



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

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

TO: Interested Parties / Applicant

DATE: August 8, 2011

RE: E & B Paving / 147-30696-03302

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

August 8, 2011

Re: 147-30696-03302
Portable Source Relocation Letter for
FESOP No. 087-27799-03302

Dear Mr. Henderson:

Approval is hereby granted to operate the portable drum hot mix asphalt plant, described in FESOP No. 087-27799-03302, issued on November 13, 2009. This source is to be located at 900 N. 7th Street, Rockport, in Spencer County. This plant was previously located at 1021 N. SR 66, Rockport in Spencer County, and the site approval was issued on April 15, 2010.

Relocation of this plant must take place within 120 days after the issuance of this decision. This approval supersedes all previous site approval letters.

Advance written notice to the Office of Air Quality (OAQ), Compliance and Enforcement Branch, of start-up is required in order for the OAQ to perform an inspection. The notification 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

If the plant is not operating in compliance with all applicable regulations upon inspection, the plant must cease operation upon notification to you by OAQ staff of such non-compliance. Operations may only resume once remedial actions have been taken and approved by the OAQ.

Pursuant to 326 IAC 2-7-1(39), starting July 1, 2011, greenhouse gases (GHGs) emissions are subject to regulation at a source with a potential to emit 100,000 tons per year or more of CO₂ equivalent emissions (CO₂e). Therefore, CO₂e emissions have been calculated for this source. Based on the calculations the unlimited potential to emit greenhouse gases from the entire source is less than 100,000 tons of CO₂e per year (see Appendix A for detailed calculations). This did not require any changes to the permit.

Upon further review: IDEM, OAQ made the following revisions with deleted language as ~~strikeouts~~ and new language **bolded**.

(1) The current county location in Section A.1 (General Information) has been updated as follows:

Current County Location: ~~LaGrange~~ **Spencer**

(2) IDEM, OAQ has decided to clarify Section B - Certification to be consistent with the rule.

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 ~~is~~ **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).
- (3) IDEM, OAQ has decided to clarify Section B - Preventive Maintenance Plan to be consistent with the rule.

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 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 "authorized individual" as defined by 326 IAC 2-1.1-1(1).

The Permittee shall implement the PMPs.

- (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. 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).
 - (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.
- (4) IDEM, OAQ has decided to remove all references to the source mailing address. IDEM, OAQ will continue to maintain records of the mailing address.

~~Mailing Address: 286 W 300 N, Anderson, IN 46012~~

(5) IDEM, OAQ is removing Section B - Advanced Source Modification Approval as it unnecessary.

~~B.24 Advanced Source Modification Approval [326 IAC 2-8-4(11)] [326 IAC 2-1.1-9]~~

~~(a) The requirements to obtain a permit modification under 326 IAC 2-8-11.1 are satisfied by this permit for the proposed emission units, control equipment or insignificant activities in Sections A.2 and A.3.~~

~~(b) Pursuant to 326 IAC 2-1.1-9 any permit authorizing construction may be revoked if construction of the emission unit has not commenced no later than eighteen (18) months from the date of issuance of the permit, or if during the construction, work is suspended for a continuous period of one (1) year or more.~~

~~B.2524 Credible Evidence [326 IAC 2-8-4(3)][326 IAC 2-8-5][62 FR 8314] [326 IAC 1-1-6]~~

...

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

This decision is subject to the Indiana Administrative Orders and Procedures Act - IC 4-21.5-3-5. If you have any questions concerning this relocation site approval, please contact Sarah Germann, of my staff, at 317-232-8427 or 1-800-451-6027, and ask for extension 2-8427.

Sincerely,



Iryn Calilung, Section Chief
Permits Branch
Office of Air Quality

IC/sg

Enclosures: Notice of Decision
Updated Permit
Appendix A

cc: File Spencer County
Spencer County Health Department
Compliance and Enforcement Branch
Billing, Licensing and Training Section



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Federally Enforceable State Operating Permit OFFICE OF AIR QUALITY

E & B Paving, Inc. Portable

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit.

The Permittee must comply with all conditions of this permit. Noncompliance with any provisions of this permit is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. An emergency does constitute an affirmative defense in an enforcement action provided the Permittee complies with the applicable requirements set forth in Section B, Emergency Provisions.

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-8 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17. This permit also addresses certain new source review requirements for existing equipment and is intended to fulfill the new source review procedures pursuant to 326 IAC 2-8-11.1, applicable to those conditions

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.: F087-27799-03302	
Original Signed by: Iryn Calilung, Section Chief Permits Branch Office of Air Quality	Issuance Date: November 13, 2009 Expiration Date: November 13, 2019

First Portable Source Relocation No.: 147-29070-03302, Issued April 15, 2010

Second Portable Source Relocation No.: 147-30696-03302	
Issued by:  Iryn Calilung, Section Chief Permits Branch Office of Air Quality	Issuance Date: August 8, 2011 Expiration Date: November 13, 2019

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SECTION A SOURCE SUMMARY

This permit is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ). The information describing the source contained in conditions A.1 through A.3 is descriptive information and does not constitute enforceable conditions. However, the Permittee should be aware that a physical change or a change in the method of operation that may render this descriptive information obsolete or inaccurate may trigger requirements for the Permittee to obtain additional permits or seek modification of this permit pursuant to 326 IAC 2, or change other applicable requirements presented in the permit application.

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

The Permittee owns and operates a portable drum hot mix asphalt plant.

Source Address:	Portable
General Source Phone Number:	(765) 643-5385
SIC Code:	2951
Current County Location:	Spencer
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)]

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

- (a) One (1) hot mix asphalt drum mixer/dryer, identified as EU-01, constructed in 1988, modified in 2008, capable of processing 350 tons per hour of raw material, equipped with one 110 million British thermal units (MMBtu) per hour No. 2 fuel oil burner, using natural gas, Refinery Blend Fuel oil, and Waste oil as back-up fuels, processing slag in the aggregate mix; equipped with one (1) baghouse for particulate control, and exhausting through one (1) stack, identified as stack SV-1. This source does not produce cold mix.

Under 40 CFR 60, Subpart I, this hot mix asphalt plant is considered an affected facility.

- (b) Feeding, conveying and loading operations consisting of the following:
- (1) Six (6) aggregate storage bins.
 - (2) One (1) recycled aggregate storage bin.
 - (3) Three (3) storage piles, total capacity: 18,000 tons.
- (c) One (1) hot oil heater, firing No. 2 distillate oil as primary fuel, firing natural gas as backup fuel, exhausting to Stack SV-2, rated at 2.353 million British thermal units per hour.
- (d) Two (2) storage tanks, identified as Tank-01 and Tank-02, constructed in 1988, storing liquid asphalt, exhausting to vents SV-3 and SV-4, with capacities of 25,000 and 30,000 gallons, respectively. Tank-02 is divided into two compartments of 15,000 gallons each.
- (e) Two (2) storage tanks, identified as Tank-03 and Tank-04, constructed in 1986, storing No. 2 distillate oil, exhausting to vents SV-5 and SV-6, with capacities of 20,000 gallons and 15,000 gallons, respectively.

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

This portable source also includes the following insignificant activities:

- (a) A gasoline fuel transfer and dispensing operation handling less than or equal to one thousand three hundred (1,300) gallons per day, such as filling of tanks, locomotives, automobiles, having storage capacity less than or equal to ten thousand five hundred (10,500) gallons, including:

One (1) Loader re-fueling tank, with a capacity of 400 gallons.

Under 40 CFR 60, Subpart CCCCCC, the units comprising this operation are considered affected facilities.

- (b) Fuel oil-fired combustion sources with heat input equal to or less than two million (2,000,000) Btu/hr and firing fuel containing less than five-tenths (0.5) percent;
- (c) Combustion source flame safety purging on startup;
- (d) Propane or liquefied petroleum gas, or butane-fired combustion sources with heat input equal to or less than six million (6,000,000) Btu/hr;
- (e) A petroleum fuel, other than gasoline, dispensing facility, having a storage capacity of less than or equal to ten thousand five hundred (10,500) gallons, and dispensing less than or equal to two hundred thousand (230,000) gallons per month, including:

One (1) 800 gallon diesel tank.

- (f) Storage tanks with capacity less than or equal to one thousand (1,000) gallons and annual throughputs less than twelve thousand (12,000) gallons, including:

One (1) 500 gallon capacity tank associated with the Hot Oil Heater.

- (g) Vessels storing lubricating oils, hydraulic oils, machining oils, and machining fluids;
- (h) Application of oils, greases, lubricants or other nonvolatile materials applied as temporary protective coatings;
- (i) Cleaners and solvents characterized as follows:
- (1) having a vapor pressure equal to or less than 2 kPa; 15 mm Hg; or 0.3 psi measured at 38°C (100°F) or;
 - (2) having a vapor pressure equal to or less than 0.7 kPa; 5 mm Hg; or 0.1psi measured at 20°C(68°F); the use of which for all cleaners and solvents combined does not exceed one hundred forty-five (145) gallons per twelve (12) months;

- (j) Closed loop heating and cooling systems;
- (k) Replacement or repair of electrostatic precipitators, bags in baghouses and filters in other air filtration equipment;
- (l) A laboratory as defined in 326 IAC 2-7-1(21)(D); and
- (m) Vehicle travel on paved roads, unpaved roads, and parking lots.

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) for 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, F087-27799-03302, 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. The initial certification shall cover the time period from the date of final permit issuance through December 31 of the same year. All subsequent 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) If required by specific condition(s) in Section D of this permit, 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 "authorized individual" as defined by 326 IAC 2-1.1-1(1).

The Permittee shall implement the PMPs.

- (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. 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).
- (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 and Southeast 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
Southeast Regional Office phone: (812) 358-2027; fax: (812) 358-2058.

- (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 F087-27799-03302 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 Reserved

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 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.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 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.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 46204-2251

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.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 46204-2251

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.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 46204-2251

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.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 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.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 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.2 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:

- (1) 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.
- (2) Opacity shall not exceed an average of thirty percent (30%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4, when the source is located in the following areas listed in 326 IAC 5-1-1(c):
 - (a) Clark County (Jefferson Township - Cities of Jeffersonville, Clarksville, Oak Park);
 - (b) Dearborn County (Lawrenceburg Township - Cities of Lawrenceburg and Greendale);
 - (c) Dubois County (Bainbridge Township - the City of Jasper);

- (d) Marion County (except the area of Washington Township east of Fall Creek and the area of Franklin Township south of Thompson Road and east of Five Points Road);
 - (e) St. Joseph County (the area north of Kern Road and east of Pine Road);
 - (f) Vanderburgh County (the area included in the City of Evansville and Pigeon Township); and
 - (g) Vigo County (Indiana State University campus, 0.5km radius around UTM Easting 464,519.00, Northing 4,369,208.00, Zone 16.
- (3) 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 non-overlapping integrated averages for a continuous opacity monitor in a six (6) hour period.

C.3 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.4 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.5 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.6 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.7 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.8 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]

- (a) Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.
- (b) The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:

- (1) When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or
- (2) If there is a change in the following:
 - (A) Asbestos removal or demolition start date;
 - (B) Removal or demolition contractor; or
 - (C) Waste disposal site.
- (c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).
- (d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).

All required notifications shall be submitted to:

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

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

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

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

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

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

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue

MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

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

- (b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).
- (c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ if the Permittee submits to IDEM, OAQ a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.

Compliance Requirements [326 IAC 2-1.1-11]

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

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

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

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

Unless otherwise specified in this permit, 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 meet the requirements of 326 IAC 2-8-5(a)(1) by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

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

C.12 Reserved

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

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

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

C.14 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 prepare written emergency reduction plans (ERPs) consistent with safe operating procedures.
- (b) These ERPs shall be submitted for approval 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 ninety (90) days after the date of issuance of this permit.

The ERP 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) If the ERP is disapproved by IDEM, OAQ, the Permittee shall have an additional thirty (30) days to resolve the differences and submit an approvable ERP.
- (d) These ERPs shall state those actions that will be taken, when each episode level is declared, to reduce or eliminate emissions of the appropriate air pollutants.
- (e) Said ERPs shall also identify the sources of air pollutants, the approximate amount of reduction of the pollutants, and a brief description of the manner in which the reduction will be achieved.
- (f) 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 responses 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]

- (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 2-1.1-11(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) Reserved
- (e) The first report shall cover the period commencing on the date of issuance of this permit or the date of initial start-up, whichever is later, and ending on the last day of the reporting period. Reporting periods are based on calendar years, unless otherwise specified in this permit. For the purpose of this permit, "calendar year" means the twelve (12) month period from January 1 to December 31 inclusive.

Portable Source Requirement

C.20 Relocation of Portable Sources [326 IAC 2-14-4]

- (a) This permit is approved for operation in all areas of Indiana except in severe nonattainment areas for ozone, and Lake, Porter, and LaPorte Counties. This determination is based on the requirements of Prevention of Significant Deterioration in 326 IAC 2-2, and Emission Offset requirements in 326 IAC 2-3. Prior to locating in any severe nonattainment area, the Permittee must submit a request and obtain a permit modification.

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

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

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

Stratospheric Ozone Protection

C.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 applicable standards for recycling and emissions reduction.

SECTION D.1 EMISSIONS UNIT OPERATION CONDITIONS

Emissions Unit Description:

- (a) One (1) hot mix asphalt drum mixer/dryer, identified as EU-01, constructed in 1988, modified in 2008, capable of processing 350 tons per hour of raw material, equipped with one 110 million British thermal units (MMBtu) per hour No. 2 fuel oil burner, using natural gas, Refinery Blend Fuel oil, and Waste oil as back-up fuels, processing slag in the aggregate mix; equipped with one (1) baghouse for particulate control, and exhausting through one (1) stack, identified as stack SV-1. This source does not produce cold mix.

Under 40 CFR 60, Subpart I, this hot mix asphalt plant is considered an affected facility.

- (b) Feeding, conveying and loading operations consisting of the following:

- (1) Six (6) aggregate storage bins.
- (2) One (1) recycled aggregate storage bin.
- (3) Three (3) storage piles, total capacity: 18,000 tons.

- (c) One (1) hot oil heater, firing No. 2 distillate oil as primary fuel, firing natural gas as backup fuel, exhausting to Stack SV-2, rated at 2.353 million British thermal units per hour.

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

Pursuant to 326 IAC 6.5-1-2 (Particulate Matter Limitations Except Lake County), particulate matter (PM) emissions from the dryer/mixer shall not exceed 0.03 grain per dry standard cubic foot of exhaust air when the source is located in Clark, Dearborn, Dubois, Howard, Marion, St. Joseph, Vanderburgh, Vigo, or Wayne Counties.

D.1.2 Particulate Matter (PM) [326 IAC 2-2] [326 IAC 6.5-1-2]

In order to render 326 IAC 2-2 not applicable;

- (a) the amount of asphalt processed shall not exceed 747,604 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.
- (b) PM emissions from the dryer/mixer shall not exceed 0.227 pounds per ton of asphalt processed.

Compliance with these PM limitations, combined with the limited PM potential to emit (PTE) from other emission units at this source, shall limit the source-wide total potential to emit PM to less than 250 tons per twelve (12) consecutive month period and shall render 326 IAC 2-2 (PSD) not applicable.

Note: The source has opted to limit source-wide potential to emit PM to less than 125 tons per twelve (12) consecutive month period. This would allow for the co-location of an additional asphalt plant to the same location, as long as the co-located plant has limited potential to emit equal to or less than those that are issued within this permit.

D.1.3 Dryer and Mixer FESOP Limits [326 IAC 2-8-4] [326 IAC 2-2]

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

- (a) The amount of asphalt processed shall not exceed 747,604 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.
- (b) The PM10 emissions from the dryer/mixer shall not exceed 0.100 pounds per ton of asphalt processed.
- (c) The PM2.5 emissions from the dryer/mixer shall not exceed 0.118 pounds per ton of asphalt processed.
- (d) The CO emissions from the dryer/mixer shall not exceed 0.13 pounds per ton of asphalt processed.
- (e) The VOC emissions from the dryer/mixer shall not exceed 0.032 pounds per ton of asphalt processed.
- (f) The SO2 emissions from the dryer/mixer shall not exceed 0.540 pounds per ton of Blast Furnace slag processed in the aggregate mix.
- (g) Blast Furnace slag usage shall not exceed 43,600 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.
- (h) The SO2 emissions from the dryer/mixer shall not exceed 0.0014 pounds per ton of Steel slag processed in the aggregate mix.

Compliance with these limitations, combined with the limited PTE from other emission units at this source, shall limit the source-wide total potential to emit PM10, PM2.5, CO, VOC, and SO2 to less than 100 tons per twelve (12) consecutive month period, and shall render 326 IAC 2-7 (Part 70) and 326 IAC 2-2 (PSD) not applicable.

Note: The source has opted to limit source-wide potential to emit PM10, PM2.5, CO, VOC, and SO2 to less than 50 tons per twelve (12) consecutive month period. This would allow for the co-location of an additional asphalt plant to the same location, as long as the co-located plant has limited potentials to emit equal to or less than those that are issued within this permit.

D.1.4 Hazardous Air Pollutants (HAPs) [326 IAC 2-8-4][326 IAC 2-2][326 IAC 2-4.1]

Pursuant to 326 IAC 2-8-4, the Permittee shall comply with the following fuel limitations combusted in the dryer/mixer burner and all other combustion equipment:

- (a) The HCl emissions shall not exceed 13.2 pounds of HCl per 1,000 gallons of waste oil burned.
- (b) The waste oil combusted shall not contain more than 0.50% ash, 0.20% chlorine, and 0.01% Lead.

Compliance with these limits, combined with the limited PTE from all other emission units at this source, shall limit the source-wide total potential to emit HCL to less than 10 tons per twelve (12) consecutive month period, and any combination of HAPs to less than 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.

Note: The source has opted to limit source-wide potential to emit any single hazardous air to less than 5 tons per twelve (12) consecutive month period, and any combination of HAPs to less than 12.5 tons per twelve (12) consecutive month period. This would allow for the co-location of an additional asphalt plant to the same location, as long as the co-located plant has limited potential to emit equal to or less than those that are issued within this permit.

D.1.5 Fuel and Slag Usage Limitations [326 IAC 2-8-4][326 IAC 2-2]

Pursuant to 326 IAC 2-8-4, the Permittee shall comply with the following fuel limitations combusted in the dryer/mixer burner and all other combustion equipment:

(a) Sulfur Content Specifications

- (1) The sulfur content of No.2 fuel oil shall not exceed 0.50 percent by weight.
- (2) The sulfur content of the refinery blend fuel oil shall not exceed 1.00 percent by weight.
- (3) The sulfur content of the waste fuel oil shall not exceed 1.00 percent by weight.
- (4) The sulfur content of the Blast Furnace slag shall not exceed 1.10 percent by weight, with compliance demonstrated on a calendar month average.
- (5) The sulfur content of the Steel slag shall not exceed 0.66 percent by weight.

(b) Single Fuel Usage and Slag Usage Limitations:

When combusting only one type of fuel per twelve (12) consecutive month period in the dryer/mixer burner and all other combustion equipment, the usage of fuel, in conjunction with the usage of slag, shall be limited as follows:

- (1) Natural gas usage shall not exceed 510 million cubic feet per twelve (12) consecutive month period, with compliance determined at the end of each month;
- (2) No. 2 fuel oil usage shall not exceed 926,798 gallons per twelve (12) consecutive month period, with compliance determined at the end of each month;
- (3) Refinery blend fuel oil usage shall not exceed 419,125 gallons per twelve (12) consecutive month period, with compliance determined at the end of each month; and
- (4) Waste oil usage shall not exceed 447,637 gallons per twelve (12) consecutive month period, with compliance determined at the end of each month.
- (5) Blast Furnace slag usage shall not exceed 43,600 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

(c) Multiple Fuel Usage and Slag Usage Limitation:

When combusting more than one fuel per twelve (12) consecutive month period in the dryer/mixer burner in conjunction with the use of slag, emissions from the dryer/mixer shall be limited as follows:

- (1) NOx emissions from the dryer/mixer and all other combustion equipment shall be less than 49.9 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

- (2) SO₂ emissions from the dryer/mixer and all other combustion equipment shall be less than 49.9 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

Compliance with these limits, combined with the limited PTE from all other emission units at this source, shall limit the source-wide total potential to emit NO_x and SO₂ to less than 100 tons per 12 consecutive month period, each, 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.

Note: The source has opted to limit source-wide potential to emit NO_x to less than 50 tons per twelve (12) consecutive month period. This would allow for the co-location of an additional asphalt plant to the same location, as long as the co-located plant has limited potential to emit equal to or less than those that are issued within this permit.

D.1.6 Sulfur Dioxide (SO₂) [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 (SO₂) emissions from the dryer/mixer burner shall not exceed 0.5 pounds per million Btu heat input when using distillate oil.
- (b) The sulfur dioxide (SO₂) emissions from the dryer/mixer burner shall not exceed 1.60 pounds per million Btu heat input when using residual oil.
- (c) Pursuant to 326 IAC 7-2-1, compliance shall be demonstrated on a calendar month average.

D.1.7 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 amount of asphalt processed shall not exceed 747,604 tons per twelve (12) consecutive month period
- (b) The VOC emissions from the dryer/mixer shall not exceed 0.032 pounds per ton of asphalt processed.

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

D.1.8 Preventive Maintenance Plan [326 IAC 2-8-4(9)]

A Preventive Maintenance Plan is required for this facility and its control devices. 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.1.9 Testing Requirements [326 IAC 2-8-5(a)(1), (4)] [326 IAC 2-1.1-11]

- (a) In order to demonstrate compliance with Conditions D.1.2(b), D.1.3(b), and D.1.3(c), the Permittee shall perform PM, PM₁₀, and PM_{2.5} testing for the aggregate 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 last valid compliance demonstration. PM₁₀ and PM_{2.5} include filterable and condensable particulate matter. 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 obligations with regard to Performance Testing.

- (b) In order to demonstrate compliance with Conditions D.1.3(f) and D.1.5(a)(4), when using Blast Furnace slag, the Permittee shall perform SO₂ testing for the aggregate dryer not later than one hundred eighty (180) days of initial use of Blast Furnace slag in the aggregate mix, utilizing methods as approved by the Commissioner. Testing shall only be performed if the company has not previously performed SO₂ testing while using Blast Furnace slag in the aggregate mix at one of their other Indiana facilities. 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 obligations with regard to Performance Testing.

D.1.10 Particulate Control

- (a) In order to comply with Conditions D.1.1, D.1.2(b), D.1.3(b), and D.1.3(c), the baghouse for the dryer/mixer shall be in operation and control emissions from the emission unit 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.1.11 Multiple Fuel Usage and Slag Limitation

- (a) In order to comply with Condition D.1.5(c) when combusting more than one fuel per twelve (12) consecutive month period in the dryer/mixer burner, in conjunction with the use of slag, the Permittee shall limit fuel usage in the dryer/mixer burner according to the following formulas:

- (1) NO_x emissions from the dryer/mixer shall be less than 49.9 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

$$\frac{N = G(E_G) + O(E_O) + R(E_R) + W(E_W)}{2,000 \text{ lbs/ton}}$$

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 fuel oil used in last 12 months
R = gallons of Refinery Blend fuel oil used in last 12 months
W = gallons of Waste oil used for last 12 months
E_G = 100 lb/million cubic feet of natural gas
E_O = 20 lb/1000 gallons of No. 2 fuel oil
E_R = 55 lb/1000 gallons of Refinery Blend fuel oil
E_W = 19 lb/1000 gallons of Waste oil

- (2) SO₂ emissions from the dryer/mixer shall be less than 49.9 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

$$\frac{S = G(E_G) + O(E_O) + R(E_R) + W(E_W) + B(E_B) + T(E_T)}{2,000 \text{ lbs/ton}}$$

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 fuel oil used in last 12 months
- R = gallons of Refinery Blend fuel oil used in last 12 months
- W = gallons of Waste oil used in last 12 months
- B = tons of Blast Furnace slag used in last 12 months
- T = tons of Steel slag used in last 12 months
- E_G = 0.60 lb/million cubic feet of natural gas
- E_O = 71.00 lb/1000 gallons of No. 2 fuel oil
- E_R = 157 lb/1000 gallons of Refinery Blend fuel oil
- E_W = 147 lb/1000 gallons of Waste oil
- E_B = 0.54 lb/ton of Blast Furnace slag used
- E_T = 0.0014 lb/ton of Steel slag used

D.1.12 Sulfur Dioxide (SO₂) Emissions and Sulfur Content

Blast Furnace Slag

- (a) Compliance with the Blast Furnace slag limitations established in Condition D.1.5(a)(4) 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) Maintaining all records of vendor analyses or certifications of Blast Furnace slag delivered; or
 - (2) Analyzing a sample of each Blast Furnace slag delivery, if no vendor analyses or certifications are available, to determine the sulfur content of the Blast Furnace 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.

Compliance may also be determined by conducting a stack test for sulfur dioxide emissions from the one hundred ten (110) 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 in (1) or (2) above shall not be refuted by evidence of compliance pursuant to the other method.

Steel Slag

- (b) Compliance with the Steel slag limitations established in Condition D.1.5(a)(5) 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) Maintaining all records of vendor analyses or certifications of slag delivered; or
 - (2) Analyzing a sample of the Steel slag delivery if no vendor analyses or certifications are available, at least once per quarter, 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.

Compliance may also be determined by conducting a stack test for sulfur dioxide emissions from the one hundred ten (110) 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 in (1) or (2) above shall not be refuted by evidence of compliance pursuant to the other method.

Fuel Oil

- (c) Compliance with the fuel limitations established in Conditions D.1.5(a) and D.1.6 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 that the sulfur dioxide emissions do not exceed five-tenths (0.5) pounds per million British thermal units heat input when combusting No. 2 fuel oil, or one (1.00) pound per million British thermal units heat input when combusting either refinery blend or waste fuel oils, by:
- (A) Providing vendor analysis of fuel delivered, if accompanied by a vendor certification; or
- (B) Analyzing the oil sample to determine the sulfur content of the oil via the procedures in 40 CFR 60, Appendix A, Method 19.
- (i) Oil samples may be collected from the fuel tank immediately after the fuel tank is filled and before any oil 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 one hundred ten (110) 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.

A determination of noncompliance pursuant to any of the methods specified in (1) or (2) above shall not be refuted by evidence of compliance pursuant to the other method.

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

D.1.13 Visible Emissions Notations

- (a) Daily visible emission notations of the aggregate dryer, mixer, and burner baghouse stack exhaust and the conveying, material transfer points, and screening shall be performed during normal daylight operations when exhausting to the atmosphere. 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 Parametric Monitoring

The Permittee shall record the pressure drop across the baghouse used in conjunction with the aggregate dryer/mixer, once per day when the process is in operation and venting to the atmosphere. When for any one reading, the pressure drop across the baghouse is outside the normal range of 2.0 and 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.

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

D.1.15 Broken or Failed Bag Detection

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

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

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

D.1.16 Record Keeping Requirements

- (a) To document the compliance status with Conditions D.1.2(a), D.1.3(a) and D.1.7(a) the Permittee shall keep records of the amount of asphalt processed through the dryer/mixer. Records necessary to demonstrate compliance shall be available no later than thirty (30) days of the end of each compliance period.
- (b) To document compliance with Condition D.1.5(b)(6), the Permittee shall keep records of the amount of Blast Furnace slag processed through the dryer/mixer. Records necessary to demonstrate compliance shall be available no later than thirty (30) days of the end of each compliance period.

- (c) To document compliance with Conditions D.1.5(a)(4) and D.1.5(a)(5), the Permittee shall maintain records in accordance with (1) through (6) below. Records maintained for (1) through (6) shall be taken daily and shall be complete and sufficient to establish compliance with the SO₂ emission limits established in Conditions D.1.5(a)(4) and D.1.5(a)(5). For the sulfur content limit, the compliance determination period is each calendar month.
- (1) Calendar dates covered in the compliance determination period;
 - (2) Actual slag usage, sulfur content and equivalent sulfur dioxide emission rates for all slag used at the source per month;
 - (3) A certification, signed by the owner or operator, that the records of the slag supplier certifications represent all of the slag used during the period; and
- If the slag supplier certification is used to demonstrate compliance the following, as a minimum, shall be maintained:
- (4) Slag supplier certifications;
 - (5) The name of the slag supplier; and
 - (6) A statement from the slag supplier that certifies the sulfur content of the slag.
- (d) To document compliance with Conditions D.1.4, D.1.5, and D.1.6, the Permittee shall maintain records in accordance with (1) through (7) below.
- (1) Calendar dates covered in the compliance determination period;
 - (2) Actual fuel usage, sulfur content, heat content, and equivalent sulfur dioxide emission rates for each fuel used at the source per month;
 - (3) 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 suppliers; and
 - (7) A statement from the fuel supplier that certifies the sulfur content of the No. 2 fuel oil, Refinery Blend fuel oil, and/or the Waste oil.
- (e) To document compliance with Conditions D.1.5(c) and D.1.11 when combusting more than one fuel per twelve (12) consecutive month period in the dryer/mixer burner, the Permittee shall maintain records of actual fuel usage, and equivalent nitrogen oxides and sulfur dioxide emission rates for each fuel used at the source per month.
- (f) To document compliance with 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 (SV-1) 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).
- (g) To document compliance with Condition D.1.14, the Permittee shall maintain the 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).

- (h) 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.1.2(a), D.1.3(a), D.1.7(a), D.1.5(b), D.1.5(c), and D.1.11 shall be submitted not later than thirty (30) days after the end of the quarter being reported. Section C - General Reporting Requirements contains the Permittee's obligations with regard to the Reporting required by this condition. The report submitted by the Permittee does require a certification that meet the requirements of 326 IAC 2-8-5(a)(1) by the "authorized individual" as defined by 326 IAC 2-1.1-1(1).

SECTION D.2 EMISSIONS UNIT OPERATION CONDITIONS

Emissions Unit Description:

- (d) Two (2) storage tanks, identified as Tank-01 and Tank-02, constructed in 1988, storing liquid asphalt, exhausting to vents SV-3 and SV-4, with capacities of 25,000 and 30,000 gallons, respectively. Tank-02 is divided into two compartments of 15,000 gallons each.
- (e) Two (2) storage tanks, identified as Tank-03 and Tank-04, constructed in 1986, storing No. 2 distillate oil, exhausting to vents SV-5 and SV-6, with capacities of 20,000 gallons and 15,000 gallons, respectively.

(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 Liquid Storage Vessels [326 IAC 8-9]

Pursuant to 326 IAC 8-9-6 (Volatile Organic Liquid Storage Vessels), the Permittee shall record and submit to IDEM, OAQ a report containing the following information for Tank-01, Tank-02, Tank-03, and Tank-04 when the source is located in Clark or Floyd Counties:

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

The Permittee shall keep all records as described in (a) through (c) for the life of the vessel.

SECTION E.1

FACILITY OPERATION CONDITIONS

Emissions Unit Description: Hot-Mix Asphalt Plant

- (a) One (1) hot mix asphalt drum mixer/dryer, identified as EU-01, constructed in 1988, modified in 2008, capable of processing 350 tons per hour of raw material, equipped with one 110 million British thermal units (MMBtu) per hour No. 2 fuel oil burner, using natural gas, Refinery Blend Fuel oil, and Waste oil as back-up fuels, processing slag in the aggregate mix; equipped with one (1) baghouse for particulate control, and exhausting through one (1) stack, identified as stack SV-1. This source does not produce cold mix.

Under 40 CFR 60, Subpart I, this hot mix asphalt plant 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.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 CFR Part 60, Subpart I, the Permittee shall comply with the provisions of 40 CFR Part 60, Subpart I, which are incorporated by reference as 326 IAC 12-1 for the asphalt plant as specified as follows. Pursuant to 40 CFR 60.90(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.

§ 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 (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]

SECTION E.2

FACILITY OPERATION CONDITIONS

Emissions Unit Description: Gasoline Dispensing Facility

- (a) A gasoline fuel transfer and dispensing operation handling less than or equal to one thousand three hundred (1,300) gallons per day, such as filling of tanks, locomotives, automobiles, having storage capacity less than or equal to ten thousand five hundred (10,500) gallons, including:

One (1) Loader re-fueling tank, with a capacity of 400 gallons.

Under 40 CFR 60, Subpart CCCCCC, the units comprising this operation are considered affected facilities.

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

National Emission Standards for Hazardous Air Pollutants Requirements [326 IAC 2-7-5(1)]

E.2.1 General Provisions Relating to National Emission Standards for Hazardous Air Pollutants under 40 CFR Part 63 [326 IAC 20-1] [40 CFR Part 63, Subpart A]

- (a) Pursuant to 40 CFR 63.11130, the Permittee shall comply with the provisions of 40 CFR Part 63, Subpart A – General Provisions, as specified in Table 3 of 40 CFR Part 63, Subpart CCCCCC in accordance with schedule in 40 CFR 63 Subpart CCCCCC

- (b) Pursuant to 40 CFR 63.10, the Permittee shall submit all required notifications and reports 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

E.2.2 National Emissions Standards for Hazardous Air Pollutants for Source Category Gasoline Dispensing Facilities [40 CFR Part 63, Subpart CCCCCC]

The Permittee shall comply with the following provisions of 40 CFR Part 63, Subpart CCCCCC (included as Attachment A), beginning on January 10, 2011, as follows:

- (1) 40 CFR 63. 11110
- (2) 40 CFR 63. 11111(a)(b)(e)(f)
- (3) 40 CFR 63. 11112(a)(d)
- (4) 40 CFR 63. 11113(b)(c)
- (5) 40 CFR 63. 11116
- (6) 40 CFR 63. 11130
- (7) 40 CFR 63. 11131
- (8) 40 CFR 63. 11132
- (9) Table 3

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT OFFICE OF AIR QUALITY

FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP) CERTIFICATION

Source Name: E & B Paving, Inc.
Source Address: Portable
FESOP Permit No.: F087-27799-03302

**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: E & B Paving, Inc.
Source Address: Portable
FESOP Permit No.: F087-27799-03302

This form consists of 2 pages

Page 1 of 2

- | |
|--|
| <p><input type="checkbox"/> This is an emergency as defined in 326 IAC 2-7-1(12)</p> <ul style="list-style-type: none">• 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 ₂ , VOC, NO _x , CO, Pb, other:
Estimated amount of pollutant(s) emitted during emergency:
Describe the steps taken to mitigate the problem:
Describe the corrective actions/response steps taken:
Describe the measures taken to minimize emissions:
If applicable, describe the reasons why continued operation of the facilities are necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw materials of substantial economic value:

Form Completed by: _____

Title / Position: _____

Date: _____

Phone: _____

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

FESOP Quarterly Report

Source Name: E & B Paving, Inc.
Source Address: Portable
FESOP Permit No.: F087-27799-03302
Facility: Drum mixer and dryer
Parameter: Throughput
Limit: The amount of hot mix asphalt produced in the dryer/burner shall not exceed 747,604 tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

YEAR: _____

Month	Column 1	Column 2	Column 1 + Column 2
	Hot Mix Asphalt Produced This Month (tons)	Hot Mix Asphalt Produced Previous 11 Months (tons)	12 Month Total Hot Mix Asphalt Produced (tons)
Month 1			
Month 2			
Month 3			

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

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

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

Fuel / Slag Usage Quarterly Report

Page 1 of 2

Source Name: E & B Paving, Inc.
Source Address: Portable
FESOP Permit No.: F087-27799-03302
Facility: Drum mixer and dryer
Parameters: Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Emissions

Limit: Nitrogen oxides (NO_x) emissions shall be less than 49.9 tons per twelve (12) consecutive month period based on the following equation:

$$\frac{N = G(E_G) + O(E_O) + R(E_R) + W(E_W)}{2,000 \text{ lbs/ton}}$$

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 fuel oil used in last 12 months
R = gallons of Refinery Blend fuel oil used in last 12 months
W = gallons of Waste oil used for last 12 months
E_G = 100 lb/million cubic feet of natural gas
E_O = 20 lb/1000 gallons of No. 2 fuel oil
E_R = 55 lb/1000 gallons of Refinery Blend fuel oil
E_W = 19 lb/1000 gallons of Waste oil

Limit: Sulfur dioxide (SO₂) emissions shall be less than 49.9 tons per twelve (12) consecutive month period based on the following equation:

$$\frac{S = G(E_G) + O(E_O) + R(E_R) + W(E_W) + B(E_B) + T(E_T)}{2,000 \text{ lbs/ton}}$$

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 fuel oil used in last 12 months
R = gallons of Refinery Blend fuel oil used in last 12 months
W = gallons of Waste oil used in last 12 months
B = tons of Blast Furnace slag used in last 12 months
T = tons of Steel slag used in last 12 months
E_G = 0.60 lb/million cubic feet of natural gas
E_O = 71.00 lb/1000 gallons of No. 2 fuel oil
E_R = 157 lb/1000 gallons of Refinery Blend fuel oil
E_W = 147 lb/1000 gallons of Waste oil
E_B = 0.54 lb/ton of Blast Furnace slag used
E_T = 0.0014 lb/ton of Steel slag used

Multiple Fuel / Slag Usage Quarterly Report

QUARTER: _____ YEAR: _____

Month		Column 1	Column 2	Column 1 + Column 2	Equation Results
	Fuel Types / Slag (units)	Usage This Month	Usage Previous 11 Months	Usage 12 Month Total	Emissions (tons per 12 months)
Month 1	Natural Gas (million cubic feet)				Nitrogen Oxides = Sulfur Dioxide =
	No. 2 Fuel Oil (gallons)				
	Refinery Blend Fuel Oil (gallons)				
	Waste Fuel Oil (gallons)				
	Blast Furnace Slag (tons)				
	Steel Slag Usage (tons)				
Month 2	Natural Gas (million cubic feet)				Nitrogen Oxides = Sulfur Dioxide =
	No. 2 Fuel Oil (gallons)				
	Refinery Blend Fuel Oil (gallons)				
	Waste Fuel Oil (gallons)				
	Blast Furnace Slag (tons)				
	Steel Slag Usage (tons)				
Month 3	Natural Gas (million cubic feet)				Nitrogen Oxides = Sulfur Dioxide =
	No. 2 Fuel Oil (gallons)				
	Refinery Blend Fuel Oil (gallons)				
	Waste Fuel Oil (gallons)				
	Blast Furnace Slag (tons)				
	Steel Slag Usage (tons)				

- 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: E & B Paving, Inc.
Source Address: Portable
FESOP Permit No.: F087-27799-03302

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>	
<p><input type="checkbox"/> NO DEVIATIONS OCCURRED THIS REPORTING PERIOD.</p>	
<p><input type="checkbox"/> THE FOLLOWING DEVIATIONS OCCURRED THIS REPORTING PERIOD</p>	
<p>Permit Requirement (specify permit condition #)</p>	
<p>Date of Deviation:</p>	<p>Duration of Deviation:</p>
<p>Number of Deviations:</p>	
<p>Probable Cause of Deviation:</p>	
<p>Response Steps Taken:</p>	
<p>Permit Requirement (specify permit condition #)</p>	
<p>Date of Deviation:</p>	<p>Duration of Deviation:</p>
<p>Number of Deviations:</p>	
<p>Probable Cause of Deviation:</p>	
<p>Response Steps Taken:</p>	

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

Form Completed by: _____

Title / Position: _____

Date: _____

Phone: _____

ATTACHMENT A
to Federally Enforceable State Operating Permit Renewal No. F087-27799-03302

E & B Paving, Inc.
Portable

ASPHALT PLANT SITE FUGITIVE DUST CONTROL PLAN

1. Fugitive particulate matter (dust) emissions from interior roads and parking lots shall be controlled by one or more of the following measures:
 - A. Paving with asphalt.
 - B. Treating with emulsified asphalt on an as needed basis.
 - C. Treating with calcium chloride on an as needed basis.
 - D. Treating with water on an as needed basis.

2. Fugitive particulate matter (dust) emissions from aggregate stockpiles shall be controlled by one or more of the following measures:
 - A. Clean and maintain stockpile areas.
 - B. Treating around the stockpile areas with water on an as needed basis.
 - C. Treating the stockpiles with water on an as needed basis.

3. Fugitive particulate matter (dust) emissions from conveying of aggregates shall be controlled by treating with water on an as needed basis.

4. Fugitive particulate matter (dust) emissions from the transferring of aggregates shall be controlled by one of the following measures:
 - A. Locate stockpiles as close as possible to feed bins.
 - B. Limit transfer points to three foot drops or less.
 - C. Apply water on an as needed basis.

5. Fugitive particulate matter (dust) emissions from transporting of aggregates shall be controlled by one of the following measures:
 - A. Tarping the aggregate hauling vehicles.
 - B. Ensure tailgates are tight and do not leak.
 - C. Maintain a 10 MPH speed limit on site.

6. Fugitive particulate matter (dust) emissions from the loading and unloading of aggregates shall be controlled by one or more of the following measures:
 - A. Limit free fall distance.
 - B. Limit the rate of discharge of the aggregate.
 - C. Apply water on an as needed basis.

7. Material Handling Operations
The size of the aggregate stockpiles will vary. Materials delivered to the plant site will be kept reasonably balanced with plant production. The actual drying and mixing of the aggregate mixture is done inside the asphalt plant. Emissions are controlled, at this point, by plant dust control systems.

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

**E & B Paving, Inc.
Portable**

Attachment B

Title 40: Protection of Environment

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

**Subpart CCCCCC—National Emission Standards for Hazardous Air
Pollutants for Source Category: Gasoline Dispensing Facilities**

F087-27799-03302

Title 40: Protection of Environment

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Subpart CCCCCC—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 monthly throughput is less than the 10,000-gallon or the 100,000-gallon threshold level, as applicable. For new or reconstructed affected sources, as specified in §63.11112(b) and (c), recordkeeping to document monthly throughput must begin upon startup of the affected source. For existing sources, as specified in §63.11112(d), recordkeeping to document monthly throughput must begin on January 10, 2008. For existing sources that are subject to this subpart only because they load gasoline into fuel tanks other than those in motor vehicles, as defined in §63.11132, recordkeeping to document monthly throughput must begin on January 24, 2011. Records required under this paragraph shall be kept for a period of 5 years.

(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 into storage tanks at airports, and the subsequent transfer of aviation gasoline within the airport, is not subject to this subpart.

(h) Monthly throughput is the total volume of gasoline loaded into, or dispensed from, all the gasoline

storage tanks located at a single affected GDF. If an area source has two or more GDF at separate locations within the area source, each GDF is treated as a separate affected source.

(i) If your affected source's throughput ever exceeds an applicable throughput threshold, the affected source will remain subject to the requirements for sources above the threshold, even if the affected source throughput later falls below the applicable throughput threshold.

(j) The dispensing of gasoline from a fixed gasoline storage tank at a GDF into a portable gasoline tank for the on-site delivery and subsequent dispensing of the gasoline into the fuel tank of a motor vehicle or other gasoline-fueled engine or equipment used within the area source is only subject to §63.11116 of this subpart.

(k) For any affected source subject to the provisions of this subpart and another Federal rule, you may elect to comply only with the more stringent provisions of the applicable subparts. You must consider all provisions of the rules, including monitoring, recordkeeping, and reporting. You must identify the affected source and provisions with which you will comply in your Notification of Compliance Status required under §63.11124. You also must demonstrate in your Notification of Compliance Status that each provision with which you will comply is at least as stringent as the otherwise applicable requirements in this subpart. You are responsible for making accurate determinations concerning the more stringent provisions, and noncompliance with this rule is not excused if it is later determined that your determination was in error, and, as a result, you are violating this subpart. Compliance with this rule is your responsibility and the Notification of Compliance Status does not alter or affect that responsibility.

[73 FR 1945, Jan. 10, 2008, as amended at 76 FR 4181, Jan. 24, 2011]

§ 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 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.

(e) The initial compliance demonstration test required under §63.11120(a)(1) and (2) must be conducted as specified in paragraphs (e)(1) and (2) of this section.

(1) If you have a new or reconstructed affected source, you must conduct the initial compliance test upon installation of the complete vapor balance system.

(2) If you have an existing affected source, you must conduct the initial compliance test as specified in paragraphs (e)(2)(i) or (e)(2)(ii) of this section.

(i) For vapor balance systems installed on or before December 15, 2009, you must test no later than 180 days after the applicable compliance date specified in paragraphs (b) or (c) of this section.

(ii) For vapor balance systems installed after December 15, 2009, you must test upon installation of the complete vapor balance system.

(f) If your GDF is subject to the control requirements in this subpart only because it loads gasoline into fuel tanks other than those in motor vehicles, as defined in §63.11132, you must comply with the standards in this subpart as specified in paragraphs (f)(1) or (f)(2) of this section.

(1) If your GDF is an existing facility, you must comply by January 24, 2014.

(2) If your GDF is a new or reconstructed facility, you must comply by the dates specified in paragraphs (f)(2)(i) and (ii) of this section.

(i) If you start up your GDF after December 15, 2009, but before January 24, 2011, you must comply no later than January 24, 2011.

(ii) If you start up your GDF after January 24, 2011, you must comply upon startup of your GDF.

[73 FR 1945, Jan. 10, 2008, as amended at 73 FR 35944, June 25, 2008; 76 FR 4181, Jan. 24, 2011]

Emission Limitations and Management Practices

§ 63.11115 What are my general duties to minimize emissions?

Each owner or operator of an affected source under this subpart must comply with the requirements of paragraphs (a) and (b) of this section.

(a) You must, at all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

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

[76 FR 4182, Jan. 24, 2011]

§ 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 as specified in §63.11125, §63.11126, or subpart A of this part, 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.

(d) Portable gasoline containers that meet the requirements of 40 CFR part 59, subpart F, are considered acceptable for compliance with paragraph (a)(3) of this section.

[73 FR 1945, Jan. 10, 2008, as amended at 76 FR 4182, Jan. 24, 2011]

§ 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) of this section, you must only load gasoline into storage tanks at your facility by utilizing submerged filling, as defined in §63.11132, and as specified in paragraphs (b)(1), (b)(2), or (b)(3) of this section. The applicable distances in paragraphs (b)(1) and (2) shall be measured from the point in the opening of the submerged fill pipe that is the greatest distance from the bottom of the storage tank.

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

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

(3) Submerged fill pipes not meeting the specifications of paragraphs (b)(1) or (b)(2) of this section are allowed if the owner or operator can demonstrate that the liquid level in the tank is always above the entire opening of the fill pipe. Documentation providing such demonstration must be made available for inspection by the Administrator's delegated representative during the course of a site visit.

(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; 76 FR 4182, Jan. 24, 2011]

§ 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, as specified in §63.11113(e), 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 paragraphs (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) 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).

(iii) Bay Area Air Quality Management District Source Test Procedure ST-30—Static Pressure Integrity Test—Underground Storage Tanks, adopted November 30, 1983, and amended December 21, 1994 (incorporated by reference, see §63.14).

(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.

(c) Conduct of performance tests. Performance tests conducted for this subpart shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance (*i.e.*, performance based on normal operating conditions) of the affected source. Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(d) Owners and operators of gasoline cargo tanks subject to the provisions of Table 2 to this subpart must conduct annual certification testing according to the vapor tightness testing requirements found in §63.11092(f).

[73 FR 1945, Jan. 10, 2008, as amended at 76 FR 4182, Jan. 24, 2011]

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. If your affected source is subject to the control requirements in §63.11117 only because it loads gasoline into fuel tanks other than those in motor vehicles, as defined in §63.11132, you must submit the Initial Notification by May 24, 2011. 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, within 60 days of the applicable 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, must indicate whether the source has complied with the requirements of this subpart, and must indicate whether the facilities' monthly throughput is calculated based on the volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks. 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. If your affected source is subject to the control requirements in §63.11118 only because it loads gasoline into fuel tanks other than those in motor vehicles, as defined in §63.11132, you must submit the Initial Notification by May 24, 2011. 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 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, in accordance with the schedule specified in §63.9(h). The Notification of Compliance Status must be signed by a responsible official who must certify its accuracy, must indicate whether the source has complied with the requirements of this subpart, and must indicate whether the facility's throughput is determined based on the volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks. 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; 76 FR 4182, Jan. 24, 2011]

§ 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.

(c) Each owner or operator of a gasoline cargo tank subject to the management practices in Table 2 to this subpart must keep records documenting vapor tightness testing for a period of 5 years. Documentation must include each of the items specified in §63.11094(b)(2)(i) through (viii). Records of vapor tightness testing must be retained as specified in either paragraph (c)(1) or paragraph (c)(2) of this section.

(1) The owner or operator must keep all vapor tightness testing records with the cargo tank.

(2) As an alternative to keeping all records with the cargo tank, the owner or operator may comply with the requirements of paragraphs (c)(2)(i) and (ii) of this section.

(i) The owner or operator may keep records of only the most recent vapor tightness test with the cargo tank, and keep records for the previous 4 years at their office or another central location.

(ii) Vapor tightness testing records that are kept at a location other than with the cargo tank must be instantly available (e.g., via e-mail or facsimile) to the Administrator's delegated representative during the course of a site visit or within a mutually agreeable time frame. Such records must be an exact duplicate image of the original paper copy record with certifying signatures.

(d) Each owner or operator of an affected source under this subpart shall keep records as specified in paragraphs (d)(1) and (2) of this section.

(1) Records of the occurrence and duration of each malfunction of operation (*i.e.*, process equipment) or the air pollution control and monitoring equipment.

(2) Records of actions taken during periods of malfunction to minimize emissions in accordance with §63.11115(a), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

[73 FR 1945, Jan. 10, 2008, as amended at 76 FR 4183, Jan. 24, 2011]

§ 63.11126 What are my reporting requirements?

(a) 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.

(b) Each owner or operator of an affected source under this subpart shall report, by March 15 of each year, the number, duration, and a brief description of each type of malfunction which occurred during the previous calendar year and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with §63.11115(a), including actions taken to correct a malfunction. No report is necessary for a calendar year in which no malfunctions occurred.

[76 FR 4183, Jan. 24, 2011]

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 means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals or greater, which is used as a fuel for internal combustion engines.

Gasoline cargo tank means a delivery tank truck or railcar which is loading or unloading gasoline, or which has loaded or unloaded 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, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline-fueled engines and equipment.

Monthly throughput means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.

Motor vehicle means any self-propelled vehicle designed for transporting persons or property on a street or highway.

Nonroad engine means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 7411 of this title or section 7521 of this title.

Nonroad vehicle means a vehicle that is powered by a nonroad engine, and that is not a motor vehicle or a vehicle used solely for competition.

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.

Vapor-tight gasoline cargo tank means a gasoline cargo tank which has demonstrated within the 12 preceding months that it meets the annual certification test requirements in §63.11092(f) of this part.

[73 FR 1945, Jan. 10, 2008, as amended at 76 FR 4183, Jan. 24, 2011]

Table 1 to Subpart CCCCCC of Part 63—Applicability Criteria and Management Practices for Gasoline Dispensing Facilities With Monthly Throughput of 100,000 Gallons of Gasoline or More¹

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:
	$P_f = 2e^{-500.887/v}$
	Where:
	P _f = 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. A new or reconstructed GDF, or any storage tank(s) constructed after November 9, 2006, 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.

¹The management practices specified in this Table are not applicable if you are complying with the requirements in §63.11118(b)(2), except that if you are complying with the requirements in §63.11118(b)(2)(i)(B), you must operate using management practices at least as stringent as those listed in this Table.

[73 FR 1945, Jan. 10, 2008, as amended at 73 FR 35944, June 25, 2008; 76 FR 4184, Jan. 24, 2011]

Table 2 to Subpart CCCCCC 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 from vapor-tight gasoline cargo tanks. Documentation that the cargo tank has met the specifications of EPA Method 27 shall be carried with the cargo tank, as specified in §63.11125(c).

[73 FR 1945, Jan. 10, 2008, as amended at 76 FR 4184, Jan. 24, 2011]

Table 3 to Subpart CCCCCC of Part 63—Applicability of General Provisions

Citation	Subject	Brief description	Applies to subpart CCCCCC
§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 CCCCCC exempts identified area sources from the obligation to obtain title V operating permits.

Citation	Subject	Brief description	Applies to subpart CCCCCC
§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, except that these notifications are not required for facilities subject to §63.11116.
§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]		

Citation	Subject	Brief description	Applies to subpart CCCCCC
63.6(e)(1)(i)	General duty to minimize emissions	Operate to minimize emissions at all times; information Administrator will use to determine if operation and maintenance requirements were met.	No. See §63.11115 for general duty requirement.
63.6(e)(1)(ii)	Requirement to correct malfunctions ASAP	Owner or operator must correct malfunctions as soon as possible.	No.
§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.

Citation	Subject	Brief description	Applies to subpart CCCCCC
§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.
§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.

Citation	Subject	Brief description	Applies to subpart CCCCCC
§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 test must be conducted under representative conditions	No, §63.11120(c) specifies conditions for conducting performance tests.
§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.

Citation	Subject	Brief description	Applies to subpart CCCCCC
§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)	Operation and Maintenance of Continuous Monitoring Systems (CMS)	Must maintain and operate each CMS as specified in §63.6(e)(1); must keep parts for routine repairs readily available; must develop a written SSM plan for CMS, as specified in §63.6(e)(3)	No.
§63.8(c)(2)–(8)	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, including calibration, etc.; must keep quality control plan on record for 5 years; keep old versions for 5 years after revisions	No.
§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.

Citation	Subject	Brief description	Applies to subpart CCCCCC
§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.

Citation	Subject	Brief description	Applies to subpart CCCCCC
§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 readily available; keep for 5 years	Yes.
§63.10(b)(2)(i)	Records related to SSM	Recordkeeping of occurrence and duration of startups and shutdowns	No.
§63.10(b)(2)(ii)	Records related to SSM	Recordkeeping of malfunctions	No. See §63.11125(d) for recordkeeping of (1) occurrence and duration and (2) actions taken during malfunction.
§63.10(b)(2)(iii)	Maintenance records	Recordkeeping of maintenance on air pollution control and monitoring equipment	Yes.
§63.10(b)(2)(iv)	Records Related to SSM	Actions taken to minimize emissions during SSM	No.
§63.10(b)(2)(v)	Records Related to SSM	Actions taken to minimize emissions 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.

Citation	Subject	Brief description	Applies to subpart CCCCCC
§63.10(d)(5)	SSM Reports	Contents and submission	No. See §63.11126(b) for malfunction reporting requirements.
§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	No.
§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.
§63.10(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.
§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.

Citation	Subject	Brief description	Applies to subpart CCCCCC
§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.

[73 FR 1945, Jan. 10, 2008, as amended at 76 FR 4184, Jan. 24, 2011]

**Appendix A: Unlimited Emissions Calculations
Entire Source - Drum Mix**

Company Name: E & B Paving, Inc.
Address City IN Zip: Portable
Relocation: 147-30696-03302
Second Permit Renewal No: F087-27799-03302
Reviewer: Sarah Germann
Date: 8/3/2011

Asphalt Plant Maximum Capacity - Drum Mix

Maximum Hourly Asphalt Production =	350	ton/hr									
Maximum Annual Asphalt Production =	3,066,000	ton/yr									
Maximum Annual Blast Furnace Slag Usage =	1,287,720	ton/yr		1.5	% sulfur						
Maximum Annual Steel Slag Usage =	1,287,720	ton/yr		1.5	% sulfur						
Maximum Dryer Fuel Input Rate =	110.0	MMBtu/hr									
Natural Gas Usage =	964	MMCF/yr									
No. 2 Fuel Oil Usage =	6,882,857	gal/yr, and		0.50	% sulfur						
No. 4 Fuel Oil Usage =	6,882,857	gal/yr, and		0.50	% sulfur						
Residual (No. 5 or No. 6) Fuel Oil Usage =	6,882,857	gal/yr, and		0.50	% sulfur						
Propane Usage =	10,647,514	gal/yr, and		0.20	gr/100 ft3 sulfur						
Butane Usage =	9,893,224	gal/yr, and		0.22	gr/100 ft3 sulfur						
Used/Waste Oil Usage =	6,882,857	gal/yr, and		1.00	% sulfur	0.50	% ash	0.200	% chlorine	0.010	% lead
Unlimited PM Dryer/Mixer Emission Factor =	28.0	lb/ton of asphalt production									
Unlimited PM10 Dryer/Mixer Emission Factor =	6.5	lb/ton of asphalt production									
Unlimited PM2.5 Dryer/Mixer Emission Factor =	1.5	lb/ton of asphalt production									
Unlimited VOC Dryer/Mixer Emission Factor =	0.032	lb/ton of asphalt production									
Unlimited CO Dryer/Mixer Emission Factor =	0.13	lb/ton of asphalt production									
Unlimited Blast Furnace Slag SO2 Dryer/Mixer Emission Factor =	0.74	lb/ton of slag processed									
Unlimited Steel Slag SO2 Dryer/Mixer Emission Factor =	0.0014	lb/ton of slag processed									

Unlimited/Uncontrolled Emissions

Unlimited/Uncontrolled Potential to Emit (tons/year)	
Greenhouse Gas Pollutants	
Process Description	CO ₂ e
Ducted Emissions	
Dryer Fuel Combustion (worst case)	86,105.73
Dryer/Mixer (Process)	50,975.32
Dryer/Mixer Slag Processing (worst case)	0.00
Hot Oil Heater Fuel Combustion (worst case)	1,663.79
Worst Case Emissions*	87,769.52
Totals Unlimited/Uncontrolled PTE	87,769.52

negl = negligible

Worst Case Fuel Combustion is based on the fuel with the highest emissions for each specific pollutant.

*Worst Case Emissions (tons/yr) = Worst Case Emissions from Dryer Fuel Combustion and Dryer/Mixer + Worst Case Emissions From Dryer/Mixer Slag Processing + Worst Case Emissions from Hot Oil Heater Fuel Combustion
Fuel component percentages provided by the source.

**Appendix A: Unlimited Emissions Calculations
Greenhouse Gas (CO2e) Emissions from the
Dryer/Mixer Fuel Combustion with Maximum Capacity ≥ 100 MMBtu/hr**

Company Name: E & B Paving, Inc.
Address City IN Zip: Portland
Relocation: 147-30696-03302
Second Permit Renewal No: F087-27799-03302
Reviewer: Sarah Germann
Date: 8/3/2011

The following calculations determine the unlimited/uncontrolled emissions created from the combustion of natural gas, fuel oil, propane, butane, or used/waste oil in the dryer/mixer at the source.

Maximum Capacity

Maximum Hourly Asphalt Production =	350	ton/hr
Maximum Annual Asphalt Production =	3,066,000	ton/yr
Maximum Fuel Input Rate =	110	MMBtu/hr
Natural Gas Usage =	964	MMCF/yr
No. 2 Fuel Oil Usage =	6,882,857	gal/yr, and
No. 4 Fuel Oil Usage =	6,882,857	gal/yr, and
Refinery Blend, and Residual (No. 5 or No. 6) Fuel Oil Usage =	6,882,857	gal/yr, and
Propane Usage =	10,647,514	gal/yr, and
Butane Usage =	9,893,224	gal/yr, and
Used/Waste Oil Usage =	6,882,857	gal/yr, and
		0.50 % sulfur
		0.50 % sulfur
		0.50 % sulfur
		0.20 gr/100 ft3 sulfur
		0.22 gr/100 ft3 sulfur
		1.00 % sulfur
	0.50	% ash
	0.200	% chlorine,
	0.010	% lead

Unlimited/Uncontrolled Emissions

CO2e Fraction	Emission Factor (units)							Greenhouse Warming Potentials (GWP)		
	Natural Gas (lb/MMCF)	No. 2 Fuel Oil (lb/kgal)	No. 4 Fuel Oil (lb/kgal)	Residual (No. 5 or No. 6) Fuel Oil (lb/kgal)	Propane (lb/kgal)	Butane (lb/kgal)	Used/Waste Oil (lb/kgal)	Name	Chemical Formula	Global warming potential
CO2	120,161.84	22,501.41	24,153.46	24,835.04	12,500.00	14,506.73	22,024.15	Carbon dioxide	CO ₂	1
CH4	2.49	0.91	0.97	1.00	0.60	0.67	0.89	Methane	CH ₄	21
N2O	2.2	0.26	0.19	0.53	0.9	0.9	0.18	Nitrous oxide	N ₂ O	310

CO2e Fraction	Unlimited/Uncontrolled Potential to Emit (tons/yr)						
	Natural Gas (tons/yr)	No. 2 Fuel Oil (tons/yr)	No. 4 Fuel Oil (tons/yr)	Residual (No. 5 or No. 6) Fuel Oil (tons/yr)	Propane (tons/yr)	Butane (tons/yr)	Used/ Waste Oil (tons/yr)
CO2	57,893.98	77,437.00	83,122.42	85,468.03	66,546.96	71,759.16	75,794.55
CH4	1.20	3.14	3.32	3.44	3.20	3.30	3.07
N2O	1.06	0.89	0.66	1.82	4.79	4.45	0.62
Total	57,896.24	77,441.03	83,126.41	85,473.30	66,554.96	71,766.92	75,798.24
CO2e Equivalent Emissions (tons/yr)	58,247.79	77,780.35	83,398.24	86,105.73	68,099.58	73,208.66	76,051.11

CO2e for Worst Case Fuel* (tons/yr)
86,105.73

Methodology

Fuel Usage from TSD Appendix A.1, page 1 of 14.

Natural Gas Usage (MMCF/yr) = [Maximum Fuel Input Rate (MMBtu/hr)] * [8,760 hrs/yr] * [1 MMCF/1,000 MMBtu]

Fuel Oil Usage (gal/yr) = [Maximum Fuel Input Rate (MMBtu/hr)] * [8,760 hrs/yr] * [1 gal/0.140 MMBtu]

Propane Usage (gal/yr) = [Maximum Fuel Input Rate (MMBtu/hr)] * [8,760 hrs/yr] * [1 gal/0.0915 MMBtu]

Butane Usage (gal/yr) = [Maximum Fuel Input Rate (MMBtu/hr)] * [8,760 hrs/yr] * [1 gal/0.102 MMBtu]

Greenhouse Warming Potentials (GWP) from Table A-1 of 40 CFR Part 98 Subpart A.

Sources of Emission Factors for fuel combustion: (Note: To form a conservative estimate, the "worst case" emission factors have been used.)

Natural Gas: Emission Factors for CO2 and CH4 from 40 CFR Part 98 Subpart C, Tables C-1 and 2, have been converted from kg/mmBtu to lb/MMCF. Emission Factor for N2O from AP-42 Chapter 1.4 (dated 7/98), Table 1.4-2

No. 2 Fuel Oil: Emission Factors for CO2 and CH4 from 40 CFR Part 98 Subpart C, Tables C-1 and 2, have been converted from kg/mmBtu to lb/kgal. Emission Factor for N2O from AP-42 Chapter 1.3 (dated 9/98), Table 1.3-8

No.4 Fuel Oil: Emission Factors for CO2 and CH4 from 40 CFR Part 98 Subpart C, Tables C-1 and 2, have been converted from kg/mmBtu to lb/kgal. Emission Factor for N2O from AP-42 Chapter 1.3 (dated 9/98), Table 1.3-8

Residual (No. 5 or No. 6) Fuel Oil: Emission Factor for CO2 from 40 CFR Part 98 Subpart C, Table C-1, has been converted from kg/mmBtu to lb/kgal. Emission Factors for CH4 and N2O from AP-42 Chapter 1.3 (dated 9/98), Table 1.3-8

Propane: Emission Factor for CH4 from 40 CFR Part 98 Subpart C, Tables C-1 and 2, has been converted from kg/mmBtu to lb/kgal. Emission Factors for CO2 and N2O from AP-42 Chapter 1.5 (dated 7/08), Table 1.5-1

Butane: Emission Factors for CO2 and CH4 from 40 CFR Part 98 Subpart C, Tables C-1 and 2, have been converted from kg/mmBtu to lb/kgal. Emission Factor for N2O from AP-42 Chapter 1.5 (dated 7/08), Table 1.5-1

Waste Oil: Emission Factors for CO2, CH4, and N2O from 40 CFR Part 98 Subpart C, Tables C-1 and 2, have been converted from kg/mmBtu to lb/kgal.

Emission Factor (EF) Conversions

Natural Gas: EF (lb/MMCF) = [EF (kg/MMBtu) * Conversion Factor (2.20462 lbs/kg) * Heating Value of Natural Gas (MMBtu/scf) * Conversion Factor (1,000,000 scf/MMCF)]

Fuel Oils: EF (lb/kgal) = [EF (kg/MMBtu) * Conversion Factor (2.20462 lbs/kg) * Heating Value of the Fuel Oil (MMBtu/gal) * Conversion Factor (1000 gal/kgal)]

Natural Gas: Unlimited/Uncontrolled Potential to Emit (tons/yr) = [Maximum Natural Gas Usage (MMCF/yr)] * [Emission Factor (lb/MMCF)] * [ton/2000 lbs]

All Other Fuels: Unlimited/Uncontrolled Potential to Emit (tons/yr) = [Maximum Fuel Usage (gals/yr)] * [Emission Factor (lb/kgal)] * [kgal/1000 gal] * [ton/2000 lbs]

Unlimited Potential to Emit CO2e (tons/yr) = Unlimited Potential to Emit CO2 of "worst case" fuel (ton/yr) x CO2 GWP (1) + Unlimited Potential to Emit CH4 of "worst case" fuel (ton/yr) x CH4 GWP (21) + Unlimited Potential to Emit N2O of "worst case" fuel (ton/yr) x N2O GWP (310).

Abbreviations

PTE = Potential to Emit

CO2 = Carbon Dioxide

CH4 = Methane

N2O = Nitrogen Dioxide

**Appendix A: Unlimited Emissions Calculations
Greenhouse Gas (CO₂e) Emissions from the
Drum-Mix Plant (Dryer/Mixer) Process Emissions**

**Company Name: E & B Paving, Inc.
Address City IN Zip: Portable
Relocation: 147-30696-03302
Second Permit Renewal No: F087-27799-03302
Reviewer: Sarah Germann
Date: 8/3/2011**

The following calculations determine the unlimited/uncontrolled emissions from the aggregate drying/mixing

Maximum Hourly Asphalt Production = ton/hr
Maximum Annual Asphalt Production = ton/yr

Criteria Pollutant	Emission Factor (lb/ton) Drum-Mix Plant (dryer/mixer)			Greenhouse Gas Warming Potentials (GWP)	Unlimited/Uncontrolled Potential to Emit (tons/yr) Drum-Mix Plant (dryer/mixer)			CO ₂ e for Worst Case Fuel (tons/yr)
	Natural Gas	No. 2 Fuel Oil	Waste Oil		Natural Gas	No. 2 Fuel Oil	Waste Oil	
CO ₂	33	33	33	1	50,589.00	50,589.00	50,589.00	50,975.32
CH ₄	0.0120	0.0120	0.0120	21	18.40	18.40	18.40	
N ₂ O				310	0	0	0	
Total					50,607.40	50,607.40	50,607.40	
CO ₂ e Equivalent Emissions (tons/yr)					50,975.32	50,975.32	50,975.32	

Methodology

Natural gas, No. 2 fuel oil, and waste oil represent the worst possible emissions scenario. AP-42 did not provide emission factors for any other fuels. Emission Factors from AP-42 Chapter 11.1 (dated 3/04), Tables 11.1-7 and 11.1-8

There are no emission factors for N₂O available in either the 40 CFR 98, Subpart C or AP-42 Chapter 11.1. Therefore, it is assumed that there are no N₂O emission anticipated from this process.

Unlimited/Uncontrolled Potential to Emit (tons/yr) = (Maximum Annual Asphalt Production (tons/yr)) * (Emission Factor (lb/ton)) * (ton/2000 lbs)

Unlimited Potential to Emit CO₂e (tons/yr) = Unlimited Potential to Emit CO₂ of "worst case" fuel (ton/yr) x CO₂ GWP (1) + Unlimited Potential to Emit CH₄ of "worst case" fuel (ton/yr) x CH₄ GWP (21) + Unlimited Potential to Emit N₂O of "worst case" fuel (ton/yr) x N₂O GWP (310).

Abbreviations

CO₂ = Carbon Dioxide CH₄ = Methane N₂O = Nitrogen Dioxide PTE = Potential to Emit

**Appendix A: Unlimited Emissions Calculations
Greenhouse Gas (CO₂e) Emissions from
Hot Oil Heater Fuel Combustion with Maximum Capacity < 100 MMBtu/hr**

Company Name: E & B Paving, Inc.
Address City IN Zip: Portable
Relocation: 147-30696-03302
Second Permit Renewal No: F087-27799-03302
Reviewer: Sarah Germann
Date: 8/3/2011

Maximum Hot Oil Heater Fuel Input Rate = 2.35 MMBtu/hr
 Natural Gas Usage = 20.61 MMCF/yr
 No. 2 Fuel Oil Usage = 147,230.57 gal/yr, 0.50 % sulfur

Unlimited/Uncontrolled Emissions

Criteria Pollutant	Emission Factor (units)		Greenhouse Global Warming Potentials (GWP)	Potential to Emit (tons/yr)	
	Natural Gas (lb/MMCF)	No. 2 Fuel Oil (lb/kgal)		Natural Gas (tons/yr)	No. 2 Fuel Oil (tons/yr)
CO ₂	120,161.84	22,501.41	1	1,238.40	1,656.45
CH ₄	2.49	0.91	21	0.03	0.07
N ₂ O	2.2	0.26	310	0.02	0.02
				1,238.45	1,656.53

Worse Case CO₂e Emissions (tons/yr)
1,663.79

CO₂e Equivalent Emissions (tons/yr)	1,245.97	1,663.79
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Methodology

Greenhouse Warming Potentials (GWP) from Table A-1 of 40 CFR Part 98 Subpart A.

Equivalent Natural Gas Usage (MMCF/yr) = [Maximum Fuel Input Rate (MMBtu/hr)] * [8,760 hrs/yr] * [1 MMCF/1,000 MMBtu]

Equivalent Oil Usage (gal/yr) = [Maximum Fuel Input Rate (MMBtu/hr)] * [8,760 hrs/yr] * [1 gal/0.140 MMBtu]

Sources of Emission Factors for fuel combustion: (Note: To form a conservative estimate, the "worst case" emission factors have been used.)

Natural Gas: Emission Factors for CO₂ and CH₄ from 40 CFR Part 98 Subpart C, Tables C-1 and 2, have been converted from

No. 2 Fuel Oil: Emission Factors for CO₂ and CH₄ from 40 CFR Part 98 Subpart C, Tables C-1 and 2, have been converted from

Propane: Emission Factor for CH₄ from 40 CFR Part 98 Subpart C, Tables C-1 and 2, has been converted from kg/mmBtu to lb/kgal.

Butane: Emission Factors for CO₂ and CH₄ from 40 CFR Part 98 Subpart C, Tables C-1 and 2, have been converted from

Emission Factor (EF) Conversions

Natural Gas: EF (lb/MMCF) = [EF (kg/MMBtu) * Conversion Factor (2.20462 lbs/kg) * Heating Value of Natural Gas

Fuel Oils: EF (lb/kgal) = [EF (kg/MMBtu) * Conversion Factor (2.20462 lbs/kg) * Heating Value of the Fuel Oil (MMBtu/gal) *

Natural Gas: Unlimited/Uncontrolled Potential to Emit (tons/yr) = [Maximum Natural Gas Usage (MMCF/yr)] * [Emission Factor (lb/MMCF)] *

All Other Fuels: Unlimited/Uncontrolled Potential to Emit (tons/yr) = [Maximum Fuel Usage (gals/yr)] * [Emission Factor (lb/kgal)] * [kgal/1000 gal]

Unlimited Potential to Emit CO₂e (tons/yr) = Unlimited Potential to Emit CO₂ of "worst case" fuel (ton/yr) x CO₂ GWP (1) + Unlimited Potential to

Abbreviations

CO₂ = Carbon Dioxide

N₂O = Nitrogen Dioxide

CH₄ = Methane

PTE = Potential to Emit



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

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

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

TO: Steve Henderson
286 W 300 N
Anderson, IN 46012

DATE: August 8, 2011

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

SUBJECT: Final Decision
Relocation
147-30696-03302

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.

Final Applicant Cover letter.dot 11/30/07

Mail Code 61-53

IDEM Staff	DPABST 8/8/2011 E & B Paving, Inc. 147-30696-03302 (Final)		Type of Mail: CERTIFICATE OF MAILING ONLY	AFFIX STAMP HERE IF USED AS CERTIFICATE OF MAILING
Name and address of Sender		Indiana Department of Environmental Management Office of Air Quality – Permits Branch 100 N. Senate Indianapolis, IN 46204		

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											Remarks
1		Steve Henderson E & B Paving, Inc. 286 W 300 N Anderson IN 46012 (Source CAATS) (CONFIRM DELIVERY)									
2		Mr. Wendell Hibdon Plumbers & Steam Fitters Union, Local 136 2300 St. Joe Industrial Park Dr Evansville IN 47720 (Affected Party)									
3		Ms. Francis Lueken 223 W. 10th Street, P.O. Box 206 Ferdinand IN 47532 (Affected Party)									
4		Rockport City Council and Mayors Office P.O. Box 151 Rockport IN 47635 (Local Official)									
5		Ms. Kathy Tretter Dubois-Spencer Counties Publishing Co, Inc P.O. Box 38 Ferdinand IN 47532-0038 (Affected Party)									
6		Spencer County Commissioner/Health Dept. 200 Main Street, Courthouse Rockport IN 47635 (Affected Party)									
7		Spencer County Commissioners 200 Main St., Courthouse Rockport IN 47635 (Local Official)									
8		Spencer County Health Department Main Street Courthouse, 1st Floor, Room 1 Roackport IN 47635-1492 (Health Department)									
9		Mr. John Blair 800 Adams Ave Evansville IN 47713 (Affected Party)									
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