hot mix asphalt facilities, that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement.

The recycled asphalt pavement (RAP) facility is subject to the following portions of 40 CFR 60, Subpart OOO (included as Attachment C of this permit):

- (1) 40 CFR 60.670;
- (2) 40 CFR 60.671;
- (3) 40 CFR 60.672;
- (4) 40 CFR 60.673;
- (5) 40 CFR 60.674;
- (6) 40 CFR 60.675; and
- (7) 40 CFR 60.676.

An affected facility that is subject to the provisions of Subpart I, or that follows in the plant process any facility subject to the provisions of Subpart I, is not subject to the provisions of this Subpart.

The provisions of 40 CFR 60 Subpart A – General Provisions, which are incorporated as 326 IAC 12-1, apply to the recycled asphalt pavement (RAP) facility except when otherwise specified in 40 CFR 60 Subpart OOO.

## SECTION E.3

## NESHAP REQUIREMENTS

### Emissions Unit Description [326 IAC 2-6.1-5(a)(1): Gasoline Dispensing Facilities

(h) One (1) gasoline fuel transfer and dispensing operation, handling less than or equal to 1,300 gallons per day, having a maximum storage capacity less than or equal to 10,500 gallons, and including the following:

(1) One (1) gasoline storage tank, constructed in 2005, with a maximum storage capacity of 3,000 gallons, uncontrolled and exhausting to the atmosphere;

Under 40 CFR 63, Subpart CCCCCC: National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities, the gasoline fuel transfer and dispensing operation, including the 3,000 gallon gasoline storage tank, is considered an affected facility.

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

### New Source Performance Standards (NSPS) Requirements [326 IAC 2-8-4(1)]

E.3.1 National Emission Standards for Hazardous Air Pollutants (NESHAPs): Area Source Standards for Source Category: Gasoline Dispensing Facilities [40 CFR 63, Subpart CCCCCC] [326 IAC 20]

Pursuant to 40 CFR § 63.11112(a), the emission sources to which this subpart applies are gasoline storage tanks and associated equipment components in vapor or liquid gasoline service at new, reconstructed, or existing gasoline dispensing facilities (GDF), located at an area source. The affected source includes each gasoline cargo tank during the delivery of product to a GDF and also includes each storage tank. Pressure/Vacuum vents on gasoline storage tanks and the equipment necessary to unload product from cargo tanks into the storage tanks at GDF are covered emission sources. The equipment used for the refueling of motor vehicles is not covered by this subpart.

The gasoline fuel transfer and dispensing operation is therefore subject to the following portions of Subpart CCCCCC (6C) (included as Attachment D of this permit):

- (1) 40 CFR 63.11504(a)(1)(iii), (a)(2), (a)(3);
- (2) 40 CFR 63.11505(a)(1), (b), (e);
- (3) 40 CFR 63.11506(a);
- (4) 40 CFR 63.11507(g);
- (5) 40 CFR 63.11508(a), (b), (d)(1), (d)(2), (d)(8);
- (6) 40 CFR 63.11509(a), (b), (c)(6), (c)(7), (d), (e), (f);
- (7) 40 CFR 63.11510;
- (8) 40 CFR 63.11511; and
- (9) 40 CFR 63.11512.

The requirements of 40 CFR 63 Subpart A – General Provisions, which are incorporated as 326 IAC 20-1-1, apply to the facility described in this section except when otherwise specified in 40 CFR 63, Subpart 6C.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR QUALITY**

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

Source Name: J.H. Rudolph & Company, Inc. - St. Croix Plant  
Source Address: 12050 Optical Road, English, Indiana 47118  
Mailing Address: PO Box 5228, Evansville, IN 47716-5226  
FESOP Permit No.: F123-28142-00025

**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: J.H. Rudolph & Company, Inc. - St. Croix Plant  
Source Address: 12050 Optical Road, English, Indiana 47118  
Mailing Address: PO Box 5228, Evansville, IN 47716-5226  
FESOP Permit No.: F123-28142-00025

**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) daytime business hours (1-800-451-6027 or 317-233-0178, ask for Compliance Section); 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 <sub>2</sub> , VOC, NO <sub>x</sub> , 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**

**FESOP Quarterly Report**

Source Name: J.H. Rudolph & Company, Inc. - St. Croix Plant  
 Source Address: 12050 Optical Road, English, Indiana 47118  
 Mailing Address: PO Box 5228, Evansville, IN 47716-5226  
 FESOP Permit No.: F123-28142-00025  
 Facility: Dryer/mixer burner

**Parameter: Combined Hot-Mix and Warm-mix Asphalt Production**

**Limit:** The combined maximum annual hot-mix and warm-mix asphalt production shall not exceed 500,000 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

QUARTER: \_\_\_\_\_ YEAR: \_\_\_\_\_

Month	Column 1	Column 2	Column 1 + Column 2
	This Month	Previous 11 Months	12 Month Total
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: J.H. Rudolph & Company, Inc. - St. Croix Plant  
Source Address: 12050 Optical Road, English, Indiana 47118  
Mailing Address: PO Box 5228, Evansville, IN 47716-5226  
FESOP Permit No.: F123-28142-00025  
Facility: Dryer/mixer burner

**Parameter: Steel Slag Usage**

Limit: Maximum steel slag usage shall not exceed 375,000 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

QUARTER: \_\_\_\_\_ YEAR: \_\_\_\_\_

Month	Column 1	Column 2	Column 1 + Column 2
	This Month	Previous 11 Months	12 Month Total
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 DATA SECTION

### FESOP Quarterly Report

Source Name: J.H. Rudolph & Company, Inc. - St. Croix Plant  
 Source Address: 12050 Optical Road, English, Indiana 47118  
 Mailing Address: PO Box 5228, Evansville, IN 47716-5226  
 FESOP Permit No.: F123-28142-00025  
 Facility: Dryer/mixer burner

**Parameter: Single Fuel Usage**

Limit: Sulfur Dioxide (SO<sub>2</sub>) and Nitrogen Oxides (NO<sub>x</sub>) emissions shall not exceed one hundred (100) tons per twelve (12) consecutive month period, each. Additionally, Hydrogen Chloride (HCl) emissions shall not exceed ten (10) tons per twelve (12) consecutive month period, and any combination of HAPs shall not exceed twenty-five (25) tons per twelve (12) consecutive month period. When combusting only one type of fuel in the dryer/mixer burner, the usage of fuel shall be limited as follows:

Fuel Type (units)	Fuel Usage Limit (per 12 consecutive month period)
Natural Gas (million cubic feet)	1,009
No. 2 distillate Fuel Oil ≤ 0.5 wt% sulfur (gallons)	2,507,340
No. 4 distillate fuel oil ≤ 0.5 wt% sulfur (gallons)	2,373,615
Biodiesel ≤ 0.5 wt% sulfur (gallons)	2,507,340
Re-refined Waste Oil ≤ 1.0 wt% sulfur (gallons)	1,211,028

QUARTER: \_\_\_\_\_ YEAR: \_\_\_\_\_

The following fuel was the only fuel combusted over the previous 12-month period: \_\_\_\_\_

*(combustion of more than one fuel requires the use of the "Multiple Fuel Quarterly Report" form)*

Month	Column 1	Column 2	Column 1 + Column 2
	This Month	Previous 11 Months	12 Month Total
Month 1			
Month 2			
Month 3			

- 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 DATA SECTION

### FESOP Quarterly Report

Page 1 of 2

Source Name: J.H. Rudolph & Company, Inc. - St. Croix Plant  
Source Address: 12050 Optical Road, English, Indiana 47118  
Mailing Address: PO Box 5228, Evansville, IN 47716-5226  
FESOP Permit No.: F123-28142-00025  
Facility: Dryer/mixer burner

**Parameters: Multiple Fuel & Steel Slag Usage / Sulfur Dioxide (SO<sub>2</sub>) & Nitrogen Oxides (NO<sub>x</sub>) Emissions**

Limit: Sulfur Dioxide (SO<sub>2</sub>) emissions from the entire source shall not exceed one hundred (100) tons per twelve (12) consecutive month period. When combusting more than one fuel in the dryer/mixer burner and all other combustion equipment, in conjunction with the use of steel slag in the aggregate mix, the Permittee shall limit fuel usage according to the following equation:

$$S = \frac{G(E_G) + O(E_O) + F(E_F) + B(E_B) + W(E_W) + L(E_L)}{2,000 \text{ lbs/ton}}$$

where:

- S = tons of sulfur dioxide emissions for a 12-month consecutive period
- G = million cubic feet of natural gas used in the last 12 months
- O = gallons of No. 2 distillate fuel oil used in last 12 months with less than or equal to 0.5% sulfur content
- F = gallons of No. 4 distillate fuel oil used in last 12 months with less than or equal to 0.5% sulfur
- B = gallons of biodiesel used in last 12 months with less than or equal to 0.5% sulfur
- W = gallons of re-refined waste oil used in last 12 months with less than or equal to 1.0% sulfur
- L = tons of steel slag used in last twelve (12) months
- E<sub>G</sub> = 0.60 lb/million cubic feet of natural gas
- E<sub>O</sub> = 71 pounds/1000 gallons of No. 2 distillate fuel oil
- E<sub>F</sub> = 75 pounds/1000 gallons of No. 4 distillate fuel oil
- E<sub>B</sub> = 71 pounds/1000 gallons of biodiesel
- E<sub>W</sub> = 147 lb/1000 gallons of re-refined waste oil
- E<sub>L</sub> = fourteen ten-thousandths (0.0014) pounds per ton of steel slag processed.

Limit: Nitrogen oxides (NO<sub>x</sub>) emissions from the entire source shall not exceed one hundred (100) tons per twelve (12) consecutive month period. When combusting more than one fuel in the dryer/mixer burner, the Permittee shall limit fuel usage according to the following equation:

$$N = \frac{G(E_G) + O(E_O) + F(E_F) + B(E_B) + W(E_W)}{2,000 \text{ lbs/ton}}$$

where:

- N = tons of nitrogen oxide emissions for a 12-month consecutive period
- G = million cubic feet of natural gas used in the last 12 months
- O = gallons of No. 2 distillate fuel oil used in last 12 months
- F = gallons of No. 4 distillate fuel oil used in last 12 months
- B = gallons of biodiesel used in last 12 months
- W = gallons of re-refined waste oil used in last 12 months
- E<sub>G</sub> = 190 lb/million cubic feet of natural gas
- E<sub>O</sub> = 24 lb/1000 gallons of No. 2 distillate fuel oil
- E<sub>F</sub> = 47 lb/1000 gallons of No. 4 distillate fuel oil
- E<sub>B</sub> = 26.4 lb/1000 gallons of biodiesel
- E<sub>W</sub> = 19 lb/1000 gallons of re-refined waste oil

**Multiple Fuel & Steel Slag Usage**

**FESOP Quarterly Report**

QUARTER: \_\_\_\_\_ YEAR: \_\_\_\_\_

Month	Fuel Types (units)	Column 1	Column 2		Column 1 + Column 2	Equation Results	
		Usage This Month	Usage Previous 11 Months		Usage 12 Month Total	Sulfur Dioxide (SO2) Emissions (tons per 12 months)	Nitrogen Oxides (NOx) Emissions (tons per 12 months)
Month 1	Natural Gas (million cubic feet)			G			
	No. 2 distillate Fuel Oil ≤ 0.5 wt% sulfur (gallons)			O			
	No. 4 distillate fuel oil ≤ 0.5 wt% sulfur (gallons)			R			
	Biodiesel ≤ 0.5 wt% sulfur (gallons)			B			
	Re-refined Waste Oil ≤ 1.0 wt% sulfur (gallons)			U			
	Steel slag ≤ 0.66% wt% sulfur (tons)			L			
Month 2	Natural Gas (million cubic feet)			G			
	No. 2 distillate Fuel Oil ≤ 0.5 wt% sulfur (gallons)			O			
	No. 4 distillate fuel oil ≤ 0.5 wt% sulfur (gallons)			R			
	Biodiesel ≤ 0.5 wt% sulfur (gallons)			B			
	Re-refined Waste Oil ≤ 1.0 wt% sulfur (gallons)			U			
	Steel slag ≤ 0.66% wt% sulfur (tons)			L			
Month 3	Natural Gas (million cubic feet)			G			
	No. 2 distillate Fuel Oil ≤ 0.5 wt% sulfur (gallons)			O			
	No. 4 distillate fuel oil ≤ 0.5 wt% sulfur (gallons)			R			
	Biodiesel ≤ 0.5 wt% sulfur (gallons)			B			
	Re-refined Waste Oil ≤ 1.0 wt% sulfur (gallons)			U			
	Steel slag ≤ 0.66% wt% sulfur (tons)			L			

- 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 BRANCH**

**FESOP Quarterly Report**

Source Name: J.H. Rudolph & Company, Inc.  
 Source Address: 12050 Optical Road, English, Indiana 47118  
 Mailing Address: P.O. Box 5226, Evansville, Indiana 47716  
 FESOP Permit No.: F123-28142-00025  
 Facility: Cold-mix (stockpile mix) asphalt manufacturing operations and storage piles

**Parameter: Single Liquid Binder Solvent Usage / VOC Emissions**

Limit: Volatile Organic Compound (VOC) emissions from the use of liquid binders, containing VOC solvents as diluents, in the cold-mix asphalt manufacturing operations and storage piles shall not exceed sixty-eight and eighty-nine hundredths (68.89) tons per twelve (12) consecutive month period. When using only one type of binder, the total VOC solvent usage shall be limited as follows:

Type of Binder	Binder VOC Limits (tons per 12 consecutive month period)
Cutback Asphalt Rapid Cure	72.51
Cutback Asphalt Medium Cure	98.41
Cutback Asphalt Slow Cure	275.56
Emulsified Asphalt	148.47
Other Asphalt	2,755.56

QUARTER: \_\_\_\_\_ 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
	Liquid Binder Usage This Month (tons)	Liquid Binder Usage Previous 11 Months (tons)	Liquid Binder Usage 12 Month Total (tons)
Month 1			
Month 2			
Month 3			

- 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 BRANCH**

**FESOP Quarterly Report**  
 Page 1 of 2

Source Name: J.H. Rudolph & Company, Inc.  
 Source Address: 12050 Optical Road, English, Indiana 47118  
 Mailing Address: P.O. Box 5226, Evansville, Indiana 47716  
 FESOP Permit No.: F123-28142-00025  
 Facility: Cold-mix (stockpile mix) asphalt manufacturing operations and storage piles

**Parameter: Multiple Liquid Binder Solvent Usage / VOC Emissions**

Limit: Volatile Organic Compound (VOC) emissions from the use of liquid binders, containing VOC solvents as diluents, in the cold-mix asphalt manufacturing operations and storage piles shall not exceed sixty-eight and eighty-nine hundredths (68.89) tons per twelve (12) consecutive month period. When using more than one type of binder, the Permittee shall limit VOC solvent usage as follows:

Type of Binder	Binder VOC Limits (tons per 12 consecutive month period)
Cutback Asphalt Rapid Cure	72.51
Cutback Asphalt Medium Cure	98.41
Cutback Asphalt Slow Cure	275.56
Emulsified Asphalt	148.47
Other Asphalt	2,755.56

The tons of VOC emitted per each type of binder, shall be determined using the following equation:

$$\text{VOC Emitted (tons/day)} = \frac{\text{VOC solvent used for each binder (tons/day)}}{\text{Adjustment factor}}$$

Where:

Type of Binder	Adjustment Factor
Cutback Asphalt Rapid Cure	1.053
Cutback Asphalt Medium Cure	1.429
Cutback Asphalt Slow Cure	4.0
Emulsified Asphalt	2.155
Other Asphalt	40.0

**Multiple Liquid Binder Solvent Usage**

**FESOP Quarterly Report**

QUARTER: \_\_\_\_\_ YEAR: \_\_\_\_\_

Month	Fuel Types (units)	Column 1	Column 2	Column 1 + Column 2	Equation Results
		Usage This Month	Usage Previous 11 Months	Usage 12 Month Total	VOC Emissions (tons per 12 months)
Month 1	Cutback asphalt rapid cure liquid binder (million cubic feet)				
	Cutback asphalt medium cure liquid binder (gallons)				
	Cutback asphalt slow cure liquid binder (gallons)				
	Emulsified asphalt with solvent liquid binder				
	Other asphalt with solvent liquid binder				
Month 2	Cutback asphalt rapid cure liquid binder (million cubic feet)				
	Cutback asphalt medium cure liquid binder (gallons)				
	Cutback asphalt slow cure liquid binder (gallons)				
	Emulsified asphalt with solvent liquid binder				
	Other asphalt with solvent liquid binder				
Month 3	Cutback asphalt rapid cure liquid binder (million cubic feet)				
	Cutback asphalt medium cure liquid binder (gallons)				
	Cutback asphalt slow cure liquid binder (gallons)				
	Emulsified asphalt with solvent liquid binder				
	Other asphalt with solvent liquid binder				

- No deviation occurred in this reporting period. Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_
- Deviation/s occurred in this reporting period. Title / Position: \_\_\_\_\_ Phone: \_\_\_\_\_
- Deviation has been reported on: \_\_\_\_\_ Signature: \_\_\_\_\_

**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: J.H. Rudolph & Company, Inc. - St. Croix Plant  
Source Address: 12050 Optical Road, English, Indiana 47118  
Mailing Address: PO Box 5228, Evansville, IN 47716-5226  
FESOP Permit No.: F123-28142-00025

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

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

Form Completed by: \_\_\_\_\_

Title / Position: \_\_\_\_\_

Date: \_\_\_\_\_

Phone: \_\_\_\_\_

**Federally Enforceable State Operating  
Permit (FESOP) Renewal  
OFFICE OF AIR QUALITY**

**J.H. Rudolph & Company, Inc.  
12050 Optical Road,  
English, Indiana 47118**

**Attachment A**

**HOT-MIX ASPHALT PLANT  
FUGITIVE DUST CONTROL PLAN**

**F123-28142-00025**

HOT-MIX 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:
  - (1) Application of water and/or water-dust control material solutions;
  - (2) Sweeping between watering;
  - (3) Limiting vehicular speed to 10 miles per hour.
- (b) Fugitive particulate matter emissions from conveying/handling operations shall be controlled by minimizing all drop distances.
- (c) Fugitive particulate matter emissions from storage piles shall be controlled by one of the following methods:
  - (1) minimizing drop distances; and
  - (2) maintaining moisture content of materials above 1.5%.

**Federally Enforceable State Operating  
Permit (FESOP) Renewal  
OFFICE OF AIR QUALITY**

**J.H. Rudolph & Company, Inc.  
12050 Optical Road,  
English, Indiana 47118**

**Attachment B**

**Title 40: Protection of Environment**

**[PART 60—NEW SOURCE PERFORMANCE STANDARDS](#)**

**Subpart I - STANDARDS OF PERFORMANCE  
FOR HOT MIX ASPHALT FACILITIES**

**F123-28142-00025**

## 40 CFR 60, SUBPART I — STANDARDS OF PERFORMANCE FOR HOT MIX ASPHALT FACILITIES

### § 60.90 Applicability and designation of affected facility.

- (a) The affected facility to which the provisions of this subpart apply is each hot mix asphalt facility. For the purpose of this subpart, a hot mix asphalt facility is comprised only of any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler, systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after June 11, 1973, is subject to the requirements of this subpart.

[42 FR 37936, July 25, 1977, as amended at 51 FR 12325, Apr. 10, 1986]

### § 60.91 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

- (a) *Hot mix asphalt facility* means any facility, as described in §60.90, used to manufacture hot mix asphalt by heating and drying and mixing with asphalt cements.

[51 FR 12325, Apr. 10, 1986]

### § 60.92 Standard for particulate matter.

- (a) On and after the date on which the performance test required to be conducted by §60.8 is completed, no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any affected facility any gases which:
  - (1) Contain particulate matter in excess of 90 mg/dscm (four hundredths (0.04) gr/dscf).
  - (2) Exhibit 20 percent opacity, or greater.

[39 FR 9314, Mar. 8, 1974, as amended at 40 FR 46259, Oct. 6, 1975]

### § 60.93 Test methods and procedures.

- (a) In conducting the performance tests required in §60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in §60.8(b).
- (b) The owner or operator shall determine compliance with the particulate matter standards in §60.92 as follows:
  - (1) Method 5 shall be used to determine the particulate matter concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf).
  - (2) Method 9 and the procedures in §60.11 shall be used to determine opacity.

[54 FR 6667, Feb. 14, 1989]

### Reference

The US EPA Electronic Code of Federal Regulations - 40 CFR 60, Subpart I: Standards of Performance for Hot Mix Asphalt Facilities weblink:

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=875648a88dd2168ac2096fe26e3e4c98&rqn=div6&view=text&node=40:6.0.1.1.1.20&idno=40>

**Federally Enforceable State Operating  
Permit (FESOP) Renewal  
OFFICE OF AIR QUALITY**

**J.H. Rudolph & Company, Inc.  
12050 Optical Road,  
English, Indiana 47118**

**Attachment C**

**Title 40: Protection of Environment**

**[PART 60—NEW SOURCE PERFORMANCE STANDARDS](#)**

**Subpart 000 - STANDARDS OF PERFORMANCE  
FOR NONMETALLIC MINERAL PROCESSING PLANTS**

**F123-28142-00025**

## **40 CFR 60, SUBPART 000—STANDARDS OF PERFORMANCE FOR NONMETALLIC MINERAL PROCESSING PLANTS**

*Source: 51 FR 31337, Aug. 1, 1985, unless otherwise noted.*

### **§ 60.670 Applicability and designation of affected facility.**

- (a) (1) Except as provided in paragraphs (a)(2), (b), (c), and (d) of this section, the provisions of this subpart are applicable to the following affected facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station. Also, crushers and grinding mills at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement and subsequent affected facilities up to, but not including, the first storage silo or bin are subject to the provisions of this subpart.
- (2) The provisions of this subpart do not apply to the following operations: All facilities located in underground mines; and stand-alone screening operations at plants without crushers or grinding mills.
- (b) An affected facility that is subject to the provisions of subpart F or I or that follows in the plant process any facility subject to the provisions of subparts F or I of this part is not subject to the provisions of this subpart.
- (c) Facilities at the following plants are not subject to the provisions of this subpart:
  - (1) Fixed sand and gravel plants and crushed stone plants with capacities, as defined in §60.671, of 23 megagrams per hour (25 tons per hour) or less;
  - (2) Portable sand and gravel plants and crushed stone plants with capacities, as defined in §60.671, of 136 megagrams per hour (150 tons per hour) or less; and
  - (3) Common clay plants and pumice plants with capacities, as defined in §60.671, of 9 megagrams per hour (10 tons per hour) or less.
- (d) (1) When an existing facility is replaced by a piece of equipment of equal or smaller size, as defined in §60.671, having the same function as the existing facility, the new facility is exempt from the provisions of §§60.672, 60.674, and 60.675 except as provided for in paragraph (d)(3) of this section.
- (2) An owner or operator complying with paragraph (d)(1) of this section shall submit the information required in §60.676(a).
- (3) An owner or operator replacing all existing facilities in a production line with new facilities does not qualify for the exemption described in paragraph (d)(1) of this section and must comply with the provisions of §§60.672, 60.674 and 60.675.
- (e) An affected facility under paragraph (a) of this section that commences construction, reconstruction, or modification after August 31, 1983 is subject to the requirements of this part.
- (f) Table 1 of this subpart specifies the provisions of subpart A of this part 60 that apply and those that do not apply to owners and operators of affected facilities subject to this subpart.

**Table 1—Applicability of Subpart A to Subpart OOO**

Subpart A reference	Applies to Subpart OOO	Comment
60.1, Applicability	Yes	
60.2, Definitions	Yes	
60.3, Units and abbreviations	Yes	
60.4, Address:		
(a)	Yes	
(b)	Yes	
60.5, Determination of construction or modification	Yes	
60.6, Review of plans	Yes	
60.7, Notification and recordkeeping	Yes	Except in (a)(2) report of anticipated date of initial startup is not required (§60.676(h)).
60.8, Performance tests	Yes	Except in (d), after 30 days notice for an initially scheduled performance test, any rescheduled performance test requires 7 days notice, not 30 days (§60.675(g)).
60.9, Availability of information	Yes	
60.10, State authority	Yes	
60.11, Compliance with standards and maintenance requirements	Yes	Except in (b) under certain conditions (§§60.675 (c)(3) and (c)(4)), Method 9 observation may be reduced from 3 hours to 1 hour. Some affected facilities exempted from Method 9 tests (§60.675(h)).
60.12, Circumvention	Yes	
60.13, Monitoring requirements	Yes	
60.14, Modification	Yes	
60.15, Reconstruction	Yes	
60.16, Priority list	Yes	
60.17, Incorporations by reference	Yes	
60.18, General control device	No	Flares will not be used to comply with the emission limits.
60.19, General notification and reporting requirements	Yes	

[51 FR 31337, Aug. 1, 1985, as amended at 62 FR 31359, June 9, 1997]

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**§ 60.671 Definitions.**

All terms used in this subpart, but not specifically defined in this section, shall have the meaning given them in the Act and in subpart A of this part.

*Bagging operation* means the mechanical process by which bags are filled with nonmetallic minerals.

*Belt conveyor* means a conveying device that transports material from one location to another by means of an endless belt that is carried on a series of idlers and routed around a pulley at each end.

*Bucket elevator* means a conveying device of nonmetallic minerals consisting of a head and foot assembly which supports and drives an endless single or double strand chain or belt to which buckets are attached.

*Building* means any frame structure with a roof.

*Capacity* means the cumulative rated capacity of all initial crushers that are part of the plant.

*Capture system* means the equipment (including enclosures, hoods, ducts, fans, dampers, etc.) used to capture and transport particulate matter generated by one or more process operations to a control device.

*Control device* means the air pollution control equipment used to reduce particulate matter emissions released to the atmosphere from one or more process operations at a nonmetallic mineral processing plant.

*Conveying system* means a device for transporting materials from one piece of equipment or location to another location within a plant. Conveying systems include but are not limited to the following: Feeders, belt conveyors, bucket elevators, and pneumatic systems.

*Crusher* means a machine used to crush any nonmetallic minerals, and includes, but is not limited to, the following types: jaw, gyratory, cone, roll, rod mill, hammermill, and impactor.

*Enclosed truck or railcar loading station* means that portion of a nonmetallic mineral processing plant where nonmetallic minerals are loaded by an enclosed conveying system into enclosed trucks or railcars.

*Fixed plant* means any nonmetallic mineral processing plant at which the processing equipment specified in §60.670(a) is attached by a cable, chain, turnbuckle, bolt or other means (except electrical connections) to any anchor, slab, or structure including bedrock.

*Fugitive emission* means particulate matter that is not collected by a capture system and is released to the atmosphere at the point of generation.

*Grinding mill* means a machine used for the wet or dry fine crushing of any nonmetallic mineral. Grinding mills include, but are not limited to, the following types: hammer, roller, rod, pebble and ball, and fluid energy. The grinding mill includes the air conveying system, air separator, or air classifier, where such systems are used.

*Initial crusher* means any crusher into which nonmetallic minerals can be fed without prior crushing in the plant.

*Nonmetallic mineral* means any of the following minerals or any mixture of which the majority is any of the following minerals:

- (a) Crushed and Broken Stone, including Limestone, Dolomite, Granite, Traprock, Sandstone, Quartz, Quartzite, Marl, Marble, Slate, Shale, Oil Shale, and Shell.
- (b) Sand and Gravel.

- (c) Clay including Kaolin, Fireclay, Bentonite, Fuller's Earth, Ball Clay, and Common Clay.
- (d) Rock Salt.
- (e) Gypsum.
- (f) Sodium Compounds, including Sodium Carbonate, Sodium Chloride, and Sodium Sulfate.
- (g) Pumice.
- (h) Gilsonite.
- (i) Talc and Pyrophyllite.
- (j) Boron, including Borax, Kernite, and Colemanite.
- (k) Barite.
- (l) Fluorospar.
- (m) Feldspar.
- (n) Diatomite.
- (o) Perlite.
- (p) Vermiculite.
- (q) Mica.
- (r) Kyanite, including Andalusite, Sillimanite, Topaz, and Dumortierite.

*Nonmetallic mineral processing plant* means any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants, or any other facility processing nonmetallic minerals except as provided in §60.670 (b) and (c).

*Portable plant* means any nonmetallic mineral processing plant that is mounted on any chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit.

*Production line* means all affected facilities (crushers, grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, and enclosed truck and railcar loading stations) which are directly connected or are connected together by a conveying system.

*Screening operation* means a device for separating material according to size by passing undersize material through one or more mesh surfaces (screens) in series, and retaining oversize material on the mesh surfaces (screens).

*Size* means the rated capacity in tons per hour of a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station; the total surface area of the top screen of a screening operation; the width of a conveyor belt; and the rated capacity in tons of a storage bin.

*Stack emission* means the particulate matter that is released to the atmosphere from a capture system.

*Storage bin* means a facility for storage (including surge bins) or nonmetallic minerals prior to further processing or loading.

*Transfer point* means a point in a conveying operation where the nonmetallic mineral is transferred to or from a belt conveyor except where the nonmetallic mineral is being transferred to a stockpile.

*Truck dumping* means the unloading of nonmetallic minerals from movable vehicles designed to transport nonmetallic minerals from one location to another. Movable vehicles include but are not limited to: trucks, front-end loaders, skip hoists, and railcars.

*Vent* means an opening through which there is mechanically induced airflow for the purpose of exhausting from a building air carrying particulate matter emissions from one or more affected facilities.

*Wet mining operation* means a mining or dredging operation designed and operated to extract any nonmetallic mineral regulated under this subpart from deposits existing at or below the water table, where the nonmetallic mineral is saturated with water.

*Wet screening operation* means a screening operation at a nonmetallic mineral processing plant which removes unwanted material or which separates marketable fines from the product by a washing process which is designed and operated at all times such that the product is saturated with water.

[51 FR 31337, Aug. 1, 1985, as amended at 62 FR 31359, June 9, 1997]

**§ 60.672 Standard for particulate matter.**

- (a) On and after the date on which the performance test required to be conducted by §60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any stack emissions which:
  - (1) Contain particulate matter in excess of 0.05 g/dscm (0.022 gr/dscf); and
  - (2) Exhibit greater than 7 percent opacity, unless the stack emissions are discharged from an affected facility using a wet scrubbing control device. Facilities using a wet scrubber must comply with the reporting provisions of §60.676 (c), (d), and (e).
- (b) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11 of this part, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in paragraphs (c), (d), and (e) of this section.
- (c) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11 of this part, no owner or operator shall cause to be discharged into the atmosphere from any crusher, at which a capture system is not used, fugitive emissions which exhibit greater than 15 percent opacity.
- (d) Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the requirements of this section.
- (e) If any transfer point on a conveyor belt or any other affected facility is enclosed in a building, then each enclosed affected facility must comply with the emission limits in paragraphs (a), (b) and (c) of this section, or the building enclosing the affected facility or facilities must comply with the following emission limits:

- (1) No owner or operator shall cause to be discharged into the atmosphere from any building enclosing any transfer point on a conveyor belt or any other affected facility any visible fugitive emissions except emissions from a vent as defined in §60.671.
- (2) No owner or operator shall cause to be discharged into the atmosphere from any vent of any building enclosing any transfer point on a conveyor belt or any other affected facility emissions which exceed the stack emissions limits in paragraph (a) of this section.
- (f) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11 of this part, no owner or operator shall cause to be discharged into the atmosphere from any baghouse that controls emissions from only an individual, enclosed storage bin, stack emissions which exhibit greater than 7 percent opacity.
- (g) Owners or operators of multiple storage bins with combined stack emissions shall comply with the emission limits in paragraph (a)(1) and (a)(2) of this section.
- (h) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup, no owner or operator shall cause to be discharged into the atmosphere any visible emissions from:
  - (1) Wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to the next crusher, grinding mill or storage bin.
  - (2) Screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, where such screening operations, bucket elevators, and belt conveyors process saturated materials up to the first crusher, grinding mill, or storage bin in the production line.

[51 FR 31337, Aug. 1, 1985, as amended at 62 FR 31359, June 9, 1997; 65 FR 61778, Oct. 17, 2000]

**§ 60.673 Reconstruction.**

- (a) The cost of replacement of ore-contact surfaces on processing equipment shall not be considered in calculating either the “fixed capital cost of the new components” or the “fixed capital cost that would be required to construct a comparable new facility” under §60.15. Ore-contact surfaces are crushing surfaces; screen meshes, bars, and plates; conveyor belts; and elevator buckets.
- (b) Under §60.15, the “fixed capital cost of the new components” includes the fixed capital cost of all depreciable components (except components specified in paragraph (a) of this section) which are or will be replaced pursuant to all continuous programs of component replacement commenced within any 2-year period following August 31, 1983.

**§ 60.674 Monitoring of operations.**

The owner or operator of any affected facility subject to the provisions of this subpart which uses a wet scrubber to control emissions shall install, calibrate, maintain and operate the following monitoring devices:

- (a) A device for the continuous measurement of the pressure loss of the gas stream through the scrubber. The monitoring device must be certified by the manufacturer to be accurate within  $\pm 250$  pascals  $\pm 1$  inch water gauge pressure and must be calibrated on an annual basis in accordance with manufacturer's instructions.

- (b) A device for the continuous measurement of the scrubbing liquid flow rate to the wet scrubber. The monitoring device must be certified by the manufacturer to be accurate within  $\pm 5$  percent of design scrubbing liquid flow rate and must be calibrated on an annual basis in accordance with manufacturer's instructions.

**§ 60.675 Test methods and procedures.**

- (a) In conducting the performance tests required in §60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in §60.8(b). Acceptable alternative methods and procedures are given in paragraph (e) of this section.
- (b) The owner or operator shall determine compliance with the particulate matter standards in §60.672(a) as follows:
- (1) Method 5 or Method 17 shall be used to determine the particulate matter concentration. The sample volume shall be at least 1.70 dscm (60 dscf). For Method 5, if the gas stream being sampled is at ambient temperature, the sampling probe and filter may be operated without heaters. If the gas stream is above ambient temperature, the sampling probe and filter may be operated at a temperature high enough, but no higher than 121 °C (250 °F), to prevent water condensation on the filter.
  - (2) Method 9 and the procedures in §60.11 shall be used to determine opacity.
- (c) (1) In determining compliance with the particulate matter standards in §60.672 (b) and (c), the owner or operator shall use Method 9 and the procedures in §60.11, with the following additions:
- (i) The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).
  - (ii) The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (Method 9, Section 2.1) must be followed.
  - (iii) For affected facilities using wet dust suppression for particulate matter control, a visible mist is sometimes generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.
- (2) In determining compliance with the opacity of stack emissions from any baghouse that controls emissions only from an individual enclosed storage bin under §60.672(f) of this subpart, using Method 9, the duration of the Method 9 observations shall be 1 hour (ten 6-minute averages).
- (3) When determining compliance with the fugitive emissions standard for any affected facility described under §60.672(b) of this subpart, the duration of the Method 9 observations may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions apply:
- (i) There are no individual readings greater than 10 percent opacity; and
  - (ii) There are no more than 3 readings of 10 percent for the 1-hour period.

- (4) When determining compliance with the fugitive emissions standard for any crusher at which a capture system is not used as described under §60.672(c) of this subpart, the duration of the Method 9 observations may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions apply:
- (i) There are no individual readings greater than 15 percent opacity; and
  - (ii) There are no more than 3 readings of 15 percent for the 1-hour period.
- (d) In determining compliance with §60.672(e), the owner or operator shall use Method 22 to determine fugitive emissions. The performance test shall be conducted while all affected facilities inside the building are operating. The performance test for each building shall be at least 75 minutes in duration, with each side of the building and the roof being observed for at least 15 minutes.
- (e) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:
- (1) For the method and procedure of paragraph (c) of this section, if emissions from two or more facilities continuously interfere so that the opacity of fugitive emissions from an individual affected facility cannot be read, either of the following procedures may be used:
    - (i) Use for the combined emission stream the highest fugitive opacity standard applicable to any of the individual affected facilities contributing to the emissions stream.
    - (ii) Separate the emissions so that the opacity of emissions from each affected facility can be read.
- (f) To comply with §60.676(d), the owner or operator shall record the measurements as required in §60.676(c) using the monitoring devices in §60.674 (a) and (b) during each particulate matter run and shall determine the averages.
- (g) If, after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting any rescheduled performance test required in this section, the owner or operator of an affected facility shall submit a notice to the Administrator at least 7 days prior to any rescheduled performance test.
- (h) Initial Method 9 performance tests under §60.11 of this part and §60.675 of this subpart are not required for:
- (1) Wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to, but not including the next crusher, grinding mill, or storage bin.
  - (2) Screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, that process saturated materials up to the first crusher, grinding mill, or storage bin in the production line.

[54 FR 6680, Feb. 14, 1989, as amended at 62 FR 31360, June 9, 1997]

**§ 60.676 Reporting and recordkeeping.**

- (a) Each owner or operator seeking to comply with §60.670(d) shall submit to the Administrator the following information about the existing facility being replaced and the replacement piece of equipment.

- (1) For a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station:
  - (i) The rated capacity in megagrams or tons per hour of the existing facility being replaced and
  - (ii) The rated capacity in tons per hour of the replacement equipment.
- (2) For a screening operation:
  - (i) The total surface area of the top screen of the existing screening operation being replaced and
  - (ii) The total surface area of the top screen of the replacement screening operation.
- (3) For a conveyor belt:
  - (i) The width of the existing belt being replaced and
  - (ii) The width of the replacement conveyor belt.
- (4) For a storage bin:
  - (i) The rated capacity in megagrams or tons of the existing storage bin being replaced and
  - (ii) The rated capacity in megagrams or tons of replacement storage bins.
- (b) [Reserved]
- (c) During the initial performance test of a wet scrubber, and daily thereafter, the owner or operator shall record the measurements of both the change in pressure of the gas stream across the scrubber and the scrubbing liquid flow rate.
- (d) After the initial performance test of a wet scrubber, the owner or operator shall submit semiannual reports to the Administrator of occurrences when the measurements of the scrubber pressure loss (or gain) and liquid flow rate differ by more than  $\pm 30$  percent from the averaged determined during the most recent performance test.
- (e) The reports required under paragraph (d) shall be postmarked within 30 days following end of the second and fourth calendar quarters.
- (f) The owner or operator of any affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in §60.672 of this subpart, including reports of opacity observations made using Method 9 to demonstrate compliance with §60.672(b), (c), and (f), and reports of observations using Method 22 to demonstrate compliance with §60.672(e).
- (g) The owner or operator of any screening operation, bucket elevator, or belt conveyor that processes saturated material and is subject to §60.672(h) and subsequently processes unsaturated materials, shall submit a report of this change within 30 days following such change. This screening operation, bucket elevator, or belt conveyor is then subject to the 10 percent opacity limit in §60.672(b) and the emission test requirements of §60.11 and this subpart. Likewise, a screening operation, bucket elevator, or belt conveyor that processes unsaturated material but subsequently processes saturated material shall submit a report of this change within 30 days following such change. This screening operation, bucket elevator, or belt conveyor is then subject to the no visible emission limit in §60.672(h).

- (h) The subpart A requirement under §60.7(a)(2) for notification of the anticipated date of initial startup of an affected facility shall be waived for owners or operators of affected facilities regulated under this subpart.
- (i) A notification of the actual date of initial startup of each affected facility shall be submitted to the Administrator.
  - (1) For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted by the owner or operator to the Administrator. The notification shall be postmarked within 15 days after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.
  - (2) For portable aggregate processing plants, the notification of the actual date of initial startup shall include both the home office and the current address or location of the portable plant.
- (j) The requirements of this section remain in force until and unless the Agency, in delegating enforcement authority to a State under section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such States. In that event, affected facilities within the State will be relieved of the obligation to comply with the reporting requirements of this section, provided that they comply with requirements established by the State.

*[51 FR 31337, Aug. 1, 1985, as amended at 54 FR 6680, Feb. 14, 1989; 62 FR 31360, June 9, 1997; 65 FR 61778, Oct. 17, 2000]*

**Reference:**

The US EPA Electronic Code of Federal Regulations - 40 CFR 60, Subpart OOO—Standards Of Performance For Nonmetallic Mineral Processing Plants weblink:

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=43918166a5e8fa1b77b615cd0efc6c39&rqn=div6&view=text&node=40:6.0.1.1.1.80&idno=40>

**Federally Enforceable State Operating  
Permit (FESOP) Renewal  
OFFICE OF AIR QUALITY**

**J.H. Rudolph & Company, Inc.  
12050 Optical Road,  
English, Indiana 47118**

**Attachment D**

**Title 40: Protection of Environment**

**PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR  
POLLUTANTS FOR SOURCE CATEGORIES**

**Subpart CCCCCC - NESHAPs for Source Category:  
Gasoline Dispensing Facilities**

**F123-28142-00025**

## **40 CFR 63, Subpart CCCCC - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities**

*Source: 73 FR 1945, Jan. 10, 2008, unless otherwise noted.*

### **What This Subpart Covers**

#### **§ 63.11110 What is the purpose of this subpart?**

This subpart establishes national emission limitations and management practices for hazardous air pollutants (HAP) emitted from the loading of gasoline storage tanks at gasoline dispensing facilities (GDF). This subpart also establishes requirements to demonstrate compliance with the emission limitations and management practices.

#### **§ 63.11111 Am I subject to the requirements in this subpart?**

- (a) The affected source to which this subpart applies is each GDF that is located at an area source. The affected source includes each gasoline cargo tank during the delivery of product to a GDF and also includes each storage tank.
- (b) If your GDF has a monthly throughput of less than 10,000 gallons of gasoline, you must comply with the requirements in §63.11116.
- (c) If your GDF has a monthly throughput of 10,000 gallons of gasoline or more, you must comply with the requirements in §63.11117.
- (d) If your GDF has a monthly throughput of 100,000 gallons of gasoline or more, you must comply with the requirements in §63.11118.
- (e) An affected source shall, upon request by the Administrator, demonstrate that their average monthly throughput is less than the 10,000-gallon or the 100,000-gallon threshold level, as applicable.
- (f) If you are an owner or operator of affected sources, as defined in paragraph (a) of this section, you are not required to obtain a permit under 40 CFR part 70 or 40 CFR part 71 as a result of being subject to this subpart. However, you must still apply for and obtain a permit under 40 CFR part 70 or 40 CFR part 71 if you meet one or more of the applicability criteria found in 40 CFR 70.3(a) and (b) or 40 CFR 71.3(a) and (b).
- (g) The loading of aviation gasoline storage tanks at airports is not subject to this subpart and the aviation gasoline is not included in the gasoline throughput specified in paragraphs (b) through (e) of this section.

#### **§ 63.11112 What parts of my affected source does this subpart cover?**

- (a) The emission sources to which this subpart applies are gasoline storage tanks and associated equipment components in vapor or liquid gasoline service at new, reconstructed, or existing GDF that meet the criteria specified in §63.11111. Pressure/Vacuum vents on gasoline storage tanks and the equipment necessary to unload product from cargo tanks into the storage tanks at GDF are covered emission sources. The equipment used for the refueling of motor vehicles is not covered by this subpart.
- (b) An affected source is a new affected source if you commenced construction on the affected source after November 9, 2006, and you meet the applicability criteria in §63.11111 at the time you commenced operation.

(c) An affected source is reconstructed if you meet the criteria for reconstruction as defined in §63.2.

(d) An affected source is an existing affected source if it is not new or reconstructed.

**§ 63.11113 When do I have to comply with this subpart?**

(a) If you have a new or reconstructed affected source, you must comply with this subpart according to paragraphs (a)(1) and (2) of this section, except as specified in paragraph (d) of this section.

(1) If you start up your affected source before January 10, 2008, you must comply with the standards in this subpart no later than January 10, 2008.

(2) If you start up your affected source after January 10, 2008, you must comply with the standards in this subpart upon startup of your affected source.

(b) If you have an existing affected source, you must comply with the standards in this subpart no later than January 10, 2011.

(c) If you have an existing affected source that becomes subject to the control requirements in this subpart because of an increase in the average monthly throughput, as specified in §63.11111(c) or §63.11111(d), you must comply with the standards in this subpart no later than 3 years after the affected source becomes subject to the control requirements in this subpart.

(d) If you have a new or reconstructed affected source and you are complying with Table 1 to this subpart, you must comply according to paragraphs (d)(1) and (2) of this section.

(1) If you start up your affected source from November 9, 2006 to September 23, 2008, you must comply no later than September 23, 2008.

(2) If you start up your affected source after September 23, 2008, you must comply upon startup of your affected source.

[73 FR 1945, Jan. 10, 2008, as amended at 73 FR 35944, June 25, 2008]

**Emission Limitations and Management Practices**

**§ 63.11116 Requirements for facilities with monthly throughput of less than 10,000 gallons of gasoline.**

(a) You must not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:

(1) Minimize gasoline spills;

(2) Clean up spills as expeditiously as practicable;

(3) Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use;

(4) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

(b) You are not required to submit notifications or reports, but you must have records available within 24 hours of a request by the Administrator to document your gasoline throughput.

(c) You must comply with the requirements of this subpart by the applicable dates specified in §63.11113.

**§ 63.11117 Requirements for facilities with monthly throughput of 10,000 gallons of gasoline or more.**

(a) You must comply with the requirements in section §63.11116(a).

(b) Except as specified in paragraph (c), you must only load gasoline into storage tanks at your facility by utilizing submerged filling, as defined in §63.11132, and as specified in paragraph (b)(1) or paragraph (b)(2) of this section.

(1) Submerged fill pipes installed on or before November 9, 2006, must be no more than 12 inches from the bottom of the storage tank.

(2) Submerged fill pipes installed after November 9, 2006, must be no more than 6 inches from the bottom of the storage tank.

(c) Gasoline storage tanks with a capacity of less than 250 gallons are not required to comply with the submerged fill requirements in paragraph (b) of this section, but must comply only with all of the requirements in §63.11116.

(d) You must have records available within 24 hours of a request by the Administrator to document your gasoline throughput.

(e) You must submit the applicable notifications as required under §63.11124(a).

(f) You must comply with the requirements of this subpart by the applicable dates contained in §63.11113.

[73 FR 1945, Jan. 10, 2008, as amended at 73 FR 12276, Mar. 7, 2008]

**§ 63.11118 Requirements for facilities with monthly throughput of 100,000 gallons of gasoline or more.**

(a) You must comply with the requirements in §§63.11116(a) and 63.11117(b).

(b) Except as provided in paragraph (c) of this section, you must meet the requirements in either paragraph (b)(1) or paragraph (b)(2) of this section.

(1) Each management practice in Table 1 to this subpart that applies to your GDF.

(2) If, prior to January 10, 2008, you satisfy the requirements in both paragraphs (b)(2)(i) and (ii) of this section, you will be deemed in compliance with this subsection.

(i) You operate a vapor balance system at your GDF that meets the requirements of either paragraph (b)(2)(i)(A) or paragraph (b)(2)(i)(B) of this section.

(A) Achieves emissions reduction of at least 90 percent.

(B) Operates using management practices at least as stringent as those in Table 1 to this subpart.

(ii) Your gasoline dispensing facility is in compliance with an enforceable State, local, or tribal rule or permit that contains requirements of either paragraph (b)(2)(i)(A) or paragraph (b)(2)(i)(B) of this section.

(c) The emission sources listed in paragraphs (c)(1) through (3) of this section are not required to comply with the control requirements in paragraph (b) of this section, but must comply with the requirements in §63.11117.

(1) Gasoline storage tanks with a capacity of less than 250 gallons that are constructed after January 10, 2008.

(2) Gasoline storage tanks with a capacity of less than 2,000 gallons that were constructed before January 10, 2008.

(3) Gasoline storage tanks equipped with floating roofs, or the equivalent.

(d) Cargo tanks unloading at GDF must comply with the management practices in Table 2 to this subpart.

(e) You must comply with the applicable testing requirements contained in §63.11120.

(f) You must submit the applicable notifications as required under §63.11124.

(g) You must keep records and submit reports as specified in §§63.11125 and 63.11126.

(h) You must comply with the requirements of this subpart by the applicable dates contained in §63.11113.

[73 FR 1945, Jan. 10, 2008, as amended at 73 FR 12276, Mar. 7, 2008]

## **Testing and Monitoring Requirements**

### **§ 63.11120 What testing and monitoring requirements must I meet?**

(a) Each owner or operator, at the time of installation of a vapor balance system required under §63.11118(b)(1), and every 3 years thereafter, must comply with the requirements in paragraphs (a)(1) and (2) of this section.

(1) You must demonstrate compliance with the leak rate and cracking pressure requirements, specified in item 1(g) of Table 1 to this subpart, for pressure-vacuum vent valves installed on your gasoline storage tanks using the test methods identified in paragraph (a)(1)(i) or paragraph (a)(1)(ii) of this section.

(i) California Air Resources Board Vapor Recovery Test Procedure TP-201.1E,—Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, adopted October 8, 2003 (incorporated by reference, see §63.14).

(ii) Use alternative test methods and procedures in accordance with the alternative test method requirements in §63.7(f).

(2) You must demonstrate compliance with the static pressure performance requirement, specified in item 1(h) of Table 1 to this subpart, for your vapor balance system by conducting a static pressure test on your gasoline storage tanks using the test methods identified in paragraph (a)(2)(i) or paragraph (a)(2)(ii) of this section.

(i) California Air Resources Board Vapor Recovery Test Procedure TP-201.3,—Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, adopted April 12, 1996, and amended March 17, 1999 (incorporated by reference, see §63.14).

(ii) Use alternative test methods and procedures in accordance with the alternative test method requirements in §63.7(f).

(b) Each owner or operator choosing, under the provisions of §63.6(g), to use a vapor balance system other than that described in Table 1 to this subpart must demonstrate to the Administrator or delegated authority under paragraph §63.11131(a) of this subpart, the equivalency of their vapor balance system to that described in Table 1 to this subpart using the procedures specified in paragraphs (b)(1) through (3) of this section.

(1) You must demonstrate initial compliance by conducting an initial performance test on the vapor balance system to demonstrate that the vapor balance system achieves 95 percent reduction using the California Air Resources Board Vapor Recovery Test Procedure TP-201.1,—Volumetric Efficiency for Phase I Vapor Recovery Systems, adopted April 12, 1996, and amended February 1, 2001, and October 8, 2003, (incorporated by reference, see §63.14).

(2) You must, during the initial performance test required under paragraph (b)(1) of this section, determine and document alternative acceptable values for the leak rate and cracking pressure requirements specified in item 1(g) of Table 1 to this subpart and for the static pressure performance requirement in item 1(h) of Table 1 to this subpart.

(3) You must comply with the testing requirements specified in paragraph (a) of this section.

### **Notifications, Records, and Reports**

#### **§ 63.11124 What notifications must I submit and when?**

(a) Each owner or operator subject to the control requirements in §63.11117 must comply with paragraphs (a)(1) through (3) of this section.

(1) You must submit an Initial Notification that you are subject to this subpart by May 9, 2008, or at the time you become subject to the control requirements in §63.11117, unless you meet the requirements in paragraph (a)(3) of this section. The Initial Notification must contain the information specified in paragraphs (a)(1)(i) through (iii) of this section. The notification must be submitted to the applicable EPA Regional Office and delegated State authority as specified in §63.13.

(i) The name and address of the owner and the operator.

(ii) The address (i.e., physical location) of the GDF.

(iii) A statement that the notification is being submitted in response to this subpart and identifying the requirements in paragraphs (a) through (c) of §63.11117 that apply to you.

(2) You must submit a Notification of Compliance Status to the applicable EPA Regional Office and the delegated State authority, as specified in §63.13, by the compliance date specified in §63.11113 unless you meet the requirements in paragraph (a)(3) of this section. The Notification of Compliance Status must be signed by a responsible official who must certify its accuracy and must indicate whether the source has complied with the requirements of this subpart. If your facility is in compliance with the requirements of this subpart at the time the Initial Notification required under paragraph (a)(1) of this section is due, the

Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it contains the information required under paragraph (a)(1) of this section.

(3) If, prior to January 10, 2008, you are operating in compliance with an enforceable State, local, or tribal rule or permit that requires submerged fill as specified in §63.11117(b), you are not required to submit an Initial Notification or a Notification of Compliance Status under paragraph (a)(1) or paragraph (a)(2) of this section.

(b) Each owner or operator subject to the control requirements in §63.11118 must comply with paragraphs (b)(1) through (5) of this section.

(1) You must submit an Initial Notification that you are subject to this subpart by May 9, 2008, or at the time you become subject to the control requirements in §63.11118. The Initial Notification must contain the information specified in paragraphs (b)(1)(i) through (iii) of this section. The notification must be submitted to the applicable EPA Regional Office and the delegated State authority as specified in §63.13.

(i) The name and address of the owner and the operator.

(ii) The address (i.e., physical location) of the GDF.

(iii) A statement that the notification is being submitted in response to this subpart and identifying the requirements in paragraphs (a) through (c) of §63.11118 that apply to you.

(2) You must submit a Notification of Compliance Status to the applicable EPA Regional Office and the delegated State authority, as specified in §63.13, by the compliance date specified in §63.11113. The Notification of Compliance Status must be signed by a responsible official who must certify its accuracy and must indicate whether the source has complied with the requirements of this subpart. If your facility is in compliance with the requirements of this subpart at the time the Initial Notification required under paragraph (b)(1) of this section is due, the Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it contains the information required under paragraph (b)(1) of this section.

(3) If, prior to January 10, 2008, you satisfy the requirements in both paragraphs (b)(3)(i) and (ii) of this section, you are not required to submit an Initial Notification or a Notification of Compliance Status under paragraph (b)(1) or paragraph (b)(2) of this subsection.

(i) You operate a vapor balance system at your gasoline dispensing facility that meets the requirements of either paragraphs (b)(3)(i)(A) or (b)(3)(i)(B) of this section.

(A) Achieves emissions reduction of at least 90 percent.

(B) Operates using management practices at least as stringent as those in Table 1 to this subpart.

(ii) Your gasoline dispensing facility is in compliance with an enforceable State, local, or tribal rule or permit that contains requirements of either paragraphs (b)(3)(i)(A) or (b)(3)(i)(B) of this section.

(4) You must submit a Notification of Performance Test, as specified in §63.9(e), prior to initiating testing required by §63.11120(a) and (b).

(5) You must submit additional notifications specified in §63.9, as applicable.

[73 FR 1945, Jan. 10, 2008, as amended at 73 FR 12276, Mar. 7, 2008]

### **§ 63.11125 What are my recordkeeping requirements?**

(a) Each owner or operator subject to the management practices in §63.11118 must keep records of all tests performed under §63.11120(a) and (b).

(b) Records required under paragraph (a) of this section shall be kept for a period of 5 years and shall be made available for inspection by the Administrator's delegated representatives during the course of a site visit.

### **§ 63.11126 What are my reporting requirements?**

Each owner or operator subject to the management practices in §63.11118 shall report to the Administrator the results of all volumetric efficiency tests required under §63.11120(b). Reports submitted under this paragraph must be submitted within 180 days of the completion of the performance testing.

### **Other Requirements and Information**

#### **§ 63.11130 What parts of the General Provisions apply to me?**

Table 3 to this subpart shows which parts of the General Provisions apply to you.

#### **§ 63.11131 Who implements and enforces this subpart?**

(a) This subpart can be implemented and enforced by the U.S. EPA or a delegated authority such as the applicable State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a State, local, or tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or tribal agency.

(c) The authorities that cannot be delegated to State, local, or tribal agencies are as specified in paragraphs (c)(1) through (3) of this section.

(1) Approval of alternatives to the requirements in §§63.11116 through 63.11118 and 63.11120.

(2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart.

(3) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.

#### **§ 63.11132 What definitions apply to this subpart?**

As used in this subpart, all terms not defined herein shall have the meaning given them in the Clean Air Act (CAA), or in subparts A and BBBBBB of this part. For purposes of this subpart, definitions in this section supersede definitions in other parts or subparts.

*Dual-point vapor balance system* means a type of vapor balance system in which the storage tank is equipped with an entry port for a gasoline fill pipe and a separate exit port for a vapor connection.

*Gasoline cargo tank* means a delivery tank truck or railcar which is loading gasoline or which has loaded gasoline on the immediately previous load.

*Gasoline dispensing facility* (GDF) means any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle.

*Monthly throughput* means the total volume of gasoline that is loaded into all gasoline storage tanks during a month, as calculated on a rolling 30-day average.

*Submerged filling* means, for the purposes of this subpart, the filling of a gasoline storage tank through a submerged fill pipe whose discharge is no more than the applicable distance specified in §63.11117(b) from the bottom of the tank. Bottom filling of gasoline storage tanks is included in this definition.

*Vapor balance system* means a combination of pipes and hoses that create a closed system between the vapor spaces of an unloading gasoline cargo tank and a receiving storage tank such that vapors displaced from the storage tank are transferred to the gasoline cargo tank being unloaded.

*Vapor-tight* means equipment that allows no loss of vapors. Compliance with vapor-tight requirements can be determined by checking to ensure that the concentration at a potential leak source is not equal to or greater than 100 percent of the Lower Explosive Limit when measured with a combustible gas detector, calibrated with propane, at a distance of 1 inch from the source.

**Table 1 to Subpart CCCCC of Part 63—Applicability Criteria and Management Practices for Gasoline Dispensing Facilities With Monthly Throughput of 100,000 Gallons of Gasoline or More**

If you own or operate	Then you must
1. A new, reconstructed, or existing GDF subject to §63.11118	Install and operate a vapor balance system on your gasoline storage tanks that meets the design criteria in paragraphs (a) through (h).
	(a) All vapor connections and lines on the storage tank shall be equipped with closures that seal upon disconnect.
	(b) The vapor line from the gasoline storage tank to the gasoline cargo tank shall be vapor-tight, as defined in §63.11132.
	(c) The vapor balance system shall be designed such that the pressure in the tank truck does not exceed 18 inches water pressure or 5.9 inches water vacuum during product transfer.
	(d) The vapor recovery and product adaptors, and the method of connection with the delivery elbow, shall be designed so as to prevent the over-tightening or loosening of fittings during normal delivery operations.
	(e) If a gauge well separate from the fill tube is used, it shall be provided with a submerged drop tube that extends the same distance from the bottom of the storage tank as specified in §63.11117(b).
	(f) Liquid fill connections for all systems shall be equipped with vapor-tight caps.
	(g) Pressure/vacuum (PV) vent valves shall be installed on the storage tank vent pipes. The pressure specifications for PV vent valves shall be: a positive pressure setting of 2.5 to 6.0 inches of water and a negative pressure setting of 6.0 to 10.0 inches of water. The total leak rate of all PV vent valves at an affected facility, including connections, shall not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches of water and 0.63 cubic foot per hour at a vacuum of 4 inches of water.
	(h) The vapor balance system shall be capable of meeting the static pressure performance requirement of the following equation:

If you own or operate	Then you must
	$Pf = 2e^{-500.887/v}$
	Where:
	Pf = Minimum allowable final pressure, inches of water.
	v = Total ullage affected by the test, gallons.
	e = Dimensionless constant equal to approximately 2.718.
	2 = The initial pressure, inches water.
2. For new or reconstructed GDF, or new storage tank(s) at an existing affected facility subject to §63.11118	Equip your gasoline storage tanks with a dual-point vapor balance system, as defined in §63.11132, and comply with the requirements of item 1 in this Table.

[73 FR 1945, Jan. 10, 2008, as amended at 73 FR 35944, June 25, 2008]

**Table 2 to Subpart CCCCC of Part 63—Applicability Criteria and Management Practices for Gasoline Cargo Tanks Unloading at Gasoline Dispensing Facilities With Monthly Throughput of 100,000 Gallons of Gasoline or More**

If you own or operate	Then you must
A gasoline cargo tank	Not unload gasoline into a storage tank at a GDF subject to the control requirements in this subpart unless the following conditions are met:
	(i) All hoses in the vapor balance system are properly connected,
	(ii) The adapters or couplers that attach to the vapor line on the storage tank have closures that seal upon disconnect,
	(iii) All vapor return hoses, couplers, and adapters used in the gasoline delivery are vapor-tight,
	(iv) All tank truck vapor return equipment is compatible in size and forms a vapor-tight connection with the vapor balance equipment on the GDF storage tank, and
	(v) All hatches on the tank truck are closed and securely fastened.
	(vi) The filling of storage tanks at GDF shall be limited to unloading by vapor-tight gasoline cargo tanks. Documentation that the cargo tank has met the specifications of EPA Method 27 shall be carried on the cargo tank.

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**Table 3 to Subpart CCCCC of Part 63—Applicability of General Provisions**

<b>Citation</b>	<b>Subject</b>	<b>Brief description</b>	<b>Applies to subpart CCCCC</b>
§63.1	Applicability	Initial applicability determination; applicability after standard established; permit requirements; extensions, notifications	Yes, specific requirements given in §63.11111.
§63.1(c)(2)	Title V Permit	Requirements for obtaining a title V permit from the applicable permitting authority	Yes, §63.11111(f) of subpart CCCCC exempts identified area sources from the obligation to obtain title V operating permits.
§63.2	Definitions	Definitions for part 63 standards	Yes, additional definitions in §63.11132.
§63.3	Units and Abbreviations	Units and abbreviations for part 63 standards	Yes.
§63.4	Prohibited Activities and Circumvention	Prohibited activities; Circumvention, severability	Yes.
§63.5	Construction/Reconstruction	Applicability; applications; approvals	Yes.
§63.6(a)	Compliance with Standards/Operation & Maintenance—Applicability	General Provisions apply unless compliance extension; General Provisions apply to area sources that become major	Yes.
§63.6(b)(1)–(4)	Compliance Dates for New and Reconstructed Sources	Standards apply at effective date; 3 years after effective date; upon startup; 10 years after construction or reconstruction commences for CAA section 112(f)	Yes.
§63.6(b)(5)	Notification	Must notify if commenced construction or reconstruction after proposal	Yes.
§63.6(b)(6)	[Reserved]		
§63.6(b)(7)	Compliance Dates for New and Reconstructed Area Sources That Become Major	Area sources that become major must comply with major source standards immediately upon becoming major, regardless of whether required to comply when they were an area source	No.
§63.6(c)(1)–(2)	Compliance Dates for Existing Sources	Comply according to date in this subpart, which must be no later than 3 years after effective date; for CAA section 112(f) standards, comply within 90 days of effective date unless compliance extension	No, §63.11113 specifies the compliance dates.
§63.6(c)(3)–(4)	[Reserved]		
§63.6(c)(5)	Compliance Dates for Existing Area Sources That Become Major	Area sources That become major must comply with major source standards by date indicated in this subpart or by equivalent time period (e.g., 3 years)	No.
§63.6(d)	[Reserved]		
§63.6(e)(1)	Operation & Maintenance	Operate to minimize emissions at	Yes.

Citation	Subject	Brief description	Applies to subpart CCCCCC
		all times; correct malfunctions as soon as practicable; and operation and maintenance requirements independently enforceable; information Administrator will use to determine if operation and maintenance requirements were met	
§63.6(e)(2)	[Reserved]		
§63.6(e)(3)	Startup, Shutdown, and Malfunction (SSM) Plan	Requirement for SSM plan; content of SSM plan; actions during SSM	No.
§63.6(f)(1)	Compliance Except During SSM	You must comply with emission standards at all times except during SSM	No.
§63.6(f)(2)–(3)	Methods for Determining Compliance	Compliance based on performance test, operation and maintenance plans, records, inspection	Yes.
§63.6(g)(1)–(3)	Alternative Standard	Procedures for getting an alternative standard	Yes.
§63.6(h)(1)	Compliance with Opacity/Visible Emission (VE) Standards	You must comply with opacity/VE standards at all times except during SSM	No.
§63.6(h)(2)(i)	Determining Compliance with Opacity/VE Standards	If standard does not State test method, use EPA Method 9 for opacity in appendix A of part 60 of this chapter and EPA Method 22 for VE in appendix A of part 60 of this chapter	No.
§63.6(h)(2)(ii)	[Reserved]		
§63.6(h)(2)(iii)	Using Previous Tests To Demonstrate Compliance With Opacity/VE Standards	Criteria for when previous opacity/VE testing can be used to show compliance with this subpart	No.
§63.6(h)(3)	[Reserved]		
§63.6(h)(4)	Notification of Opacity/VE Observation Date	Must notify Administrator of anticipated date of observation	No.
§63.6(h)(5)(i), (iii)–(v)	Conducting Opacity/VE Observations	Dates and schedule for conducting opacity/VE observations	No.
§63.6(h)(5)(ii)	Opacity Test Duration and Averaging Times	Must have at least 3 hours of observation with 30 6-minute averages	No.
§63.6(h)(6)	Records of Conditions During Opacity/VE Observations	Must keep records available and allow Administrator to inspect	No.
§63.6(h)(7)(i)	Report Continuous Opacity Monitoring System (COMS) Monitoring Data From Performance Test	Must submit COMS data with other performance test data	No.
§63.6(h)(7)(ii)	Using COMS Instead of EPA Method 9	Can submit COMS data instead of EPA Method 9 results even if rule requires EPA Method 9 in appendix A of part 60 of this chapter, but must notify Administrator before performance test	No.

<b>Citation</b>	<b>Subject</b>	<b>Brief description</b>	<b>Applies to subpart CCCCCC</b>
§63.6(h)(7)(iii)	Averaging Time for COMS During Performance Test	To determine compliance, must reduce COMS data to 6-minute averages	No.
§63.6(h)(7)(iv)	COMS Requirements	Owner/operator must demonstrate that COMS performance evaluations are conducted according to §63.8(e); COMS are properly maintained and operated according to §63.8(c) and data quality as §63.8(d)	No.
§63.6(h)(7)(v)	Determining Compliance with Opacity/VE Standards	COMS is probable but not conclusive evidence of compliance with opacity standard, even if EPA Method 9 observation shows otherwise. Requirements for COMS to be probable evidence-proper maintenance, meeting Performance Specification 1 in appendix B of part 60 of this chapter, and data have not been altered	No.
§63.6(h)(8)	Determining Compliance with Opacity/VE Standards	Administrator will use all COMS, EPA Method 9 (in appendix A of part 60 of this chapter), and EPA Method 22 (in appendix A of part 60 of this chapter) results, as well as information about operation and maintenance to determine compliance	No.
§63.6(h)(9)	Adjusted Opacity Standard	Procedures for Administrator to adjust an opacity standard	No.
§63.6(i)(1)–(14)	Compliance Extension	Procedures and criteria for Administrator to grant compliance extension	Yes.
§63.6(j)	Presidential Compliance Exemption	President may exempt any source from requirement to comply with this subpart	Yes.
§63.7(a)(2)	Performance Test Dates	Dates for conducting initial performance testing; must conduct 180 days after compliance date	Yes.
§63.7(a)(3)	CAA Section 114 Authority	Administrator may require a performance test under CAA section 114 at any time	Yes.
§63.7(b)(1)	Notification of Performance Test	Must notify Administrator 60 days before the test	Yes.
§63.7(b)(2)	Notification of Re-scheduling	If have to reschedule performance test, must notify Administrator of rescheduled date as soon as practicable and without delay	Yes.
§63.7(c)	Quality Assurance (QA)/Test Plan	Requirement to submit site-specific test plan 60 days before the test or on date Administrator agrees with; test plan approval procedures; performance audit requirements; internal and external QA procedures for testing	Yes.
§63.7(d)	Testing Facilities	Requirements for testing facilities	Yes.
§63.7(e)(1)	Conditions for Conducting Performance Tests	Performance tests must be conducted under representative conditions; cannot conduct performance tests during SSM	Yes.

<b>Citation</b>	<b>Subject</b>	<b>Brief description</b>	<b>Applies to subpart CCCCCC</b>
§63.7(e)(2)	Conditions for Conducting Performance Tests	Must conduct according to this subpart and EPA test methods unless Administrator approves alternative	Yes.
§63.7(e)(3)	Test Run Duration	Must have three test runs of at least 1 hour each; compliance is based on arithmetic mean of three runs; conditions when data from an additional test run can be used	Yes.
§63.7(f)	Alternative Test Method	Procedures by which Administrator can grant approval to use an intermediate or major change, or alternative to a test method	Yes.
§63.7(g)	Performance Test Data Analysis	Must include raw data in performance test report; must submit performance test data 60 days after end of test with the Notification of Compliance Status; keep data for 5 years	Yes.
§63.7(h)	Waiver of Tests	Procedures for Administrator to waive performance test	Yes.
§63.8(a)(1)	Applicability of Monitoring Requirements	Subject to all monitoring requirements in standard	Yes.
§63.8(a)(2)	Performance Specifications	Performance Specifications in appendix B of 40 CFR part 60 apply	Yes.
§63.8(a)(3)	[Reserved]		
§63.8(a)(4)	Monitoring of Flares	Monitoring requirements for flares in §63.11 apply	Yes.
§63.8(b)(1)	Monitoring	Must conduct monitoring according to standard unless Administrator approves alternative	Yes.
§63.8(b)(2)–(3)	Multiple Effluents and Multiple Monitoring Systems	Specific requirements for installing monitoring systems; must install on each affected source or after combined with another affected source before it is released to the atmosphere provided the monitoring is sufficient to demonstrate compliance with the standard; if more than one monitoring system on an emission point, must report all monitoring system results, unless one monitoring system is a backup	No.
§63.8(c)(1)	Monitoring System Operation and Maintenance	Maintain monitoring system in a manner consistent with good air pollution control practices	No.
§63.8(c)(1)(i)–(iii)	Routine and Predictable SSM	Follow the SSM plan for routine repairs; keep parts for routine repairs readily available; reporting requirements for SSM when action is described in SSM plan	No.
§63.8(c)(2)–(8)	Continuous Monitoring System (CMS) Requirements	Must install to get representative emission or parameter measurements; must verify operational status before or at performance test	No.
§63.8(d)	CMS Quality Control	Requirements for CMS quality control,	No.

Citation	Subject	Brief description	Applies to subpart CCCCCC
		including calibration, etc.; must keep quality control plan on record for 5 years; keep old versions for 5 years after revisions	
§63.8(e)	CMS Performance Evaluation	Notification, performance evaluation test plan, reports	No.
§63.8(f)(1)–(5)	Alternative Monitoring Method	Procedures for Administrator to approve alternative monitoring	No.
§63.8(f)(6)	Alternative to Relative Accuracy Test	Procedures for Administrator to approve alternative relative accuracy tests for continuous emissions monitoring system (CEMS)	No.
§63.8(g)	Data Reduction	COMS 6-minute averages calculated over at least 36 evenly spaced data points; CEMS 1 hour averages computed over at least 4 equally spaced data points; data that cannot be used in average	No.
§63.9(a)	Notification Requirements	Applicability and State delegation	Yes.
§63.9(b)(1)–(2), (4)–(5)	Initial Notifications	Submit notification within 120 days after effective date; notification of intent to construct/reconstruct, notification of commencement of construction/reconstruction, notification of startup; contents of each	Yes.
§63.9(c)	Request for Compliance Extension	Can request if cannot comply by date or if installed best available control technology or lowest achievable emission rate	Yes.
§63.9(d)	Notification of Special Compliance Requirements for New Sources	For sources that commence construction between proposal and promulgation and want to comply 3 years after effective date	Yes.
§63.9(e)	Notification of Performance Test	Notify Administrator 60 days prior	Yes.
§63.9(f)	Notification of VE/Opacity Test	Notify Administrator 30 days prior	No.
§63.9(g)	Additional Notifications when Using CMS	Notification of performance evaluation; notification about use of COMS data; notification that exceeded criterion for relative accuracy alternative	Yes, however, there are no opacity standards.
§63.9(h)(1)–(6)	Notification of Compliance Status	Contents due 60 days after end of performance test or other compliance demonstration, except for opacity/VE, which are due 30 days after; when to submit to Federal vs. State authority	Yes, however, there are no opacity standards.
§63.9(i)	Adjustment of Submittal Deadlines	Procedures for Administrator to approve change when notifications must be submitted	Yes.
§63.9(j)	Change in Previous Information	Must submit within 15 days after the change	Yes.
§63.10(a)	Recordkeeping/Reporting	Applies to all, unless compliance extension; when to submit to Federal vs. State authority; procedures for owners of more than one source	Yes.
§63.10(b)(1)	Recordkeeping/Reporting	General requirements; keep all records	Yes.

Citation	Subject	Brief description	Applies to subpart CCCCCC
		readily available; keep for 5 years	
§63.10(b)(2)(i)–(iv)	Records Related to SSM	Occurrence of each for operations (process equipment); occurrence of each malfunction of air pollution control equipment; maintenance on air pollution control equipment; actions during SSM	No.
§63.10(b)(2)(vi)–(xi)	CMS Records	Malfunctions, inoperative, out-of-control periods	No.
§63.10(b)(2)(xii)	Records	Records when under waiver	Yes.
§63.10(b)(2)(xiii)	Records	Records when using alternative to relative accuracy test	Yes.
§63.10(b)(2)(xiv)	Records	All documentation supporting Initial Notification and Notification of Compliance Status	Yes.
§63.10(b)(3)	Records	Applicability determinations	Yes.
§63.10(c)	Records	Additional records for CMS	No.
§63.10(d)(1)	General Reporting Requirements	Requirement to report	Yes.
§63.10(d)(2)	Report of Performance Test Results	When to submit to Federal or State authority	Yes.
§63.10(d)(3)	Reporting Opacity or VE Observations	What to report and when	No.
§63.10(d)(4)	Progress Reports	Must submit progress reports on schedule if under compliance extension	Yes.
§63.10(d)(5)	SSM Reports	Contents and submission	Yes.
§63.10(e)(1)–(2)	Additional CMS Reports	Must report results for each CEMS on a unit; written copy of CMS performance evaluation; two-three copies of COMS performance evaluation	No.
§63.10(e)(3)(i)–(iii)	Reports	Schedule for reporting excess emissions	Yes, note that §63.11130(K) specifies excess emission events for this subpart.
§63.10(e)(3)(iv)–(v)	Excess Emissions Reports	Requirement to revert to quarterly submission if there is an excess emissions and parameter monitor exceedances (now defined as deviations); provision to request semiannual reporting after compliance for 1 year; submit report by 30th day following end of quarter or calendar half; if there has not been an exceedance or excess emissions (now defined as deviations), report contents in a statement that there have been no deviations; must submit report containing all of the information in §§63.8(c)(7)–(8) and 63.10(c)(5)–(13)	No, §63.11130(K) specifies excess emission events for this subpart.

<b>Citation</b>	<b>Subject</b>	<b>Brief description</b>	<b>Applies to subpart CCCCCC</b>
§63.10(e)(3)(vi)–(viii)	Excess Emissions Report and Summary Report	Requirements for reporting excess emissions for CMS; requires all of the information in §§63.10(c)(5)–(13) and 63.8(c)(7)–(8)	No.
§63.10(e)(4)	Reporting COMS Data	Must submit COMS data with performance test data	No.
§63.10(f)	Waiver for Recordkeeping/Reporting	Procedures for Administrator to waive	Yes.
§63.11(b)	Flares	Requirements for flares	No.
§63.12	Delegation	State authority to enforce standards	Yes.
§63.13	Addresses	Addresses where reports, notifications, and requests are sent	Yes.
§63.14	Incorporations by Reference	Test methods incorporated by reference	Yes.
§63.15	Availability of Information	Public and confidential information	Yes.

**Resource**

EPA Summary of Regulations Controlling Air Emissions from Gasoline Dispensing Facilities (GDF) Fact Sheet  
<http://www.epa.gov/ttn/atw/area/gdfb.pdf>

**Reference**

The US EPA Electronic Code of Federal Regulations - 40 CFR 63, Subpart CCCCCC National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities web address:  
<http://ecfr.gpoaccess.gov/cqi/t/text/text-idx?c=ecfr&sid=ec747058ccd5763d83153eaa83fe7220&rqn=div6&view=text&node=40:14.0.1.1.1.15&idno=40>



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

**TO:** Brian Peters  
J. H. Rudolph & Company, Inc. - St. Croix Plant  
534 Mozart St  
Tell City, IN 47586

**DATE:** June 17, 2010

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

**SUBJECT:** Final Decision  
FESOP  
123-29250-00025

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:  
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](mailto:jbrush@idem.IN.gov).

Final Applicant Cover letter.dot 11/30/07

# Mail Code 61-53

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2		Alvin C Evans COO J. H. Rudolph & Company, Inc. - St. Croix Plant PO Box 5226 Evansville IN 47716-5226 (RO CAATS)										
3		Perry County Health Department Courthouse Annex Cannelton IN 47520-1251 (Health Department)										
4		English Town Council and Town Manager PO Box 258 English IN 47118 (Local Official)										
5		Mr. Randy Brown Plumbers & Steam Fitters Union, Local 136 2300 St. Joe Industrial Park Dr Evansville IN 47720 (Affected Party)										
6		Mr. Ron Hendrich Schwab Corporation 4630 E St Rd 66 Cannelton IN 47520 (Affected Party)										
7		Perry County Commissioners Court House, 2219 Payne Street Tell City IN 47586 (Local Official)										
8		Jeff Mulzer J. H. Rudolph & Company, Inc. P.O. Box 5226 Evansville IN 47716-5226 (Consultant)										
9		Mr. John Blair 800 Adams Ave Evansville IN 47713 (Affected Party)										
10		Christopher Zirkelbach Environmental & Safety Solutions 100 NW Second Street Evansville IN 47708 (Consultant)										
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