

**PART 70 OPERATING PERMIT
OFFICE OF AIR MANAGEMENT
and EVANSVILLE EPA**

**J. H. Rudolph & Co., Inc.
901 East Columbia Street
Evansville, Indiana 47711**

(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.

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 2-7 and 326 IAC 2-1-3.2 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.

Operation Permit No.: T163-7420-03294	
Issued by: Janet G. McCabe, Assistant Commissioner Office of Air Management	Issuance Date:

SECTION A SOURCE SUMMARY

This permit is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Management (OAM) and City of Evansville EPA. 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 2-7-4(c)] [326 IAC 2-7-5(15)]

The Permittee owns and operates a stationary asphalt concrete batch plant.

Responsible Official: J. Steven Rudolph
Source Address: 901 East Columbia Street, Evansville, Indiana 47711
Mailing Address: 901 East Columbia Street, Evansville, Indiana 47711
SIC Code: 2951
County Location: Vanderburgh County
County Status: Attainment for all criteria pollutants
Source Status: Part 70 Permit Program
Minor Source, under PSD Rules

A.2 Emission Units and Pollution Control Equipment Summary [326 IAC 2-7-4(c)(3)] [326 IAC 2-7-5(15)]

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

- (1) One (1) asphalt or syn-fuel batch plant, identified as unit 3, with a maximum capacity of 240 tons of asphalt concrete per hour, with a 96 MMBtu per hour dryer burner, using #4 waste or refined oil, natural gas or butane, and #2 distillate oil for fuel, with a baghouse for control of particulate matter, and exhausting to stack 1.

A.3 Specifically Regulated Insignificant Activities [326 IAC 2-7-1(21)] [326 IAC 2-7-4(c)] [326 IAC 2-7-5(15)]

This stationary source also includes the following insignificant activities which are specifically regulated, as defined in 326 IAC 2-7-1(21):

- (1) Storage tanks emitting less than fifteen (15) pounds per day of VOC (Tanks T1-T10)

A.4 Part 70 Permit Applicability [326 IAC 2-7-2]

This stationary source is required to have a Part 70 permit by 326 IAC 2-7-2 (Applicability) because:

- (a) It is a major source, as defined in 326 IAC 2-7-1(22).
- (b) It is an affected source under Title IV (Acid Deposition Control) of the Clean Air Act, as defined in 326 IAC 2-7-1(3).

SECTION B GENERAL CONDITIONS

B.1 Permit No Defense [326 IAC 2-1-10] [IC 13]

- (a) 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 Part 70 permit under 326 IAC 2-7.
- (b) This prohibition shall not apply to alleged violations of applicable requirements for which the Commissioner has granted a permit shield in accordance with 326 IAC 2-1-3.2 or 326 IAC 2-7-15, as set out in this permit in the Section B condition entitled "Permit Shield."

B.2 Definitions [326 IAC 2-7-1]

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, any applicable definitions found in IC 13-11, 326 IAC 1-2 and 326 IAC 2-7 shall prevail.

B.3 Permit Term [326 IAC 2-7-5(2)]

This permit is issued for a fixed term of five (5) years from the effective date, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3.

B.4 Enforceability [326 IAC 2-7-7(a)]

- (a) All terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM and Evansville EPA.
- (b) Unless otherwise stated, terms and conditions of this permit, including any provisions to limit the source's potential to emit, are enforceable by the United States Environmental Protection Agency (U.S. EPA) and citizens under the Clean Air Act.
- (c) All terms and conditions in this permit that are local requirements, including any provisions designed to limit the source's potential to emit, are enforceable by Evansville EPA.

B.5 Termination of Right to Operate [326 IAC 2-7-10] [326 IAC 2-7-4(a)]

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 2-7-3 and 326 IAC 2-7-4(a).

B.6 Severability [326 IAC 2-7-5(5)]

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

B.7 Property Rights or Exclusive Privilege [326 IAC 2-7-5(6)(D)]

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

B.8 Duty to Supplement and Provide Information [326 IAC 2-7-4(b)] [326 IAC 2-7-5(6)(E)]

- (a) The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015
and

Evansville EPA
101 N. W. Martin Luther King Jr. Blvd., Room 250
Evansville, Indiana 47708

- (b) The Permittee shall furnish to IDEM, OAM, and Evansville EPA within a reasonable time, any information that IDEM, OAM, and Evansville EPA 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.
- (c) Upon request, the Permittee shall also furnish to IDEM, OAM, and City of Evansville EPA copies of records required to be kept by this permit. If the Permittee wishes to assert a claim of confidentiality over any of the furnished records, the Permittee must furnish such records to IDEM, OAM, and City of Evansville EPA along with a claim of confidentiality under 326 IAC 17. If requested by IDEM, OAM, or the U.S. EPA, to furnish copies of requested records directly to U. S. EPA, and if the Permittee is making a claim of confidentiality regarding the furnished records, then the Permittee must furnish such confidential records directly to the U.S. EPA along with a claim of confidentiality under 40 CFR 2, Subpart B.

B.9 Compliance with Permit Conditions [326 IAC 2-7-5(6)(A)] [326 IAC 2-7-5(6)(B)]

- (a) The Permittee must comply with all conditions of this permit. Noncompliance with any provisions of this permit constitutes a violation of the Clean Air Act and is grounds for:
 - (1) Enforcement action;
 - (2) Permit termination, revocation and reissuance, or modification; or
 - (3) Denial of a permit renewal application.
- (b) 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.

B.10 Certification [326 IAC 2-7-4(f)] [326 IAC 2-7-6(1)]

- (a) Where specifically designated by this permit or required by an applicable requirement, any application form, report, or compliance certification submitted under this permit shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, and any other certification required under this permit, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (b) One (1) certification shall be included, on the attached Certification Form, with each submittal.
- (c) A responsible official is defined at 326 IAC 2-7-1(34).

B.11 Annual Compliance Certification [326 IAC 2-7-6(5)]

- (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 certification shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted in letter form no later than April 15 of each year to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

and

Evansville EPA
101 N. W. Martin Luther King Jr. Blvd., Room 250
Evansville, Indiana 47708

and

United States Environmental Protection Agency, Region V
Air and Radiation Division, Air Enforcement Branch - Indiana (AE-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

- (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, OAM, and Evansville EPA on or before the date it is due.
- (c) The annual compliance certification report shall include the following:
- (1) The identification of each term or condition of this permit that is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether compliance was based on continuous or intermittent data;
 - (4) The methods used for determining compliance of the source, currently and over the reporting period consistent with 326 IAC 2-7-5(3);
 - (5) Any insignificant activity that has been added without a permit revision;
 - (6) Such other facts, as specified in Sections D of this permit, as IDEM, OAM, and City of Evansville EPA may require to determine the compliance status of the source.

The notification which shall be submitted by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

B.12 Preventive Maintenance Plan [326 IAC 2-7-5(1),(3) and (13)] [326 IAC 2-7-6(1) and (6)]
[326 IAC 1-6-3]

- (a) If required by specific condition(s) in Section D of this permit, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMP) within ninety (90) days after issuance of this permit, including the following information on each facility:
- (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission units and associated emission control devices;
 - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions;
 - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If due to circumstances beyond its control, the PMP 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 Branch, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

and

City of Evansville EPA
Room 250
101 N.W. Martin Luther King Jr. Blvd
Evansville, Indiana 47708

- (b) The Permittee shall implement the Preventive Maintenance Plans as necessary to ensure that lack of proper maintenance does not cause or contribute to a violation of any limitation on emissions or potential to emit.
- (c) PMP's shall be submitted to IDEM, OAM, and City of Evansville EPA upon request and shall be subject to review and approval by IDEM, OAM, and City of Evansville EPA .

B.13 Emergency Provisions [326 IAC 2-7-16]

- (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 2-7-16.
- (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, OAM, and Evansville EPA 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 Management, Compliance Section), or
Telephone Number: 317-233-5674 (ask for Compliance Section)
Facsimile Number: 317-233-5967

For Evansville EPA:
Telephone Number: 812-426-5597
Facsimile Number: 812-426-5399

- (5) For each emergency lasting one (1) hour or more, the Permittee submitted notice, either in writing or facsimile, of the emergency to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

and

Evansville EPA
101 N. W. Martin Luther King Jr. Blvd., Room 250
Evansville, Indiana 47708

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 2-7-5(3)(C)(ii) and must contain the following:

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

The notification which shall be submitted by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (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) for sources subject to this rule after the effective date of this rule. This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.
- (e) IDEM, OAM, and Evansville EPA may require that the Preventive Maintenance Plans required under 326 IAC 2-7-4-(c)(9) be revised in response to an emergency.
- (f) Failure to notify IDEM, OAM, and Evansville EPA by telephone or facsimile of an emergency lasting more than one (1) hour in compliance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-7 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 materials of substantial economic value.

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

B.14 Permit Shield [326 IAC 2-7-15]

- (a) This condition provides a permit shield as addressed in 326 IAC 2-7-15.
- (b) This permit shall be used as the primary document for determining compliance with applicable requirements established by previously issued permits. Compliance with the conditions of this permit shall be deemed in compliance with any applicable requirements as of the date of permit issuance, provided that:
 - (1) The applicable requirements are included and specifically identified in this permit; or
 - (2) The permit contains an explicit determination or concise summary of a determination that other specifically identified requirements are not applicable.
- (c) If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement that applied to the source on the date of permit issuance, including any term or condition from a previously issued construction or operation permit, IDEM, OAM, and City of Evansville EPA shall immediately take steps to reopen and revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the Permittee is in compliance with the compliance order.

- (d) No permit shield shall apply to any permit term or condition that is determined after issuance of this permit to have been based on erroneous information supplied in the permit application.
- (e) Nothing in 326 IAC 2-7-15 or in this permit shall alter or affect the following:
 - (1) The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the U.S. EPA under Section 303 of the Clean Air Act;
 - (2) The liability of the Permittee for any violation of applicable requirements prior to or at the time of this permit's issuance;
 - (3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the Clean Air Act; and
 - (4) The ability of U.S. EPA to obtain information from the Permittee under Section 114 of the Clean Air Act.
- (f) This permit shield is not applicable to any change made under 326 IAC 2-7-20(b)(2) (Sections 502(b)(10) of the Clean Air Act changes) and 326 IAC 2-7-20(c)(2) (trading based on State Implementation Plan (SIP) provisions).
- (g) This permit shield is not applicable to modifications eligible for group processing until after IDEM, OAM, and City of Evansville EPA has issued the modifications. [326 IAC 2-7-12(c)(7)]
- (h) This permit shield is not applicable to minor Part 70 permit modifications until after IDEM, OAM, and City of Evansville EPA has issued the modification. [326 IAC 2-7-12(b)(8)]

B.15 Multiple Exceedances [326 IAC 2-7-5(1)(E)]

Any exceedance of a permit limitation or condition contained in this permit, which occurs contemporaneously with an exceedance of an associated surrogate or operating parameter established to detect or assure compliance with that limit or condition, both arising out of the same act or occurrence, shall constitute a single potential violation of this permit.

B.16 Deviations from Permit Requirements and Conditions [326 IAC 2-7-5(3)(C)(ii)]

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

Indiana Department of Environmental Management
Compliance Branch, Office of Air Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

and

City of Evansville EPA
Room 250
101 N.W. Martin Luther King Jr. Blvd
Evansville, Indiana 47708

within ten (10) calendar days from the date of the discovery of the deviation.

- (b) A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit or a rule. It does not include:
- (1) An excursion from compliance monitoring parameters as identified in Section D of this permit unless tied to an applicable rule or limit; or
 - (2) An emergency as defined in 326 IAC 2-7-1(12); or
 - (3) Failure to implement elements of the Preventive Maintenance Plan unless lack of maintenance has caused or contributed to a deviation.
 - (4) Failure to make or record information required by the compliance monitoring provisions of Section D unless such failure exceeds 5% of the required data in any calendar quarter.

A Permittee's failure to take the appropriate response step when an excursion of a compliance monitoring parameter has occurred is a deviation.

- (c) Written notification shall be submitted on the attached Emergency/Deviation Occurrence Reporting Form or its substantial equivalent. The notification does not need to be certified by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (d) Proper notice submittal under 326 IAC 2-7-16 satisfies the requirement of this subsection.

B.17 Permit Modification, Reopening, Revocation and Reissuance, or Termination
[326 IAC 2-7-5(6)(C)] [326 IAC 2-7-8(a)] [326 IAC 2-7-9]

- (a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Part 70 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 2-7-5(6)(C)]
- (b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAM, and Evansville EPA 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 2-7-9(a)(3)]
- (c) Proceedings by IDEM, OAM, and Evansville EPA 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 2-7-9(b)]
- (d) The reopening and revision of this permit, under 326 IAC 2-7-9(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAM, and Evansville EPA at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAM, and Evansville EPA may provide a shorter time period in the case of an emergency. [326 IAC 2-7-9(c)]

B.18 Permit Renewal [326 IAC 2-7-4]

- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAM, and Evansville EPA and shall include the information specified in 326 IAC 2-7-4. 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).

Request for renewal shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

and

Evansville EPA
101 N. W. Martin Luther King Jr. Blvd., Room 250
Evansville, Indiana 47708

- (b) Timely Submittal of Permit Renewal [326 IAC 2-7-4(a)(1)(D)]
- (1) A timely renewal application is one that is:
- (A) Submitted at least nine (9) months prior to the date of the expiration of this permit; and
- (B) If the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAM, and Evansville EPA on or before the date it is due. [326 IAC 2-5-3]
- (2) If IDEM, OAM, and Evansville EPA, upon receiving a timely and complete permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect, including any permit shield provided in 326 IAC 2-7-15, until the renewal permit has been issued or denied.
- (c) Right to Operate After Application for Renewal [326 IAC 2-7-3]
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 2-7 until IDEM, OAM, and Evansville EPA, takes final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by the deadline specified in writing by IDEM, OAM, and Evansville EPA, any additional information identified as being needed to process the application.
- (d) United States Environmental Protection Agency Authority [326 IAC 2-7-8(e)]
If IDEM, OAM, and Evansville EPA fails to act in a timely way on a Part 70 permit renewal, the U.S. EPA may invoke its authority under Section 505(e) of the Clean Air Act to terminate or revoke and reissue a Part 70 permit.

B.19 Permit Amendment or Modification [326 IAC 2-7-11] [326 IAC 2-7-12]

(a) The Permittee must comply with the requirements of 326 IAC 2-7-11 or 326 IAC 2-7-12 whenever the Permittee seeks to amend or modify this permit.

(b) Any application requesting an amendment or modification of this permit shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

and

City of Evansville EPA
Room 250
101 N.W. Martin Luther King Jr. Blvd
Evansville, Indiana 47708

Any such application should be certified by the "responsible official" as defined by 326 IAC 2-7-1(34) only if a certification is required by the terms of the applicable rule

(c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-7-11(c)(3)]

B.20 Permit Revision Under Economic Incentives and Other Programs [326 IAC 2-7-5(8)] [326 IAC 2-7-12 (b)(2)]

(a) No Part 70 permit revision shall be required under any approved economic incentives, marketable Part 70 permits, emissions trading, and other similar programs or processes for changes that are provided for in a Part 70 permit.

(b) Notwithstanding 326 IAC 2-7-12(b)(1)(D)(i) and 326 IAC 2-7-12(c)(1), minor Part 70 permit modification procedures may be used for Part 70 modifications involving the use of economic incentives, marketable Part 70 permits, emissions trading, and other similar approaches to the extent that such minor Part 70 permit modification procedures are explicitly provided for in the applicable State Implementation Plan (SIP) or in applicable requirements promulgated or approved by the U.S. EPA.

B.21 Changes Under Section 502(b)(10) of the Clean Air Act [326 IAC 2-7-20(b)]

The Permittee may make Section 502(b)(10) of the Clean Air Act changes (this term is defined at 326 IAC 2-7-1(36)) without a permit revision, subject to the constraint of 326 IAC 2-7-20(a) and the following additional conditions:

(a) For each such change, the required written notification shall include a brief description of the change within the source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(b) The permit shield, described in 326 IAC 2-7-15, shall not apply to any change made under 326 IAC 2-7-20(b).

B.22 Operational Flexibility [326 IAC 2-7-20]

(a) The Permittee may make any change or changes at the source that are described in 326 IAC 2-7-20(b), (c), or (e), 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 2-1 or Evansville EPA and the Municipal Code of Evansville has been obtained;
- (3) The changes do not result in emissions which exceed the emissions allowable under this permit (whether expressed herein as a rate of emissions or in terms of total emissions);
- (4) The Permittee notifies the:

Indiana Department of Environmental Management
Permits Branch, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

and

Evansville EPA
101 N. W. Martin Luther King Jr. Blvd., Room 250
Evansville, Indiana 47708

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 which document, on a rolling five (5) year basis, all such changes and emissions trading that are subject to 326 IAC 2-7-20(b), (c), or (e) and makes such records available, upon reasonable request, for public review.

Such records shall consist of all information required to be submitted to IDEM, OAM, and Evansville EPA in the notices specified in 326 IAC 2-7-20(b), (c)(1), and (e)(2).

(b) For each such Section 502(b)(10) of the Clean Air Act change, the required written notification shall include the following:

- (1) A brief description of the change within the source;

- (2) The date on which the change will occur;
- (3) Any change in emissions; and
- (4) Any permit term or condition that is no longer applicable as a result of the change.

The notification which shall be submitted by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (c) **Emission Trades [326 IAC 2-7-20(c)]**
The Permittee may trade increases and decreases in emissions in 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 2-7-20(c).
- (d) **Alternative Operating Scenarios [326 IAC 2-7-20(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 2-7-5(9). No prior notification of IDEM, OAM, or U.S. EPA is required.
- (e) 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.23 Construction Permit Requirement [326 IAC 2]

Except as allowed by Indiana P.L. 130-1996 Section 12, as amended by P.L. 244-1997, modification, construction, or reconstruction shall be approved as required by and in accordance with 326 IAC 2.

B.24 Inspection and Entry [326 IAC 2-7-6(2)]

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, the Permittee shall allow IDEM, OAM, and Evansville EPA U.S. EPA, or an authorized representative to perform the following:

- (a) Enter upon the Permittee's premises where a Part 70 source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and
- (e) Utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.
[326 IAC 2-7-6(6)]

- (1) The Permittee may assert a claim that, in the opinion of the Permittee, information removed or about to be removed from the source by IDEM, OAM, and City of Evansville EPA or an authorized representative, contains information that is confidential under IC 5-14-3-4(a). The claim shall be made in writing before or at the time the information is removed from the source. In the event that a claim of confidentiality is so asserted, neither IDEM, OAM, and City of Evansville EPA nor an authorized representative, may disclose the information unless and until IDEM, OAM, and City of Evansville EPA makes a determination under 326 IAC 17-1-7 through 326 IAC 17-1-9 that the information is not entitled to confidential treatment and that determination becomes final. [IC 5-14-3-4; IC 13-14-11-3; 326 IAC 17-1-7 through 326 IAC 17-1-9]
- (2) The Permittee, IDEM, OAM, and City of Evansville EPA acknowledge that the federal law applies to claims of confidentiality made by the Permittee with regard to information removed or about to be removed from the source by U.S. EPA. [40 CFR Part 2, Subpart B]

B.25 Transfer of Ownership or Operation [326 IAC 2-1-6] [326 IAC 2-7-11]

Pursuant to 326 IAC 2-1-6 and 326 IAC 2-7-11:

- (a) In the event that ownership of this source is changed, the Permittee shall notify IDEM, OAM, Permits Branch and Evansville EPA, within thirty (30) days of the change. Notification shall include a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the Permittee and the new owner.
- (b) The written notification shall be sufficient to transfer the permit to the new owner by an administrative amendment pursuant to 326 IAC 2-7-11. The notification which shall be submitted by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (c) IDEM, OAM, and Evansville EPA shall reserve the right to issue a new permit.

B.26 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-7-5(7)]

- (a) The Permittee shall pay annual fees to IDEM, OAM, and City of Evansville EPA, within thirty (30) calendar days of receipt of a billing. If the Permittee does not receive a bill from IDEM, OAM 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 317-233-0425 (ask for OAM, Technical Support and Modeling Section), to determine the appropriate permit fee.

SECTION C SOURCE OPERATION CONDITIONS

Entire Source

Emission Limitations and Standards [326 IAC 2-7-5(1)]

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

Pursuant to 326 IAC 6-3-2(c), the allowable particulate matter emissions rate from any process not already regulated by 326 IAC 6-1 or any New Source Performance Standard, and which has a maximum process weight rate less than 100 pounds per hour shall not exceed 0.551 pounds per hour.

C.2 Opacity [326 IAC 5-1]

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-3 (Temporary Exemptions), opacity shall meet the following, unless otherwise stated in this permit:

- (a) Opacity shall not exceed an average of thirty percent (30%) in any one (1) six minute averaging period, as determined in 326 IAC 5-1-4.
- (b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

C.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 and per Municipal Code of Evansville 3.30.18.214. 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. 326 IAC 4-1-3 (a)(2)(A) and (B) and MCE 3.30.18.214 are not federally enforceable.

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

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

C.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) or the Municipal Code of Evansville, 3.30.18.212. 326 IAC 6-4-2(4) and MCE 3.30.18.212 are not federally enforceable.

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 plan submitted on December 10, 1996. The plan consists of:

- (a) Wet suppression of dust from unpaved roadways and storage piles.

C.7 Operation of Equipment [326 IAC 2-7-6(6)]

All air pollution control equipment listed in this permit and used to comply with an applicable requirement shall be operated at all times that the emission units vented to the control equipment are in operation.

C.8 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61.140]

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

All required notifications shall be submitted to:

Indiana Department of Environmental Management
Asbestos Section, Office of Air Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

and

City of Evansville EPA
Room 250
101 N.W. Martin Luther King Jr. Blvd
Evansville, Indiana 47708

The notifications do not require a certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (e) **Procedures for Asbestos Emission Control**
The Permittee shall comply with the emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-4 emission control requirements are mandatory 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) **Indiana Accredited Asbestos Inspector**
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Accredited Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos. The requirement that the inspector be accredited is federally enforceable.

Testing Requirements [326 IAC 2-7-6(1)]

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

- (a) All testing shall be performed according to the provisions of 326 IAC 3-6 (Source Sampling Procedures), except as provided elsewhere in this permit, utilizing methods approved by IDEM, OAM.

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

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

and

City of Evansville EPA
Room 250
101 N.W. Martin Luther King Jr. Blvd
Evansville, Indiana 47708

no later than thirty-five (35) days prior to the intended test date. The Permittee shall submit a notice of the actual test date to the above address so that it is received at least two weeks prior to the test date.

- (b) All test reports must be received by IDEM, OAM within forty-five (45) days after the completion of the testing. An extension may be granted by the Commissioner, if the source submits to IDEM, OAM, a reasonable written explanation within five (5) days prior to the end of the initial forty-five (45) day period.

The documentation submitted by the Permittee does not require certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Compliance Monitoring Requirements [326 IAC 2-7-5(1)] [326 IAC 2-7-6(1)]

C.10 Compliance Schedule [326 IAC 2-7-6(3)]

The Permittee:

- (a) Has certified that all facilities at this source are in compliance with all applicable requirements; and

- (b) Has submitted a statement that the Permittee will continue to comply with such requirements; and
- (c) Will comply with such applicable requirements that become effective during the term of this permit.

C.11 Compliance Monitoring [326 IAC 2-7-5(3)] [326 IAC 2-7-6(1)]

Compliance with applicable requirements shall be documented as required by this permit. The Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment, no more than ninety (90) days after receipt of this permit. If due to circumstances beyond its control, this schedule cannot be met, the Permittee may extend compliance schedule an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

and

City of Evansville EPA
Room 250
101 N.W. Martin Luther King Jr. Blvd
Evansville, Indiana 47708

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

The notification which shall be submitted by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

C.12 Maintenance of Monitoring Equipment [326 IAC 2-7-5(3)(A)(iii)]

- (a) In the event that a breakdown of the monitoring equipment occurs, a record shall be made of the times and reasons of the breakdown and efforts made to correct the problem. To the extent practicable, supplemental or intermittent monitoring of the parameter should be implemented at intervals no less frequent than required in Section D of this permit until such time as the monitoring equipment is back in operation. In the case of continuous monitoring, supplemental or intermittent monitoring of the parameter should be implemented at intervals no less than one (1) hour until such time as the continuous monitor is back in operation.
- (b) The Permittee shall install, calibrate, quality assure, maintain, and operate all necessary monitors and related equipment. In addition, prompt corrective action shall be initiated whenever indicated.

C.13 Monitoring Methods [326 IAC 3]

Any monitoring or testing performed to meet the applicable requirements of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, or other approved methods as specified in this permit.

C.14 Pressure Gauge Specifications

Whenever a condition in this permit requires the measurement of pressure drop across any part of the unit or its control device, the gauge employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent ($\pm 2\%$) of full scale reading.

Corrective Actions and Response Steps [326 IAC 2-7-5] [326 IAC 2-7-6]

C.15 Emergency Reduction Plans [326 IAC 1-5-2] [326 IAC 1-5-3]

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

- (a) The Permittee prepared and submitted written emergency reduction plans (ERPs) consistent with safe operating procedures on December 10, 1996.
- (b) If the ERP is disapproved by IDEM, OAM, and Evansville EPA, the Permittee shall have an additional thirty (30) days to resolve the differences and submit an approvable ERP.
- (c) 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.
- (d) 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.
- (e) Upon direct notification by IDEM, OAM, and Evansville EPA that a specific air pollution episode level is in effect, the Permittee shall immediately put into effect the actions stipulated in the approved ERP for the appropriate episode level.
[326 IAC 1-5-3]

C.16 Risk Management Plan [326 IAC 2-7-5(12)] [40 CFR 68.215]

If a regulated substance, subject to 40 CFR 68, is present in a process in more than the threshold quantity, 40 CFR 68 is an applicable requirement and the Permittee shall:

- (a) Submit:
 - (1) A compliance schedule for meeting the requirements of 40 CFR 68 by the date provided in 40 CFR 68.10(a); or
 - (2) As a part of the compliance certification submitted under 326 IAC 2-7-6(5), a certification statement that the source is in compliance with all the requirements of 40 CFR 68, including the registration and submission of a Risk Management Plan (RMP); and
 - (3) A verification to IDEM, OAM, and City of Evansville EPA that a RMP or a revised plan was prepared and submitted as required by 40 CFR 68.
- (b) Provide annual certification to IDEM, OAM, and City of Evansville EPA that the Risk Management Plan is being properly implemented.

All documents submitted pursuant to this condition shall include the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

C.17 Compliance Monitoring Plan - Failure to Take Response Steps [326 IAC 2-7-5][326 IAC 2-7-6]
[326 IAC 1-6]

- (a) The Permittee is required to implement a compliance monitoring plan to ensure that reasonable information is available to evaluate its continuous compliance with applicable requirements. This compliance monitoring plan is comprised of:
- (1) This condition;
 - (2) The Compliance Determination Requirements in Section D of this permit;
 - (3) The Compliance Monitoring Requirements in Section D of this permit;
 - (4) The Record Keeping and Reporting Requirements in Section C (Monitoring Data Availability, General Record Keeping Requirements, and General Reporting Requirements) and in Section D of this permit; and
 - (5) A Compliance Response Plan (CRP) for each compliance monitoring condition of this permit. CRP's shall be submitted to IDEM, OAM and Evansville EPA upon request and shall be subject to review and approval by IDEM, OAM, and Evansville EPA. The CRP shall be prepared within ninety (90) days after issuance of this permit by the Permittee and maintained on site, and is comprised of :
 - (A) Response steps that will be implemented in the event that compliance related information indicates that a response step is needed pursuant to the requirements of Section D of this permit; and
 - (B) A time schedule for taking such response steps including a schedule for devising additional response steps for situations that may not have been predicted.
- (b) For each compliance monitoring condition of this permit, appropriate response steps shall be taken when indicated by the provisions of that compliance monitoring condition. Failure to perform the actions detailed in the compliance monitoring conditions or failure to take the response steps within the time prescribed in the Compliance Response Plan, shall constitute a violation of the permit unless taking the response steps set forth in the Compliance Response Plan would be unreasonable.
- (c) After investigating the reason for the excursion, the Permittee is excused from taking further response steps for any of the following reasons:
- (1) The monitoring equipment malfunctioned, giving a false reading. This shall be an excuse from taking further response steps providing that prompt action was taken to correct the monitoring equipment.
 - (2) The Permittee has determined that the compliance monitoring parameters established in the permit conditions are technically inappropriate, has previously submitted a request for an administrative amendment to the permit, and such request has not been denied or;
 - (3) An automatic measurement was taken when the process was not operating; or

- (4) The process has already returned to operating within “normal” parameters and no response steps are required.
- (d) Records shall be kept of all instances in which the compliance related information was not met and of all response steps taken. In the event of an emergency, the provisions of 326 IAC 2-7-16 (Emergency Provisions) requiring prompt corrective action to mitigate emissions shall prevail.

C.18 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-7-5]
[326 IAC 2-7-6]

- (a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate corrective actions. The Permittee shall submit a description of these corrective actions to IDEM, OAM, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize emissions from the affected facility while the corrective actions are being implemented. IDEM, OAM shall notify the Permittee within thirty (30) days, if the corrective actions taken are deficient. The Permittee shall submit a description of additional corrective actions taken to IDEM, OAM within thirty (30) days of receipt of the notice of deficiency. IDEM, OAM reserves the authority to use enforcement activities to resolve noncompliant stack tests.
- (b) A retest to demonstrate compliance shall be performed within one hundred twenty (120) operating days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAM that retesting in one-hundred and twenty (120) operating days is not practicable, IDEM, OAM may extend the retesting deadline. Failure of the second test to demonstrate compliance with the appropriate permit conditions may be grounds for immediate revocation of the permit to operate the affected facility.

The documents submitted pursuant to this condition do not require the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).

Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]

C.19 Emission Statement [326 IAC 2-7-5(3)(C)(iii)][326 IAC 2-7-5(7)][326 IAC 2-7-19(c)][326 IAC 2-6]

- (a) The Permittee shall submit an annual emission statement certified pursuant to the requirements of 326 IAC 2-6, that must be received by April 15 of each year and must comply with the minimum requirements specified in 326 IAC 2-6-4. The annual emission statement shall meet the following requirements:
 - (1) Indicate actual emissions of criteria pollutants from the source, in compliance with 326 IAC 2-6 (Emission Reporting);
 - (2) Indicate actual emissions of other regulated pollutants from the source, for purposes of Part 70 fee assessment.
- (b) The annual emission statement covers the twelve (12) consecutive month time period starting December 1 and ending November 30. The annual emission statement must be submitted to:

Indiana Department of Environmental Management
Technical Support and Modeling Section, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

and

Evansville EPA
101 N. W. Martin Luther King Jr. Blvd., Room 250
Evansville, Indiana 47708

- (c) The annual emission statement 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, OAM, and Evansville EPA on or before the date it is due.

C.20 Monitoring Data Availability [326 IAC 2-7-6(1)] [326 IAC 2-7-5(3)]

- (a) With the exception of performance tests conducted in accordance with Section C-Performance Testing, all observations, sampling, maintenance procedures, and record keeping, required as a condition of this permit shall be performed at all times the equipment is operating at normal representative conditions.
- (b) As an alternative to the observations, sampling, maintenance procedures, and record keeping of subsection (a) above, when the equipment listed in Section D of this permit is not operating, the Permittee shall either record the fact that the equipment is shut down or perform the observations, sampling, maintenance procedures, and record keeping that would otherwise be required by this permit.
- (c) If the equipment is operating but abnormal conditions prevail, additional observations and sampling should be taken with a record made of the nature of the abnormality.
- (d) If for reasons beyond its control, the operator fails to make required observations, sampling, maintenance procedures, or record keeping, reasons for this must be recorded.
- (e) At its discretion, IDEM and Evansville EPA may excuse such failure providing adequate justification is documented and such failures do not exceed five percent (5%) of the operating time in any quarter.
- (f) Temporary, unscheduled unavailability of staff qualified to perform the required observations, sampling, maintenance procedures, or record keeping shall be considered a valid reason for failure to perform the requirements stated in (a) above.

C.21 General Record Keeping Requirements [326 IAC 2-7-5(3)][326 IAC 2-7-6]

- (a) Records of all required monitoring data and support information 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 kept at the source location for a minimum of three (3) years and available upon the request of an IDEM, OAM, and City of Evansville EPA representative, 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 or Evansville EPA makes a written request for records to the Permittee, the Permittee shall furnish the records to the Commissioner or local agency within a reasonable time.

- (b) Records of required monitoring information shall include, where applicable:
 - (1) The date, place, and time of sampling or measurements;
 - (2) The dates analyses were performed;
 - (3) The company or entity performing the analyses;
 - (4) The analytic techniques or methods used;
 - (5) The results of such analyses; and
 - (6) The operating conditions existing at the time of sampling or measurement.

- (c) Support information shall include, where applicable:
 - (1) Copies of all reports required by this permit;
 - (2) All original strip chart recordings for continuous monitoring instrumentation;
 - (3) All calibration and maintenance records;
 - (4) Records of preventive maintenance shall be sufficient to demonstrate that improper maintenance did not cause or contribute to a violation of any limitation on emissions or potential to emit. To be relied upon subsequent to any such violation, these records may include, but are not limited to: work orders, parts inventories, and operator's standard operating procedures. Records of response steps taken shall indicate whether the response steps were performed in accordance with the Compliance Response Plan required by Section C - Compliance Monitoring Plan - Failure to take Response Steps, of this permit, and whether a deviation from a permit condition was reported. All records shall briefly describe what maintenance and response steps were taken and indicate who performed the tasks.

- (d) All record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance.

C.22 General Reporting Requirements [326 IAC 2-7-5(3)(C)]

- (a) To affirm that the source has met all the compliance monitoring requirements stated in this permit the source shall submit a Quarterly Compliance Monitoring Report. Any deviation from the requirements and the date(s) of each deviation must be reported.

- (b) The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

and

City of Evansville EPA
Room 250
101 N.W. Martin Luther King Jr. Blvd
Evansville, Indiana 47708

- (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, OAM, and City of Evansville EPA on or before the date it is due.
- (d) Unless otherwise specified in this permit, any quarterly report shall be submitted within thirty (30) days of the end of the reporting period.
- (e) All instances of deviations as described in Section B- Deviations from Permit Requirements Conditions must be clearly identified in such reports.
- (f) Any corrective actions or response steps taken as a result of each deviation must be clearly identified in such reports.
- (g) The first report shall cover the period commencing on the date of issuance of this permit and ending on the last day of the reporting period.

The documents submitted pursuant to this condition do not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Stratospheric Ozone Protection

C.23 Compliance with 40 CFR 82 and 326 IAC 22-1

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

- (a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156.
- (b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.
- (c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.

SECTION D.1 FACILITY OPERATION CONDITIONS

Facility Description [326 IAC 2-7-5(15)]

- (1) One (1) asphalt or syn-fuel batch plant, identified as unit 3, with a maximum capacity of 240 tons of asphalt concrete per hour, with a 96 MMBtu per hour dryer burner, using #4 waste or refined oil, natural gas or butane, and #2 distillate oil for fuel, with a baghouse for control of particulate matter, and exhausting to stack 1.

Emission Limitations and Standards [326 IAC 2-7-5(1)]

D.1.1 Particulate Matter (PM)[326 IAC 2-2] [326 IAC 6-1-2(a)] [40 CFR 60.90, Subpart I]

- (a) The allowable PM emission rate from the batch plant when producing asphalt shall not exceed 0.03 grains per dry standard cubic foot. This is equivalent to potential to emit (PTE) of 9.93 pounds particulate matter (PM) per hour when operating at a process weight rate of 240 tons per hour. This limit will satisfy the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration), 326 IAC 6-1-2(a) (Particulate Emission Limitations) and 40 CFR 60.90, Subpart I (Standards for Asphalt Plants).
- (b) The allowable PM emission rate from the batch plant when producing syn-fuel shall not exceed 43.15 pounds per hour. This is equivalent to 249 tons per year when operating at a process weight rate of 240 tons per hour. This limit will satisfy the requirements of 326 IAC 6-3-2 (Process Operations) and make the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration) not applicable.

D.1.2 Opacity [40 CFR 60.90, Subpart I]

Pursuant to 40 CFR 60.90, Subpart I, the batch plant when producing asphalt shall not discharge into the atmosphere any gases which exhibit twenty percent (20%) opacity or greater.

D.1.3 Sulfur Dioxide (SO₂) [326 IAC 7-1.1-1]

Pursuant to 326 IAC 7-1.1 (SO₂ Emissions Limitations) the SO₂ emissions from the 96 MMBtu per hour dryer shall not exceed five tenths (0.5) pounds per MMBtu heat input when using #2 distillate oil for fuel.

D.1.4 Preventive Maintenance Plan [326 IAC 2-7-5(13)]

A Preventive Maintenance Plan, in accordance with Section B - Preventive Maintenance Plan, of this permit, is required for this facility and any control devices.

D.1.5 Used Oil Requirements

The waste oil burned in the asphalt or syn-fuel dryer burner shall comply with the used oil requirements specified in 329 IAC 13 (Used Oil Management). Pursuant to 329 IAC 13-3-2 (Used Oil Specifications), used oil burned for energy recovery that is classified as off-specification used oil fuel shall comply with the provisions of 329 IAC 13-8 (Used Oil Burners Who Burn Off-specification Used Oil For Energy Recovery), including:

- (a) Receipt of an EPA identification number as outlined in 329 IAC 13-8-3 (Notification),
- (b) Compliance with the used oil storage requirements specified in 329 IAC 13-8-5 (Used Oil Storage), and
- (c) Maintaining records pursuant to 329 IAC 13-8-6 (Tracking).

The burning of mixtures of used oil and hazardous waste that is regulated under 329 IAC 3.1 is prohibited at this source.

D.1.6 Cutback Asphalt Requirements [326 IAC 8-5-2]

Pursuant to 326 IAC 8-5-2 (Asphalt Paving Rules), no person shall cause or allow the use of cutback asphalt or asphalt emulsion containing more than seven percent (7%) oil distillate by volume of emulsion for any paving application except as used for the following purposes:

- (1) Penetrating Prime coating;
- (2) Stockpile storage;
- (3) Application during the months of November, December, January, February, and March.

Compliance Determination Requirements

D.1.7 Testing Requirements [326 IAC 2-7-6(1),(6)]

Within 180 operating days after issuance of this permit, the Permittee shall perform PM testing utilizing Methods 5 or 17 (40 CFR 60, Appendix A) for PM, or other methods as approved by the Commissioner. This test shall be repeated at least once every five (5) years from the date of this valid compliance demonstration. In addition to these requirements, IDEM may require compliance testing when necessary to determine if the facility is in compliance.

D.1.8 Particulate Matter (PM)

To show compliance with Conditions D.1.1, the baghouse and inertial separator for PM control shall be in operation at all times when the batch plant is in operation.

D.1.9 Sulfur Dioxide Emissions and Sulfur Content

Compliance with Condition D.1.3 shall be determined utilizing one of the following options.

- (a) Pursuant to 326 IAC 3-7-4, the Permittee shall demonstrate that the fuel oil sulfur content does not exceed five-tenths percent (0.5%) by weight by:
 - (1) Providing vendor analysis of fuel delivered, if accompanied by a certification;
 - (2) Analyzing the oil sample to determine the sulfur content of the oil via the procedures in 40 CFR 60, Appendix A, Method 19.
 - (A) Oil samples may be collected from the fuel tank immediately after the fuel tank is filled and before any oil is combusted; and
 - (B) If a partially empty fuel tank is refilled, a new sample and analysis would be required upon filling; or
- (b) Compliance may also be determined by conducting a stack test for sulfur dioxide emissions from the asphalt dryer, using 40 CFR 60, Appendix A, Method 6 in accordance with the procedures in 326 IAC 3-6.

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

Compliance Monitoring Requirements [326 IAC 2-7-6(1)] [326 IAC 2-7-5(1)]

D.1.10 Visible Emissions Notations

- (a) Daily visible emission notations of the dryer stack exhaust shall be performed during normal daylight operations when the dryer is using waste oil or #2 distillate oil for fuel and 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) The Compliance Response Plan for this unit shall contain troubleshooting contingency and response steps for when an abnormal emission is observed.

D.1.11 Parametric Monitoring

The Permittee shall record the total static pressure drop across the baghouse used in conjunction with the asphalt batch plant, at least once daily when the asphalt or syn-fuel dryer is in operation. Unless operated under conditions for which the Compliance Response Plan specifies otherwise, the pressure drop across the baghouse shall be maintained within the range of 2.0 and 8.0 inches of water or a range established during the latest stack test. The Compliance Response Plan for this unit shall contain troubleshooting contingency and response steps for when the pressure reading is outside of the above mentioned range for any one reading.

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

D.1.12 Broken Bag Detection

In the event that bag failure has been observed:

- (a) The affected compartments will be shut down immediately until the failed units have been repaired or replaced. Within eight (8) hours of the determination of failure, response steps according to the timetable described in the Compliance Response Plan shall be initiated. For any failure with corresponding response steps and timetable not described in the Compliance Response Plan, response steps shall be devised within eight (8) hours of discovery of the failure and shall include a timetable for completion. 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 single compartment baghouses, failed units and the associated process will be shut down immediately until the failed units have 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).

Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]

D.1.13 Record Keeping Requirements

- (a) To document compliance with Condition D.1.3, the Permittee shall maintain records in accordance with (1) through (6) below.
- (1) Calendar dates covered in the compliance determination period;
 - (2) Actual fuel oil usage since last compliance determination period and equivalent sulfur dioxide emissions;
 - (3) A certification, signed by the owner or operator, that the records of the fuel supplier certifications represent all of the fuel oil combusted during the period; and

If the fuel supplier certification is used to demonstrate compliance the following, as a minimum, shall be maintained:

- (4) Fuel supplier certifications.
- (5) The name of the fuel supplier; and
- (6) A statement from the fuel supplier that certifies the sulfur content of the fuel oil.

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

- (b) To document compliance with Condition D.1.10, the Permittee shall maintain records of daily visible emission notations of the dryer stack exhaust when using waste oil or #2 distillate oil for fuel.
- (c) To document compliance with Condition D.1.11, the Permittee shall maintain the following:
- (1) Daily records of the following operational parameters during normal operation:
 - (A) Inlet and outlet differential static pressure; and
 - (B) Cleaning cycle: frequency and differential pressure;
 - (2) Documentation of all response steps implemented, per event .
 - (3) Operation and preventive maintenance logs, including work purchases orders, shall be maintained.
 - (4) Quality Assurance/Quality Control (QA/QC) procedures.
 - (5) Operator standard operating procedures (SOP).
 - (6) Manufacturer's specifications or its equivalent.
 - (7) Equipment "troubleshooting" contingency plan.

- (d) Records shall be maintained of the times when the batch plant is producing asphalt and when the batch plant is producing syn-fuel.
- (e) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

D.1.14 Reporting Requirements

- (a) In order to document compliance with Condition D.1.3, the natural gas certification shall be submitted to the address listed in Section C - General Reporting Requirements, of this permit, using the form located at the end of this permit, or the equivalent, within thirty (30) days after the end of the quarter being reported.
- (b) A summary of the information to document compliance with Conditions D.1.1 and D.1.3 shall be submitted to the address listed in Section C - General Reporting Requirements, of this permit, upon request.

SECTION D.2 FACILITY OPERATION CONDITIONS

Facility Description [326 IAC 2-7-5(15)] (1) Storage tanks emitting less than fifteen (15) pounds per day of VOC (Tanks T1-T10)
--

Emission Limitations and Standards [326 IAC 2-7-5(1)]

D.2.1 Volatile Organic Compounds [326 IAC 8]

Any change or modification to each facility that would lead to an increase in volatile organic compound (VOC) emissions, as specified in 326 IAC 2-1 must be approved by the Office of Air Management (OAM) before such change or modification can occur.

Compliance Determination Requirements

D.2.2 Testing Requirements [326 IAC 2-7-6(1),(6)]

The Permittee is not required to test this facility by this permit. However, IDEM may require compliance testing at any specific time when necessary to determine if the facility is in compliance. If testing is required by IDEM, compliance with the any limit shall be determined by a performance test conducted in accordance with Section C - Performance Testing.

Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]

D.2.3 Record Keeping Requirements

To document compliance with Condition D.2.1, the Permittee shall maintain readily accessible records showing the dimensions of the storage vessel, and an analysis showing the capacity of the storage vessel, for the life of the source.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR MANAGEMENT, COMPLIANCE DATA SECTION
AND EVANSVILLE EPA**

**PART 70 OPERATING PERMIT
CERTIFICATION**

Source Name: J. H. Rudolph & Co., Inc.
Source Address: 901 East Columbia Street, Evansville, Indiana 47711
Mailing Address: 901 East Columbia Street, Evansville, Indiana 47711
Part 70 Permit No.: T163-7420-03294

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:

- 9 Annual Compliance Certification Letter
- 9 Test Result (specify) _____
- 9 Report (specify) _____
- 9 Notification (specify) _____
- 9 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 MANAGEMENT, COMPLIANCE DATA SECTION
AND EVANSVILLE EPA**

**P.O. Box 6015
100 North Senate Avenue
Indianapolis, Indiana 46206-6015
Phone: 317-233-5674
Fax: 317-233-5967**

**PART 70 OPERATING PERMIT
EMERGENCY/DEVIATION OCCURRENCE REPORT**

Source Name: J. H. Rudolph & Co., Inc.
Source Address: 901 East Columbia Street, Evansville, Indiana 47711
Mailing Address: 901 East Columbia Street, Evansville, Indiana 47711
Part 70 Permit No.: T163-7420-03294

This form consists of 2 pages

Page 1 of 2

Check either No. 1 or No.2
9 1. This is an emergency as defined in 326 IAC 2-7-1(12) C The Permittee must notify the Office of Air Management (OAM), within four (4) business hours (1-800-451-6027 or 317-233-5674, ask for Compliance Section); and C The Permittee must submit notice in writing or by facsimile within two (2) days (Facsimile Number: 317-233-5967), and follow the other requirements of 326 IAC 2-7-16
9 2. This is a deviation, reportable per 326 IAC 2-7-5(3)(c) C The Permittee must submit notice in writing within ten (10) calendar days

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/Deviation:
Describe the cause of the Emergency/Deviation:

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

Page 2 of 2

Date/Time Emergency/Deviation started:
Date/Time Emergency/Deviation was corrected:
Was the facility being properly operated at the time of the emergency/deviation? 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/deviation:
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 MANAGEMENT, COMPLIANCE DATA SECTION
AND EVANSVILLE EPA**

**PART 70 OPERATING PERMIT
NATURAL GAS FIRED COMBUSTION UNIT CERTIFICATION**

Source Name: J. H. Rudolph & Co., Inc.
Source Address: 901 East Columbia Street, Evansville, Indiana 47711
Mailing Address: 901 East Columbia Street, Evansville, Indiana 47711
Part 70 Permit No.: T163-7420-03294

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

Report period

Beginning: _____

Ending: _____

<u>Unit Affected</u>	<u>Alternate Fuel</u>	<u>Days burning alternate fuel</u>	
		<u>From</u>	<u>To</u>
Dryer Burner	Waste Oil		
Dryer Burner	Distillate Oil		

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 MANAGEMENT, COMPLIANCE DATA SECTION
 AND EVANSVILLE EPA**

**PART 70 OPERATING PERMIT
 QUARTERLY COMPLIANCE MONITORING REPORT**

Source Name: J. H. Rudolph & Co., Inc.
 Source Address: 901 East Columbia Street, Evansville, Indiana 47711
 Mailing Address: 901 East Columbia Street, Evansville, Indiana 47711
 Part 70 Permit No.: T163-7420-03294

Months: _____ **to** _____ **Year:** _____

This report is an affirmation that the source has met all the compliance monitoring requirements stated in this permit. This report shall be submitted quarterly. Any deviation from the compliance monitoring requirements and the date(s) of each deviation must be reported. Additional pages may be attached if necessary. This form can be supplemented by attaching the Emergency/Deviation Occurrence Report. If no deviations occurred, please specify in the box marked "No deviations occurred this reporting period".

9 NO DEVIATIONS OCCURRED THIS REPORTING PERIOD

9 THE FOLLOWING DEVIATIONS OCCURRED THIS REPORTING PERIOD.

Compliance Monitoring Requirement (e.g. Permit Condition D.1.3)	Number of Deviations	Date of each Deviation

Form Completed By: _____
 Title/Position: _____
 Date: _____
 Phone: _____

Attach a signed certification to complete this report.

**Indiana Department of Environmental Management
Office of Air Management and Evansville EPA**

Technical Support Document (TSD) for a Part 70 Operating Permit

Source Background and Description

Source Name:	J. H. Rudolph and Co., Inc.
Source Location:	901 East Columbia Street, Evansville, Indiana 47711
County:	Vanderburgh County
SIC Code:	2951
Operation Permit No.:	T163-7420-03294
Permit Reviewer:	Dana L. Brown/Cathie Moore

The Office of Air Management (OAM) has reviewed a Part 70 permit application from J. H. Rudolph and Co., Inc. relating to the operation of a stationary asphalt concrete batch plant.

Permitted Emission Units and Pollution Control Equipment

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

- (1) One (1) asphalt batch plant, identified as unit 3, with a maximum capacity of 240 tons of asphalt concrete per hour, with a 96 MMBtu per hour dryer burner, using #4 waste oil, natural gas, and #2 distillate oil for fuel, with a baghouse and inertial separator for control of particulate matter, and exhausting to stack 1.

Unpermitted Emission Units and Pollution Control Equipment Requiring ENSR

There are no unpermitted facilities operating at this source during this review process.

New Emission Units and Pollution Control Equipment Requiring ENSR

There are no new facilities to be reviewed under the ENSR process.

Insignificant Activities

The source also consists of the following insignificant activities, as defined in 326 IAC 2-7-1(21):

- (1) Natural gas-fired combustion sources with heat input equal to or less than ten (10) million Btu per hour:
- (2) Fuel oil-fired combustion sources with heat input equal to or less than two million (2,000,000) Btu per hour and firing fuel containing less than five-tenths (0.5) percent sulfur by weight. (2.11MMBtu/hr hot oil heater)
- (3) A gasoline fuel transfer and dispensing operation handling less than or equal to 1,300 gallons per day, such as filling of tanks, locomotives, automobiles, having a storage capacity less than or equal to 10,500 gallons.
- (4) A petroleum fuel, other than gasoline, dispensing facility having a storage capacity less than or equal to 10,500 gallons, and dispensing less than or equal to 230,000 gallons per month.

- (5) Vessels storing lubricating oils, hydraulic oils, machining oils, and machining fluids.
- (6) Degreasing operations that do not exceed 145 gallons per 12 months, except if subject to 326 IAC 20-6. (parts washer)
- (7) Cleaners and solvents having a vapor pressure equal to or less than 2 kPa; 15 mm Hg; or 0.3 psi measured at 38 degrees C (100EF) or having a vapor pressure equal to or less than 0.7 kPa; 5mm Hg; or 0.1 psi measured at 20EC (68EF); the use of which for all cleaners and solvents combined does not exceed 145 gallons per 12 months.
- (8) The following equipment related to manufacturing activities not resulting in the emission of HAPs: brazing equipment, cutting torches, soldering equipment, welding equipment.
- (9) Closed loop heating and cooling systems.
- (10) Replacement or repair of electrostatic precipitators, bags in baghouses and filters in other air filtration equipment.
- (11) A laboratory as defined in 326 IAC 2-7(20)(c).
- (12) Other categories with emissions below insignificant thresholds:
 - (a) Storage tanks emitting less than fifteen (15) pounds per day of VOC (Tanks T1-T10)

Existing Approvals

The source has been operating under previous approvals including, but not limited to, the following:

- (1) Renewal of Certificate of Operation Number 3294, issued on September 14, 1995, by the City of Evansville, Environmental Protection Agency.

Enforcement Issue

There are no enforcement actions pending.

Recommendation

The staff recommends to the Commissioner that the Part 70 permit be approved. This recommendation is based on the following facts and conditions:

Unless otherwise stated, information used in this review was derived from the application and additional information submitted by the applicant.

An administratively complete Part 70 permit application for the purposes of this review was received on December 10, 1996.

A notice of completeness letter was mailed to the source on January 8, 1997.

Emission Calculations

See Appendix A of this document for detailed emissions calculations (4 pages)

Potential Emissions

Pursuant to 326 IAC 1-2-55, Potential Emissions are defined as “emissions of any one (1) pollutant which would be emitted from a facility, if that facility were operated without the use of pollution control equipment unless such control equipment is necessary for the facility to produce its normal product or is integral to the normal operation of the facility.”

Pollutant	Potential Emissions (tons/year)
PM	greater than 250
PM-10	greater than 250
SO ₂	greater than 100, less than 250
VOC	less than 100
CO	less than 100
NO _x	less than 100

Note: For the purpose of determining Title V applicability for particulates, PM-10, not PM, is the regulated pollutant in consideration.

HAP's	Potential Emissions (tons/year)
TOTAL	less than 10

- (a) The potential emissions (as defined in 326 IAC 1-2-55) of PM-10 and SO₂ are equal to or greater than 100 tons per year. Therefore, the source is subject to the provisions of 326 IAC 2-7.
- (b) Fugitive Emissions
 Since this type of operation is not one of the twenty-eight (28) listed source categories under 326 IAC 2-2 and since there are no applicable New Source Performance Standards that were in effect on August 7, 1980, the fugitive particulate matter (PM) and volatile organic compound (VOC) emissions are not counted toward determination of PSD and Emission Offset applicability.

Actual Emissions

The following table shows the actual emissions from the source. This information reflects the 1995 OAM emission data.

Pollutant	Actual Emissions (tons/year)
PM	5.455
PM-10	2.192
SO ₂	7.339
VOC	0.041
CO	1.013
NO _x	4.050
HAP (specify)	not reported

County Attainment Status

The source is located in Vanderburgh County.

Pollutant	Status
TSP	Secondary Nonattainment
PM-10	Attainment
SO ₂	Attainment
NO ₂	Attainment
Ozone	Attainment
CO	Attainment
Lead	Attainment

- (a) Volatile organic compounds (VOC) and oxides of nitrogen (Nox) are precursors for the formation of ozone. Therefore, VOC and NO_x emissions are considered when evaluating the rule applicability relating to the ozone standards. Vanderburgh County has been designated as attainment or unclassifiable for ozone.

Federal Rule Applicability

- (a) This source is subject to the New Source Performance Standard, 326 IAC 12, (40 CFR 60.90, Subpart I). This hot mix asphalt plant was modified after the June 11, 1973 applicability date of this rule, therefore, they shall not discharge into the atmosphere any gases which:
- (1) Contain particulate matter in excess of 0.04 grains per dry standard cubic foot. This is equivalent to 13.24 pounds per hour; or
 - (2) Exhibit twenty percent (20%) opacity or greater.
- (b) Tanks T1 through T4 are subject to New Source Performance Standard, 326 IAC 12, (40 CFR 60.116b, Subpart Kb). The tanks were all constructed in 1992, after the July 23, 1984 applicability date, and have capacities of 15,000 gallons each, greater than the 10,567 gallon (40 m³) applicability level for requirements of the rule. The owner or operator of these storage vessels shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. These records shall be kept for the life of the source.
- Tanks T5 through T10 are not subject to New Source Performance Standard, 326 IAC 12, (40 CFR 60.116b, Subpart Kb). Tanks T5 through T8 were all constructed in the 1950's, prior to the July 23, 1984 applicability date, and Tanks T9 and T10, constructed in 1992, after the applicability date, have capacities of 5000, and 2000 gallons respectively, less than the 10,567 gallon (40 m³) applicability level for requirements of the rule.
- (c) There are no National Emission Standards for Hazardous Air Pollutants (NESHAPs), 40 CFR Part 63, applicable to this source.

State Rule Applicability - Entire Source

326 IAC 1-6-3 (Preventive Maintenance Plan)

The source has submitted a Preventive Maintenance Plan (PMP) on December 10, 1996. This PMP has been verified to fulfill the requirements of 326 IAC 1-6-3 (Preventive Maintenance Plan).

326 IAC 1-5-2 (Emergency Reduction Plans)

The source has submitted an Emergency Reduction Plan (ERP) on December 10, 1996. The ERP has been verified to fulfill the requirements of 326 IAC 1-5-2 (Emergency Reduction Plans).

326 IAC 2-2 (Prevention of Significant Deterioration)

The potential to emit all criteria pollutants for which this source is in an attainment area are all less than 250 tons per year, therefore, 326 IAC 2-3 (PSD) does not apply.

326 IAC 2-3 (Emission Offset)

The potential to emit PM from this source is limited to 99 tons per year, therefore, 326 IAC 2-3 (Emission Offset) does not apply.

326 IAC 2-6 (Emission Reporting)

This source is subject to 326 IAC 2-6 (Emission Reporting), because it has the potential to emit more than ten (10) tons per year of VOC and NO_x, and is located in Vanderburgh County. Pursuant to this rule, the owner/operator of the source must annually submit an emission statement for the source. The annual statement must be received by April 15 of each year and contain the minimum requirement as specified in 326 IAC 2-6-4. The submittal should cover the period defined in 326 IAC 2-6-2(8) (Emission Statement Operating Year).

326 IAC 5-1 (Visible Emissions Limitations)

Pursuant to 326 IAC 5-1-2 (Visible Emissions Limitations), except as provided in 326 IAC 5-1-3 (Temporary Exemptions), visible emissions shall meet the following, unless otherwise stated in this permit:

- (a) Visible emissions shall not exceed an average of forty percent (30%) opacity in twenty-four (24) consecutive readings as determined by 326 IAC 5-1-4,
- (b) Visible emissions shall not exceed sixty percent (60%) opacity for more than a cumulative total of fifteen (15) minutes (sixty (60) readings) in a six (6) hour period.

326 IAC 6-5 (Fugitive Particulate Matter)

Pursuant to 326 IAC 6-5 (Fugitive Particulate Matter Emission Limitations), fugitive particulate matter emissions shall be controlled according to the plan submitted on December 10, 1996. The plan consists of wet suppression of dust from unpaved roadways and storage piles.

State Rule Applicability - Individual Facilities

326 IAC 6-1-2(a) (Particulate Emission Limitations: General Sources)

The aggregate dryer is subject to the requirements of 326 IAC 6-1-2(a) (Particulate Emission Limitations: General Sources) because it is not subject to the requirements of 326 IAC 6-1-2(c) (Particulate Emission Limitations: Asphalt Concrete Plants) because it was constructed in 1992, which is after the June 11, 1973 applicability date.

Pursuant to 326 IAC 6-1-2(a) (Particulate Emission Limitations: General Sources), the aggregate dryer shall not allow or permit discharge to the atmosphere of any gases which contain particulate matter (PM) in excess of 0.03 grain per dry standard cubic foot (dscf). This is equivalent to 9.93 pounds per hour.

326 IAC 6-3-2 (Process Operations)

The particulate matter (PM) from the aggregate dryer shall be limited by the following:

Interpolation and extrapolation of the data for the process weight rate in excess of sixty thousand (60,000) pounds per hour shall be accomplished by use of the equation:

$$E = 55.0 P^{0.11} - 40 \quad \text{where } E = \text{rate of emission in pounds per hour and}$$
$$P = \text{process weight rate in tons per hour} = 240 \text{ ton/hr}$$
$$= 60.50 \text{ lb/hr} = 265.0 \text{ tons/yr}$$

In order to comply with the 326 IAC 2-3 (Emission Offset) limit, PM emissions shall be truncated to 39 tons per year (99 tons - 59 tons for dryer combustion and 1 tons for hot oil heater combustion) so that the 326 IAC 6-3-2 limit is as follows:

$$(39 \text{ tons/yr}) \times (1 \text{ year}/8760 \text{ hours}) \times (2000 \text{ lb/ton}) = 8.9 \text{ lb/hr}$$

The baghouse and inertial separator shall be in operation at all times the aggregate dryer is in operation, in order to comply with this limit and satisfy the requirements of 326 IAC 2-3 and 326 IAC 6-3-2.

$$\frac{33638.4 \text{ tons}}{\text{year}} \times (1-99.9\%) = \frac{33.63 \text{ tons}}{\text{year}} \times \frac{1 \text{ year}}{8760 \text{ hrs}} \times \frac{2000 \text{ lb}}{1 \text{ ton}} = 7.67 \text{ lb/hr} < 8.9 \text{ lb/hr}$$

326 IAC 7-1.1-2 (Sulfur Dioxide Emission Limitations)

Pursuant to this rule, the distillate oil combusted in the asphalt dryer burner shall not exceed five-tenths (0.5) pounds per million Btu of Sulfur dioxide emissions. Based on a heating value of 140,000 Btu per gallon of residual oil, the fuel oil sulfur content shall be limited to 0.50 percent (%) Sulfur.

$$\frac{0.5 \text{ lb}}{\text{MMBtu}} = \frac{142 \text{ S lb}}{\text{kgal}} \times \frac{1 \text{ kgal}}{1000 \text{ gal}} \times \frac{1 \text{ gallon}}{0.14 \text{ MMBtu}}$$

$$S = 0.50 \%$$

Based on the information submitted, the dryer burner uses distillate oil with a maximum of 0.5% Sulfur. Therefore, the dryer burner is in compliance with this rule.

326 IAC 8-5-2 (Asphalt Paving Rules)

Pursuant to this rule, no person shall cause or allow the use of cutback asphalt or asphalt emulsion containing more than seven percent (7%) oil distillate by volume of emulsion for any paving application except as used for the following purposes:

- (1) Penetrating Prime coating;
- (2) Stockpile storage;
- (3) Application during the months of November, December, January, February, and March.

The source only produces cutback asphalt during winter months, therefore they are in compliance with this rule.

Compliance Requirements

Permits issued under 326 IAC 2-7 are required to ensure that sources can demonstrate compliance with applicable state and federal rules on a more or less continuous basis. All state and federal rules contain compliance provisions, however, these provisions do not always fulfill the requirement for a more or less continuous demonstration. When this occurs IDEM, OAM, in conjunction with the source, must develop specific conditions to satisfy 326 IAC 2-7-5. As a result, compliance requirements are divided into two sections: Compliance Determination Requirements and Compliance Monitoring Requirements.

Compliance Determination Requirements in Section D of the permit are those conditions that are found more or less directly within state and federal rules and the violation of which serves as grounds for enforcement action. If these conditions are not sufficient to demonstrate continuous compliance, they will be supplemented with Compliance Monitoring Requirements, also Section D of the permit. Unlike Compliance Determination Requirements, failure to meet Compliance Monitoring conditions would serve as a trigger for corrective actions and not grounds for enforcement action. However, a violation in relation to a compliance monitoring condition will arise through a source's failure to take the appropriate corrective actions within a specific time period.

The compliance monitoring requirements applicable to this source are as follows:

1. The asphalt batch plant has applicable compliance monitoring conditions as specified below:
 - (a) Daily visible emissions notations of the asphalt plant dryer shall be performed during normal daylight operations when using waste oil or #2 distillate oil for fuel. A trained employee will record whether emissions are normal or abnormal. 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. 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. 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. The Compliance Response Plan for this unit shall contain troubleshooting contingency and corrective actions for when an abnormal emission is observed.
 - (b) The Permittee shall record the total static pressure drop across the baghouse controlling the asphalt plant, at least once daily when the dryer is in operation. Unless operated under conditions for which the Compliance Response Plan specifies otherwise, the pressure drop across the baghouse shall be maintained within the range of 2.0 to 8.0 inches of water or a range established during the latest stack test. The Compliance Response Plan for this unit shall contain troubleshooting contingency and corrective actions for when the pressure reading is outside of the above mentioned range for any one reading.

These monitoring conditions are necessary because the baghouse for the asphalt plant must operate properly to ensure compliance with 326 IAC 6-3 (Process Operations) and 40 CFR 60.90, Subpart I (Standards of Performance for Hot Mix Asphalt Facilities).

Air Toxic Emissions

Indiana presently requests applicants to provide information on emissions of the 187 hazardous air pollutants (HAPs) set out in the Clean Air Act Amendments of 1990. These pollutants are either carcinogenic or otherwise considered toxic and are commonly used by industries. They are listed as air toxics on the Office of Air Management (OAM) Part 70 Application Form GSD-08.

- (a) This source will emit levels of air toxics less than those which constitute a major source according to Section 112 of the 1990 Clean Air Act Amendments.
- (b) 326 IAC 2-1-3.4 (New Source Toxics Rule) does not apply because there has been no new construction at the source after the applicability date of July 1997 and emissions are less than 10 tons per year for individual HAP, and 25 tons per year for total combined HAP.

Conclusion

The operation of this stationary asphalt batch plant shall be subject to the conditions of the attached proposed **Part 70 Permit No. T163-7420-03294**.

**Indiana Department of Environmental Management
Office of Air Management
and Evansville EPA**

Addendum to the
Technical Support Document for Part 70 Operating Permit

Source Name: J.H. Rudolph and Company, Inc.
Source Location: 901 East Columbia Street, Evansville, Indiana 47711
County: Vanderburgh
SIC Code: 2951
Operation Permit No.: T163-7420-03294
Permit Reviewer: Cathie Moore

On February 2, 1998, the Office of Air Management (OAM) had a notice published in the Evansville Courier, Evansville, Indiana, stating that J.H. Rudolph and Company had applied for a Part 70 Operating Permit to operate a stationary asphalt concrete batch plant. The notice also stated that OAM proposed to issue a permit for this operation and provided information on how the public could review the proposed permit and other documentation. Finally, the notice informed interested parties that there was a period of thirty (30) days to provide comments on whether or not this permit should be issued as proposed.

On March 23, 1998, Rick Flint of J.H. Rudolph and Company, Inc. submitted comments on the proposed Part 70 Operating Permit. The summary of the comments is as follows (~~strikeout~~ added to show what was deleted and **bold** added to show what was added):

Comment 1:

The capacity of the asphalt batch plant should read 240 tons per hour rather than 180 tons per hour and the burner capacity should be 96 million British thermal units per hour rather than 76.5 million British thermal units per hour.

Response to Comment 1:

Condition A.2 (1) "Emission Units and Pollution Control Equipment Summary" has the correct capacities for this asphalt batch plant. However, the equipment listing in Section D.1 "FACILITY OPERATION CONDITIONS" has been changed to be as follows:

- (1) One (1) asphalt **or syn-fuel** batch plant, identified as unit 3, with a maximum capacity of ~~180~~ **240** tons of asphalt concrete per hour, with a ~~75.6~~ **96** MMBtu per hour dryer burner, using #4 waste **or refined** oil, natural gas **or butane**, and #2 distillate oil for fuel, with a baghouse for control of particulate matter, and exhausting to stack 1.

This was a typographical error in the original permit. The calculations of the limits used the correct capacities. There will be no changes to any other conditions due to this change.

Comment 2:

Please explain the limits listed under Condition D.1.1 and D.1.2 of this permit.

Response to Comment 2:

1. Condition D.1.1 limit for particulate matter is from two separate rules, 326 IAC 6-3-2(c) (Process Operations) and 326 IAC 2-3 (Emission Offset). However, 326 IAC 6-3-2(c) (Process Operations) has been determined to no longer be applicable to one (1) asphalt batch plant because 326 IAC 6-1-2(a) (Particulate Emission Limitations) is subject to the one (1) asphalt batch plant. It has also been determined that since Vanderburgh County has been redesignated as attainment for particulate matter (PM), 326 IAC 2-3 (Emission Offset) would no longer be applicable to this source. 326 IAC 2-2 (Prevention of Significant Deterioration) would be applicable to this source. The calculations of the limits are as follows:

(a) The limit under 326 IAC 2-2 (Prevention of Significant Deterioration) was established as follows:

Pursuant to this rule, the potential to emit PM from the **entire source** shall be limited to 249.0 tons per year. Therefore, subtract all other potential particulate matter emissions from every process **except** the asphalt batch plant. Those potential emissions are 60.0 tons per year. The difference of 249.0 tons per year (for the entire source) from 60.0 tons per year (for all other processes except the asphalt batch plant) is 189.0 tons PM per year. To convert this to pounds per hour:

$$189.0 \text{ tons/year} * \text{year}/8760 \text{ hours} * 2000 \text{ lb/ton} = 43.15 \text{ lb/hr}$$

(b) The limit under 40 CFR 60.90, Subpart I (Standards for Asphalt Plants) was established as follows:

According to the rule, the asphalt batch plant may not emit particulate matter in excess of 0.04 grains per dry standard cubic foot. To convert this to pounds per hour:

$$0.04 \text{ gr/dscf} * 54,700 \text{ acfm} * [528 / (460 + 250)] \text{ }^\circ\text{F} * [(100 - 5) / 100] \% \text{ moisture}$$

$$* 60 \text{ min/hour} * \text{lb}/7,000 \text{ gr} = 13.25 \text{ pounds PM per hour.}$$

(c) The limit under 326 IAC 6-1-2(a) (Particulate Emission Limitations) was established as follows:

According to the rule, the asphalt batch plant may not emit particulate matter in excess of 0.03 grains per dry standard cubic foot. To convert this to pounds per hour:

$$0.03 \text{ gr/dscf} * 54,700 \text{ acfm} * [528 / (460 + 250)] \text{ }^\circ\text{F} * [(100 - 5) / 100] \% \text{ moisture}$$

$$* 60 \text{ min/hour} * \text{lb}/7,000 \text{ gr} = 9.93 \text{ pounds PM per hour.}$$

(d) In summary, the table below compares the different PM limits:

Applicable Rule	Particulate Matter Limit
326 IAC 2-2 (Prevention of Significant Deterioration)	43.15 lb/hr
40 CFR 60.90, Subpart I (Standards for Asphalt Plants)	13.25 lb/hr
326 IAC 6-1-2(a) (Particulate Emission Limitations)	9.93 lb/hr *

- * The 9.93 pounds per hour PM limit will be used since the limit under 326 IAC 6-1-2(a) (Particulate Emission Limitations) is more stringent than the limit under 326 IAC 2-2 (Prevention of Significant Deterioration) or 40 CFR 60.90, Subpart I (Standards for Asphalt Plants). Therefore, the equivalent pounds per hour limitation for 326 IAC 6-1-2(a) (Particulate Emission Limitations), 326 IAC 2-2 (Prevention of Significant Deterioration) and 40 CFR 60.90, Subpart I (Standards for Asphalt Plants) is 9.93 pounds PM per hour.

There will be no changes to the final permit due to this comment.

2. Also, the concern you had for the stack test that was performed at the Huntingburg plant was regarding particulate matter less than ten microns (PM-10). The PM-10 limit that applies to this plant is to limit the potential to emit (PTE) to two hundred forty-nine (249) tons per year so that 326 IAC 2-2 (Prevention of Significant Deterioration) would not apply. The use of the baghouse should ensure compliance with these requirements. The stack test requirements for PM-10 have been removed from the final permit.

On September 29, 1998, Danelle Marks of Baker and Daniels, consultant for J.H. Rudolph and Company, Inc. submitted additional comments on the proposed Part 70 Operating Permit. The summary of the comments is as follows (~~strikeout~~ added to show what was deleted and **bold** added to show what was added):

Comment 3:

Technical Support Document

Page 4 of 8: The table indicates that Vanderburgh County is secondary nonattainment for TSP. It is J.H. Rudolph's understanding that this is no longer accurate. The Addendum to the TSD, therefore should reflect that change.

Response to Comment 3:

The table on page 4 of 8 in the Technical Support Document should be changed to be as follows. However, the Technical Support Document is not changed after Public Notice. The changes are noted here in the Addendum to the Technical Support Document:

Pollutant	Status
TSP	Secondary Nonattainment
PM-10	Attainment
SO ₂	Attainment
NO ₂	Attainment
Ozone	Attainment
CO	Attainment
Lead	Attainment

Comment 4:

Technical Support Document

Page 5 of 8: The language used under 326 IAC 2-2 (PSD) contains an inaccurate reference to 326 IAC 2-3.

The language used under 326 IAC 2-3 seems to infer that this source requires a cap on its potential emissions to avoid the applicability of the referenced rule. This rule no longer applies to this plant, and no cap is necessary.

The language used under 326 IAC 5-1 refers to a "forty percent (30%)" opacity. It appears to be an administrative error, and should be clarified.

The Addendum to the TSD should clarify these issues.

Response to Comment 4:

1. The State Rule Applicability - Entire Source, 326 IAC 2-2 (Prevention of Significant Deterioration) should be changed to be as follows. However, the Technical Support Document is not changed after Public Notice. The changes are noted here in the Addendum to the Technical Support Document:

326 IAC 2-2 (Prevention of Significant Deterioration)

The potential to emit all criteria pollutants for which this source is in an attainment area are all less than 250 tons per year, therefore, 326 IAC ~~2-3~~ 2-2 (PSD) does not apply.

2. The State Rule Applicability - Entire Source, 326 IAC 2-3 (Emission Offset) should be changed to be as follows. However, the Technical Support Document is not changed after Public Notice. The changes are noted here in the Addendum to the Technical Support Document:

326 IAC 2-3 (Emission Offset)

~~The potential to emit PM from this source is limited to 99 tons per year, therefore, 326 IAC 2-3 (Emission Offset) does not apply.~~ **The source is no longer located in a nonattainment county for TSP. Therefore, the requirements of 326 IAC 2-3 (Emission Offset) are no longer applicable.**

3. The State Rule Applicability - Entire Source, 326 IAC 5-1 (Visible Emissions Limitations) should be changed to be as follows. However, the Technical Support Document is not changed after Public Notice. The changes are noted here in the Addendum to the Technical Support Document:

326 IAC 5-1 (Visible Emissions Limitations)

Pursuant to 326 IAC 5-1-2 (Visible Emissions Limitations), except as provided in 326 IAC 5-1-3 (Temporary Exemptions), visible emissions shall meet the following, unless otherwise stated in this permit:

- (a) Visible emissions shall not exceed an average of ~~forty~~ **thirty** percent (30%) opacity in twenty-four (24) consecutive readings as determined by 326 IAC 5-1-4,
- (b) Visible emissions shall not exceed sixty percent (60%) opacity for more than a cumulative total of fifteen (15) minutes (sixty (60) readings) in a six (6) hour period.

Comment 5:

Condition A.2 Emission Units and Pollution Control Equipment Summary

The equipment descriptions in these sections should be revised as noted. As currently drafted, the language appears to foreclose J.H. Rudolph from using alternates should the listed oil or natural gas become unavailable. J.H. Rudolph needs the flexibility to substitute #4 refined oil for #4 waste oil, and butane for natural gas.

Also, as discussed with IDEM, J.H. Rudolph would like the flexibility within its Part 70 permit to changeover its operations from production of hot mix asphalt to production of syn-fuel. For that reason, J.H. Rudolph proposes to add language to A.2 that describes the alternate operating scenario.

A.2 Emission Units and Pollution Control Equipment Summary [326 IAC 2-7-4(c)(3)]
[326 IAC 2-7-5(15)]

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

- (1) One (1) asphalt batch plant, identified as unit 3, with a maximum capacity of 240 tons of asphalt concrete per hour, with a 96 MMBtu per hour dryer burner, using #4 waste ~~or refined~~ oil, natural gas ~~or butane~~, and #2 distillate oil ~~for fuel~~, with a baghouse and inertial separator for control of particulate matter, and exhausting to stack 1; ~~or~~
- (2) One (1) syn-fuel plant, with a maximum capacity of 240 tons per hour, with a 96 MMBtu per hour dryer burner, using #4 waste or refined oil, natural gas or butane, and #2 distillate oil, with a baghouse for control of particulate matter, and exhausting to stack 1.

Response to Comment 5:

Condition A.2 "Emission Units and Pollution Control Equipment Summary" has been changed to be as follows:

A.2 Emission Units and Pollution Control Equipment Summary [326 IAC 2-7-4(c)(3)]
[326 IAC 2-7-5(15)]

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

- (1) One (1) asphalt ~~or syn-fuel~~ batch plant, identified as unit 3, with a maximum capacity of 240 tons of asphalt concrete per hour, with a 96 MMBtu per hour dryer burner, using #4 waste ~~or refined~~ oil, natural gas ~~or butane~~, and #2 distillate oil for fuel, with a baghouse for control of particulate matter, and exhausting to stack 1.

Comment 6:

Condition B.9 Compliance with Permit Conditions

As written, this condition is legally inaccurate. For example, a violation of a state-only permit provision is not a violation of the federal Clean Air Act. State-only provisions are enforceable only at the state level. Therefore, the language of the condition should be changed as noted to more accurately reflect the law.

B.9 Compliance with Permit Conditions [326 IAC 2-7-5(6)(A)] [326 IAC 2-7-5(6)(B)]

- (a) The Permittee must comply with all conditions of this permit. Noncompliance with ~~any provisions of this permit constitutes~~ ~~may constitute~~ a violation of the Clean Air Act and ~~is~~ ~~may be~~ grounds for:
 - (1) Enforcement action;
 - (2) Permit termination, revocation and reissuance, or modification; or
 - (3) Denial of a permit renewal application.
- (b) 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.

Response to Comment 6:

326 IAC 2-7-5(6)(A) requires that the permit contain a provision stating the permittee must comply with all conditions of the Part 70 permit. Any Part 70 permit noncompliance constitutes a violation of the CAA and is grounds for enforcement and other actions. No change was made as a result of this comment.

Comment 7:

Condition B.10 Certification

The permit should specify, where appropriate, which forms, reports, or compliance certifications must be certified, rather than containing a requirement that encompasses all forms, reports, or compliance certifications. Not all such documents are required to be certified. Therefore, the language should be changed as noted to clarify that only those documents specifically designated by the permit or specifically required by an applicable requirement must be certified by a responsible official.

B.10 Certification [326 IAC 2-7-4(f)] [326 IAC 2-7-6(1)]

- (a) ~~Any application form, report, or compliance certification~~ **Where specifically designated by the permit or specifically required by an applicable requirement, any application forms, reports, or compliance certifications** submitted under this permit shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, ~~and any other certification required under this permit,~~ shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Response to Comment 7:

Condition B.10(a) "Certification" has been changed to be as follows:

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

Comment 8:

Condition B.12 Preventive Maintenance Plan

The phrase "lack of proper maintenance" as used here is unduly vague and likely will lead to future disputes. The obligation under this provision of the regulations is to implement the maintenance plan. Therefore, J.H. Rudolph proposes that subsection (b) be changed as noted to clarify the condition.

- (b) The Permittee shall implement the Preventive Maintenance Plans as necessary to ensure that ~~lack of proper maintenance~~ **failure to implement the plan** does not cause or contribute to a violation of any limitation on emissions or potential to emit.

Response to Comment 8:

Subsection (b) of Condition B.12 "Preventive Maintenance Plan" does not imply that failure to implement the Preventive Maintenance Plan (PMP) will cause a violation of permit. This subsection states that the PMP shall contain proper maintenance procedures such that the failure to implement these procedures will not cause or contribute to a violation of the permit. There will be no changes to this condition in the final permit due to this comment.

Comment 9:

Condition B.14 Permit Shield

J.H. Rudolph supports the express inclusion of the permit shield in this permit, as indicated in subsection (a). However, the language needs to implement the permit shield rather than state the rule. The language in subsection (b)(1) and (b)(2) does not implement the permit shield in this permit, and appears to unnecessarily “qualify” the permit shield contained herein. Therefore, it should be deleted. During discussions with the Indiana Manufacturers Association Workgroup regarding the model Part 70 permit, IDEM agreed to make this change.

- (b) This permit shall be used as the primary document for determining compliance with applicable requirements established by previously issued permits. Compliance with the conditions of this permit shall be deemed in compliance with any applicable requirements as of the date of permit issuance. ~~provided that:~~

~~(1) The applicable requirements are included and specifically identified in this permit, or~~

~~(2) The permit contains an explicit determination or concise summary of a determination that other specifically identified requirements are not applicable.~~

Response to Comment 9:

This condition is almost exactly the wording required by 326 IAC 2-7-15. OAM agrees that some of the wording should be changed as requested. 40 CFR 70.6(f) states that the permitting authority may expressly include in a Part 70 permit a provision stating that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements. OAM believes non-applicable requirement determinations should be dealt with in Section D. OAM is also added language dealing with applicable requirements from prior permits. On July 28, 1998, the OAM was notified that the U.S. EPA would object to any Title V Operating Permit that superceded all previous construction permits. The U.S. EPA indicated that they believed that the authority for certain applicable requirements might expire if the construction permits that established them expired. The OAM believes that the regulatory process is best served if all affected parties are able to rely on the Title V Operating Permit to identify all applicable requirements and the means for demonstrating compliance with each requirement.

The OAM intends to continue discussions with the U.S. EPA regarding the issues related to past construction permits. However the OAM also believes that the Permit Shield condition B.14 (b) (1) & (2) establishes that the Title V permit shall be used as the primary document for determining compliance with applicable requirements established by previously issued permits. Compliance with the conditions of the permit shall be deemed in compliance with any applicable requirements as of the date of the permit issuance for all the previous permits identified by the source and the OAM during the course of this review. There will be no changes to this condition in the final permit due to this comment.

Comment 10:

Condition B.16 Deviations from Permit Requirements and Conditions

The term “tied to” in subsection (b) is vague and confusing. In addition, the language in subsection (b) does little to clarify what does or does not constitute a deviation. Therefore, J.H. Rudolph proposes that the language be changed as noted to add clarity to this condition.

- (b) A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit or a rule. It does not include:

- (1) An excursion from compliance monitoring parameters as identified in Section D of this permit unless ~~it is~~ **it is tied to the compliance monitoring parameters are included as requirements in** an applicable rule ~~or limit~~; or
- (2) An emergency as defined in 326 IAC 2-7-1(12); or
- ~~(3) Failure to implement elements of the Preventive Maintenance Plan unless lack of maintenance has caused or contributed to a deviation.~~
- ~~(4) Failure to make or record information required by the compliance monitoring provisions of Section D unless such failure exceeds 5% of the required data in any calendar quarter; or~~
- (4) Inaccurate or incomplete information in a notification or report.**

A Permittee's failure to take the appropriate response step when an excursion of a compliance monitoring parameter has occurred is a deviation.

Response to Comment 10:

IDEM, OAM feels that the language in Condition B.16(b)(1) is not vague and confusing. If compliance monitoring parameters are stated in the permit, directly from an applicable rule or requirement, they are said to be "tied to" an applicable rule or limit.

IDEM, OAM feels that deleting Condition B.16(b)(3) and adding the suggested subsection would be more stringent. Therefore, there will be no changes to this condition in the final permit due to this comment.

Comment 11:

Condition B.24 Inspection and Entry

The Indiana Manufacturer's Association Workgroup and IDEM agreed in discussions regarding the model Part 70 permit to clarify that entry and access to the Permittee's premises and documents remains subject to the Permittee's right to claim confidentiality. Therefore, J.H. Rudolph proposes that the language be changed as noted.

B.24 Inspection and Entry [326 IAC 2-7-6(2)]

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, **and subject to the Permittee's right to claim that information collected by the agency is confidential and must be treated as such**, the Permittee shall allow IDEM, OAM, ~~and~~ Evansville EPA, U.S. EPA, or an authorized representative to perform the following:

Response to Comment 11:

Claims of Confidentiality are addressed in Condition B.26(e)(1) and (2) (now renumbered Condition B.24(e)(1) and (2)) "Inspection and Entry". Therefore, there will be no changes to this condition in the final permit due to this comment.

Comment 12:

Condition B.27 Credible Evidence

J.H. Rudolph objects to and proposes to delete the “credible evidence” condition. First, credible evidence is not defined, and the condition itself is unduly vague, ambiguous, and confusing. Because credible evidence has no definitive boundaries, it should not be used as a compliance condition. Second, the applicable law spells out how compliance is to be determined and violations established. Each individual source has specific methods and tests contained in its permit that ensure compliance with the applicable emission limitations. IDEM simply has no regulatory authority to add this all-encompassing condition. For these reasons, the credible evidence condition should be deleted.

~~B.27 — Credible Evidence [326 IAC 2-7-5(3)] [62 Federal Register 8313] [326 IAC 2-7-6]~~

~~Notwithstanding the conditions of this permit that state specific methods that may be used to assess compliance or noncompliance with applicable requirements, other credible evidence may be used to demonstrate compliance or noncompliance.~~

Response to Comment 12:

IDEM, OAM now believes that this condition is not necessary and has removed it from the final permit. The issues regarding credible evidence can be adequately addressed during a showing of compliance or noncompliance. Indiana’s statutes, and the rules adopted under their authority, govern the admissibility of evidence in any proceeding. Indiana law contains no provisions that limit the use of any credible evidence and an explicit statement is not required in the permit. Condition B.27 “Credible Evidence” has been deleted from the final permit as follows:

~~B.27 — Credible Evidence [326 IAC 2-7-5(3)] [62 Federal Register 8313] [326 IAC 2-7-6]~~

~~Notwithstanding the conditions of this permit that state specific methods that may be used to assess compliance or noncompliance with applicable requirements, other credible evidence may be used to demonstrate compliance or noncompliance.~~

Comment 13:

Condition C.1 PSD Minor Source Status

Subsection (b) is an inaccurate statement of the law and should be deleted. The law speaks for itself, and need not be paraphrased here. This condition is confusing and unnecessary.

~~(b) — Any change or modification which may increase potential to emit to 250 tons per year, from the equipment covered in this permit, shall require a PSD permit pursuant to 326 IAC 2-2 and 40 CFR 52.21, before such change may occur.~~

Response to Comment 13:

Condition C.2 “PSD Minor Source Status” has been deleted from the final permit as follows. The remaining conditions of this section have been renumbered:

~~G.2 — PSD Minor Source Status [326 IAC 2-2] [40 CFR 52.21]~~

~~(a) — The total source potential to emit of all criteria pollutants is less than 250 tons per year. Therefore the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration) and 40 CFR 52.21 will not apply.~~

~~(b) — Any change or modification which may increase potential to emit to 250 tons per year, from the equipment covered in this permit, shall require a PSD permit pursuant to 326 IAC 2-2 and 40 CFR 52.21, before such change may occur.~~

Comment 14:

Condition C.3 Opacity

J.H. Rudolph proposes to delete this condition. It conflicts with the opacity requirements contained in condition D.1.2. As a result, it could cause confusion in implementation of the permit terms.

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

~~Pursuant to 326 IAC 5-1-2 (Visible Emissions Limitations), except as provided in 326 IAC 5-1-3 (Temporary Exemptions), visible emissions shall meet the following, unless otherwise stated in this permit:~~

~~(a) Visible emissions shall not exceed an average of thirty percent (30%) opacity in twenty four (24) consecutive readings, as determined in 326 IAC 5-1-4.~~

~~(b) Visible emissions shall not exceed sixty percent (60%) opacity for more than a cumulative total of fifteen (15) minutes (sixty (60) readings) in a six (6) hour period.~~

Response to Comment 14:

Condition C.3 (now renumbered Condition C.2) "Opacity" is an emission limitation for the entire source. Condition D.1.2 "Opacity" is only for the hot-mix asphalt plant. When the batch plant produces syn-fuel, it would not be subject to the requirements of 40 CFR 60.90, Subpart I. Therefore, the thirty percent opacity requirement would apply. Also, there are other facilities at this source that are not subject to the requirements of 40 CFR 60.90, Subpart I. Condition C.3 (now renumbered Condition C.2) "Opacity" has been changed to be as follows:

~~C.32~~ Opacity [326 IAC 5-1]

~~Pursuant to 326 IAC 5-1-2 (Visible Emissions Opacity Limitations), except as provided in 326 IAC 5-1-3 (Temporary Exemptions), visible emissions Opacity shall meet the following, unless otherwise stated in this permit:~~

(a) ~~Visible emissions Opacity~~ shall not exceed an average of thirty percent (30%) ~~opacity~~ in ~~twenty four (24) consecutive readings~~ **any one (1) six minute averaging period**, as determined in 326 IAC 5-1-4.

(b) ~~Visible emissions Opacity~~ shall not exceed sixty percent (60%) ~~opacity~~ for more than a cumulative total of fifteen (15) minutes (sixty (60) readings) **as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor** in a six (6) hour period.

Comment 15:

Conditions C.4, C.6 Open Burning; Fugitive Dust Emissions

J.H. Rudolph proposes to revise these conditions to reflect the fact that the requirements arising under the municipal code are not federally enforceable.

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

The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6 and per Municipal Code of Evansville 3.30.18.214. 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. 326 IAC 4-1-3 (a)(2)(A) and (B), **and Municipal Code of Evansville, 3.30.18.2154** are not federally enforceable.

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

The Permittee shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4 (Fugitive Dust Emissions) or the Municipal Code of Evansville, 3.30.18.212. 326 IAC 6-4-2(4) ~~is~~ and the Municipal Code of Evansville, 3.30.18.212 are not federally enforceable.

Response to Comment 15:

1. Condition C.4 (now renumbered Condition C.3) "Open Burning" has been changed to be as follows:

C.43 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 and per Municipal Code of Evansville 3.30.18.214. 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. 326 IAC 4-1-3 (a)(2)(A) and (B) and MCE 3.30.18.214 are not federally enforceable.

2. Condition C.6 (now renumbered Condition C.5) "Fugitive Dust Emissions" has been changed to be as follows:

C.65 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) or the Municipal Code of Evansville, 3.30.18.212. 326 IAC 6-4-2(4) ~~is~~ and MCE 3.30.18.212 are not federally enforceable.

Comment 16:

Condition C.11 Compliance Schedule

J.H Rudolph proposes the noted changes to more accurately reflect the cited provision.

C.11 Compliance Schedule [326 IAC 2-7-6(3)]

The Permittee:

- (a) Will ~~continue to comply with such~~ meet applicable requirements that become effective during the term of this permit; and
- (b) Has submitted a statement that the Permittee will continue to comply with ~~such~~ all applicable requirements; and
- (c) Has certified that all facilities at this source are in compliance with all applicable requirements.

Response to Comment 16:

Condition C.11 (now renumbered Condition C.10) "Compliance Schedule" has been changed to be as follows:

C.4+10 Compliance Schedule [326 IAC 2-7-6(3)]

The Permittee:

- (a) **Has certified that all facilities at this source are in compliance with all applicable requirements; and** ~~Will continue to comply with such requirements that become effective during the term of this permit; and~~
- (b) Has submitted a statement that the Permittee will continue to comply with such requirements; and
- (c) **Will comply with such applicable requirements that become effective during the term of this permit.** ~~Has certified that all facilities at this source are in compliance with all applicable requirements.~~

Comment 17:

Condition C.13 Maintenance of Monitoring Equipment

As a general matter, J.H. Rudolph objects to general statements such as this that are confusing and have no specific relevance to its operations. In addition, J.H. Rudolph objects to this condition because it goes beyond the authority granted under the referenced citations. Furthermore, to the extent that regulatory authority exists, this is dealt with elsewhere in the permit, such as in the required preventive maintenance plans. For these reasons, this condition should be deleted.

~~C.13 Maintenance of Monitoring Equipment [326 IAC 2-7-5(3)(A)(iii)]~~

- ~~(a) In the event that a breakdown of the monitoring equipment occurs, a record shall be made of the times and reasons of the breakdown and efforts made to correct the problem. To the extent practicable, supplemental or intermittent monitoring of the parameter should be implemented at intervals no less frequent than required in Section D of this permit until such time as the monitoring equipment is back in operation. In the case of continuous monitoring, supplemental or intermittent monitoring of the parameter should be implemented at intervals no less than one (1) hour until such time as the continuous monitor is back in operation.~~
- ~~(b) The Permittee shall install, calibrate, quality assure, maintain, and operate all necessary monitors and related equipment. In addition, prompt corrective action shall be initiated whenever indicated.~~

Response to Comment 17:

This condition is for any monitoring equipment that is needed for the proper operation of any facility or control device. For example, in this source's case, the pressure gauge for the baghouse would be a monitoring device necessary to ensure proper operation of the baghouse. IDEM, OAM feels that this condition does fall under the authority granted by 326 IAC 2-7-5(3)(A)(iii) which states that IDEM, OAM may require conditions for monitoring equipment. This condition states what steps to take when the specific control device (the baghouse) fails. IDEM, OAM feels that having specific monitoring requirements in the permit regarding control devices will lessen the likelihood of violations of permit requirements. There will be no changes to the final permit due to this comment.

Comment 18:

Condition C.18 Compliance Monitoring Plan

The language of this section goes beyond IDEM's authority in the referenced citations. The specified response requirements of a Compliance Response Plan are not reasonably ascertainable from the rule. Therefore, J.H. Rudolph proposes that the condition be changed as noted.

C.18 Compliance Monitoring Plan - Failure to Take Response Steps [326 IAC 2-7-5][326 IAC 2-7-6]
[326 IAC 1-6]

- (a) The Permittee is required to implement a compliance monitoring plan to ensure that reasonable information is available to evaluate its continuous compliance with applicable requirements. This compliance monitoring plan is comprised of:
- ~~(1) This condition;~~
 - ~~(2) The Compliance Determination Requirements in Section D of this permit;~~
 - ~~(3) The Compliance Monitoring Requirements in Section D of this permit;~~
 - ~~(4)(2) The Record Keeping and Reporting Requirements in Section C (Monitoring Data Availability, General Record Keeping Requirements, and General Reporting Requirements) and in and Section D of this permit; and~~
 - ~~(5) A Compliance Response Plan (GRP) for each compliance monitoring condition of this permit. GRP's shall be submitted to IDEM, OAM and Evansville EPA upon request and shall be subject to review and approval by IDEM, OAM, and Evansville EPA. The GRP shall be prepared within ninety (90) days after issuance of this permit by the Permittee and maintained on site, and is comprised of:
 - ~~(A) Response steps that will be implemented in the event that compliance related information indicates that a response step is needed pursuant to the requirements of Section D of this permit; and~~
 - ~~(B) A time schedule for taking such response steps including a schedule for devising additional response steps for situations that may not have been predicted.~~~~
- ~~(b) For each compliance monitoring condition of this permit, appropriate response steps shall be taken when indicated by the provisions of that compliance monitoring condition. Failure to perform the actions detailed in the compliance monitoring conditions or failure to take the response steps within the time prescribed in the Compliance Response Plan, shall constitute a violation of the permit unless taking the response steps set forth in the Compliance Response Plan would be unreasonable.~~
- ~~(c) After investigating the reason for the excursion, the Permittee is excused from taking further response steps for any of the following reasons:~~
- ~~(1) The monitoring equipment malfunctioned, giving a false reading. This shall be an excuse from taking further response steps providing that prompt action was taken to correct the monitoring equipment.~~
 - ~~(2) The Permittee has determined that the compliance monitoring parameters established in the permit conditions are technically inappropriate, has previously submitted a request for an administrative amendment to the permit, and such request has not been denied or;~~
 - ~~(3) An automatic measurement was taken when the process was not operating; or~~
 - ~~(4) The process has already returned to operating within "normal" parameters and no response steps are required.~~

~~(d) Records shall be kept of all instances in which the compliance related information was not met and of all response steps taken. In the event of an emergency, the provisions of 326 IAC 2-7-16 (Emergency Provisions) requiring prompt corrective action to mitigate emissions shall prevail.~~

Response to Comment 18:

IDEM has worked with members of the Clean Air Act Advisory Council's Permit Committee, Indiana Manufacturing Association, Indiana Chamber of Commerce and individual applicants regarding the Preventive Maintenance Plan, the Compliance Monitoring Plan and the Compliance Response Plan. IDEM has clarified the preventive maintenance requirements by working with sources on draft language over the past two years. The plans are fully supported by rules promulgated by the Air Pollution Control Board. The plans are the mechanism each permittee will use to verify continuous compliance with its permit and the applicable rules and will form the basis for each permittee's Annual Compliance Certification. Each permittee's ability to verify continuous compliance with its air pollution control requirements is a central goal of the Part 70 permit program.

The regulatory authority for and the essential elements of a compliance monitoring plan were clarified in IDEM's Compliance Monitoring Guidance, in May 1996. IDEM originally placed all the preventive maintenance requirements in the permit section titled "Preventive Maintenance Plan." Under that section the permittee's Preventive Maintenance Plan (PMP) had to set out requirements for the inspection and maintenance of equipment both on a routine basis and in response to monitoring. Routine maintenance was a set schedule of inspections and maintenance of the equipment. The second was inspection and maintenance in response to monitoring that showed that the equipment was not operating in its normal range. This monitoring would indicate that maintenance was required to prevent the exceedance of an emission limit or other permit requirement. The maintenance plan was to set out the "corrective actions" that the permittee would take in the event an inspection indicated an "out of specification situation", and also set out the time frame for taking the corrective action. In addition, the PMP had to include a schedule for devising additional corrective actions for out of compliance situations that the source had not predicted in the PMP. All these plans, actions and schedules were part of the Preventive Maintenance Plan, with the purpose of maintaining the permittee's equipment so that an exceedance of an emission limit or violation of other permit requirements could be prevented.

After issuing the first draft Title V permits on public notice in July of 1997, IDEM received comments from members of the regulated community regarding many of the draft permit terms, including the PMP requirements. One suggestion was that the corrective action and related schedule requirements be removed from the PMP requirement and placed into some other requirement in the permit. This suggestion was based, in some part, on the desire that a permittee's maintenance staff handle the routine maintenance of the equipment, and a permittee's environmental compliance and engineering staff handle the compliance monitoring and steps taken in reaction to an indication that the facility required maintenance to prevent an environmental problem.

IDEM carefully considered this suggestion and agreed to separate the "corrective actions" and related schedule requirements from the PMP. These requirements were placed into a separate requirement, which IDEM named the Compliance Response Plan (CRP). In response to another comment, IDEM changed the name of the "corrective actions" to "response steps." That is how the present CRP requirements became separated from the PMP requirement, and acquired their distinctive nomenclature.

Other comment sought clarification on whether the failure to follow the PMP was violation of the permit. The concern was that a permittee's PMP might call for the permittee to have, for example, three "widget" replacement parts in inventory. If one widget was taken from inventory for use in maintenance, then the permittee might be in violation of the PMP, since there were no longer three widgets in inventory, as required by the PMP. Comments also expressed a view that if a maintenance employee was unexpectedly delayed in making the inspection under the PMP's schedule, for example by the employee's sudden illness, another permit violation could occur, even though the equipment was still functioning properly.

IDEM considered the comments and revised the PMP requirement so that if the permittee fails to follow its PMP, a permit violation will occur only if the lack of proper maintenance causes or contributes to a violation of any limitation on emissions or potential to emit. This was also the second basis for separating the compliance maintenance response steps from the PMP and placing them in the Compliance Response Plan (CRP). Unlike the PMP, the permittee must conduct the required monitoring and take any response steps as set out in the CRP (unless otherwise excused) or a permit violation will occur.

The Compliance Monitoring Plan is made up of the PMP, the CRP, the compliance monitoring and compliance determination requirements in section D of the permit, and the record keeping and reporting requirements in sections C and D. IDEM decided to list all these requirements under this new name, the Compliance Monitoring Plan (CMP), to distinguish them from the PMP requirements. The section D provisions set out which facilities must comply with the CMP requirement. The authority for the CMP provisions is found at 326 IAC 2-7-5(1), 2-7-5(3), 2-7-5(13), 2-7-6(1), 1-6-3 and 1-6-5.

Most permittees already have a plan for conducting preventive maintenance for the emission units and control devices. It is simply a good business practice to have identified the specific personnel whose job duties include inspecting, maintaining and repairing the emission control devices. The emission unit equipment and the emission control equipment may be covered by a written recommendation from the manufacturer set out schedules for the regular inspection and maintenance of the equipment. The permittee will usually have adopted an inspection and maintenance schedule that works for its particular equipment and process in order to keep equipment downtime to a minimum and achieve environmental compliance. The manufacturer may also have indicated, or the permittee may know from experience, what replacement parts should be kept on hand. The permittee may already keep sufficient spare parts on hand so that if a replacement is needed, it can be quickly installed, without a delay in the permittee's business activities and without an environmental violation. For the most part, the PMP can be created by combining present business practices and equipment manufacturer guidance into one document, the Preventive Maintenance Plan (PMP).

The permittee has 90 days to prepare, maintain and implement the PMP. IDEM is not going to draft the PMP. Permittees know their processes and equipment extremely well and are in the best position to draft the PMP. IDEM's air inspectors and permit staff will be available to assist the permittee with any questions about the PMP. IDEM may request a copy of the PMP to review and approve.

The Preventive Maintenance Plan requirement must be included in every applicable Part 70 permit pursuant to 326 IAC 2-7-5(13). This rule refers back to the Preventive Maintenance Plan requirement as described in 326 IAC 1-6-3. This Preventive Maintenance Plan rule sets out the requirements for:

- (1) Identification of the individuals responsible for inspecting, maintaining and repairing the emission control equipment (326 IAC 1-6-3(a)(1)),
- (2) The description of the items or conditions in the facility that will be inspected and the inspection schedule for said items or conditions (326 IAC 1-6-3(a)(2)), and
- (3) The identification and quantification of the replacement parts for the facility which the permittee will maintain in inventory for quick replacement (326 IAC 1-6-3(a)(2)).

It is clear from the structure of the wording in 326 IAC 1-6-3 that the PMP requirement affects the entirety of the applicable facilities. Only 326 IAC 1-6-3(a)(1) is limited, in that it requires identification of the personnel in charge of only the emission control equipment, not any other facility equipment. The commissioner may require changes in the maintenance plan to reduce excessive malfunctions in any control device or combustion or process equipment under 326 IAC 1-6-5.

The CRP requirement of response steps and schedule requirements are another example of documenting procedures most permittees already have developed in the course of good business practices and the prevention of environmental problems. Equipment will often arrive with the manufacturer's trouble shooting guide. It will specify the steps to take when the equipment is not functioning correctly. The steps may involve some initial checking of the system to locate the exact cause, and other steps to place the system back into proper working order. Using the trouble shooting guide and the permittee's own experience with the equipment, the steps are taken in order and as scheduled until the problem is fixed.

A permittee will likely already have a procedure to follow when an unforeseen problem situation occurs. The procedure may list the staff to contact in order to select a course of action, or other step, before the equipment problem creates an environmental violation or interrupts the permittee's business process.

The Compliance Monitoring Plan (CMP) is consistent with IDEM's Compliance Monitoring Guidance released in May of 1996. The guidance discusses corrective action plans setting out the steps to take when compliance monitoring shows an out of range reading. Some of the terminology has changed, as a result of the comments from regulated sources, but the requirements in the permit do not conflict with the guidance.

Comment 19:

Condition C.19 Actions Related to Noncompliance Demonstrated by a Stack Test

J.H. Rudolph proposes to delete the last sentence of (a), which unnecessarily reserves authority for IDEM. J.H. Rudolph also proposes to revise the language in (b) to accommodate the seasonal nature of its operation, and the inability at times to operate at full capacity.

C.19 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-7-5]
[326 IAC 2-7-6]

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- (a) When the results of a stack test performed in conformance with Section C -Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate corrective actions. The Permittee shall submit a description of these corrective actions to IDEM, OAM, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize emissions from the affected facility while the corrective actions are being implemented. IDEM, OAM shall notify the Permittee within thirty (30) days, if the corrective actions taken are deficient. The Permittee shall submit a description of additional corrective actions taken to IDEM, OAM within thirty (30) days of receipt of the notice of deficiency. ~~IDEM, OAM reserves the authority to use enforcement activities to resolve noncompliant stack tests.~~
- (b) A retest to demonstrate compliance shall be performed within one hundred twenty (120) days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAM that retesting in one-hundred and twenty (120) days is not practicable (for example, because of the seasonal nature of operations of the plant, the inability at that time to run the plant at full capacity, or the fact the plant is not in use during the 120-day time period), IDEM, OAM may extend the retesting deadline. Failure of the second test to demonstrate compliance with the appropriate permit conditions may be grounds for immediate revocation of the permit to operate the affected facility.

The documents submitted pursuant to this condition do not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Response to Comment 19:

Pursuant to 326 IAC 2-7-6(6) "Compliance Requirements", the Commissioner may require other provisions as necessary to show compliance with the applicable requirements stated in the Part 70 permit. Therefore, IDEM may use enforcement activities to resolve noncompliant stack tests. There will be no changes to this condition in the draft permit due to this comment.

Condition C.20(b) (now renumbered Condition C.18(b)) "Actions Related to Noncompliance Demonstrated by a Stack Test" has been changed to be as follows:

- (b) A retest to demonstrate compliance shall be performed within one hundred twenty (120) **operating** days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAM that retesting in one-hundred and twenty (120) **operating** days is not practicable, IDEM, OAM may extend the retesting deadline. Failure of the second test to demonstrate compliance with the appropriate permit conditions may be grounds for immediate revocation of the permit to operate the affected facility.

Comment 20:

Condition C.21 Monitoring Data Availability

The language of subsections (a), (b) and (c) of this paragraph go beyond the authority of the referenced citations. In addition, subsections (b) and (c) are unduly vague and confusing, as in the reference to "abnormal conditions." Furthermore, subsection (c) contains a general statement that appears to add requirements without authority. Accordingly, subsections (a), (b) and (c) should be deleted.

C.21 Monitoring Data Availability [326 IAC 2-7-6(1)] [326 IAC 2-7-5(3)]

- ~~(a) With the exception of performance tests conducted in accordance with Section C-Performance Testing, all observations, sampling, maintenance procedures, and record keeping, required as a condition of this permit shall be performed at all times the equipment is operating at normal representative conditions.~~
- ~~(b) As an alternative to the observations, sampling, maintenance procedures, and record keeping of subsection (a) above, when the equipment listed in Section D of this permit is not operating, the Permittee shall either record the fact that the equipment is shut down or perform the observations, sampling, maintenance procedures, and record keeping that would otherwise be required by this permit.~~
- ~~(c) If the equipment is operating but abnormal conditions prevail, additional observations and sampling should be taken with a record made of the nature of the abnormality.~~
- ~~(d) If for reasons beyond its control, the operator fails to make required observations, sampling, maintenance procedures, or record keeping, reasons for this must be recorded.~~
- ~~(e)~~(b) At its discretion, IDEM and Evansville EPA may excuse such failure providing adequate justification is documented and such failures do not exceed five percent (5%) of the operating time in any quarter.
- ~~(f)~~(c) Temporary, unscheduled unavailability of staff qualified to perform the required observations, sampling, maintenance procedures, or record keeping shall be considered a valid reason for failure to perform the requirements stated in (a) above.

Response to Comment 20:

This condition applies to all records required in Section D. The purpose of Section C is to state general conditions once, so that they do not have to be restated in every subsection of Section D. Unless a term in Section D states otherwise, the Section C general term applies. The condition was unchanged in the model permit. IDEM will consider an applicant's request to move conditions from Section C to Section D or to consolidate Section D requirements into a single C condition. The requests can often be accommodated, so long as compliance related interests are not compromised. There will be no changes to this condition in the final permit due to this comment.

Comment 21:

Condition C.22 General Record Keeping Requirements

The requirement that the facility produce required records "upon request," depending on the circumstances, may be unreasonable. Therefore, J.H. Rudolph proposes that the language be changed, as noted, to reflect the availability of such records "within a reasonable time." This change is consistent with the terms IDEM agreed to with the IMA/Chamber work group.

In addition, subsection (c)(4) should be deleted. It imposes an all-encompassing additional requirement to maintain records of all preventive maintenance regardless of whether the substantive permit conditions even require that such records be maintained. To the extent that records of preventive maintenance are required, they are addressed elsewhere in the permit.

C.22 General Record Keeping Requirements [326 IAC 2-7-5(3)][326 IAC 2-7-6]

- (a) Records of all required monitoring data and support information 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 kept at the source location for a minimum of three (3) years and available **within a reasonable time** upon the request of an IDEM, OAM, and City of Evansville EPA representative, 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 **within a reasonable time** upon request. If the Commissioner (or local agency) makes a written request for records to the Permittee, the Permittee shall furnish the records to the Commissioner or local agency within a reasonable time.
- (b) Records of required monitoring information shall include, where applicable:
 - (1) The date, place, and time of sampling or measurements;
 - (2) The dates analyses were performed;
 - (3) The company or entity performing the analyses;
 - (4) The analytic techniques or methods used;
 - (5) The results of such analyses; and
 - (6) The operating conditions existing at the time of sampling or measurement.
- (c) Support information shall include, where applicable:
 - (1) Copies of all reports required by this permit;
 - (2) All original strip chart recordings for continuous monitoring instrumentation;
 - (3) All calibration and maintenance records;
 - ~~(4) Records of preventive maintenance shall be sufficient to demonstrate that improper maintenance did not cause or contribute to a violation of any limitation on emissions or potential to emit. To be relied upon subsequent to any such violation, these records may include, but are not limited to: work orders, parts inventories, and operator's standard operating procedures. Records of response steps taken shall indicate whether the response steps were performed in accordance with the Compliance Response Plan required by Section C - Compliance Monitoring Plan - Failure to take Response Steps, of this permit, and whether a deviation from a permit condition was reported. All records shall briefly describe what maintenance and response steps were taken and indicate who performed the tasks.~~

- (d) All record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance.

Response to Comment 21:

The one hour was used to provide a specific time frame other than “upon request” in response to previous concerns expressed by applicants. Therefore, the OAM now believes that citing “upon request” as stated in the rule is the preferable language. Generally, sources and the OAM can come to an agreement on the amount of time needed to produce records, especially if the request requires a substantial amount of information. There will be no changes to this condition in the final permit due to this comment.

Pursuant to 326 IAC 1-6, all permitted facilities, under 326 IAC 2-1-2 (Registration) and 326 IAC 2-4 (Operating Permits), are required to have Preventive Maintenance Plans. Condition C.23(c)(4) “General Record Keeping Requirements” is included for the benefit of the source to show that proper maintenance to the facilities was done and therefore did not cause or contribute to any violation of any limitation on emissions or potential to emit. There will be no changes to this condition in the final permit due to this comment.

Comment 22:

Condition D.1 Facility Description

The equipment description in this section should be changed as proposed in comments to Condition A.2.

In addition, J.H. Rudolph proposes the addition of language as noted that clarifies that the listing of facilities contained in these sections is merely descriptive information and does not constitute an enforceable condition.

Facility Description [326 IAC 2-7-5(15)]

The following is descriptive information and does not constitute an enforceable condition; however, the Permittee should be aware that physical changes or changes in the method of operation that may render this descriptive information obsolete or inaccurate may also trigger requirements for permits or permit modifications under 326 IAC 2.

- (1) One (1) asphalt batch plant, identified as unit 3, with a maximum capacity of 240 tons of asphalt concrete per hour, with a 96 MMBtu per hour dryer burner, using #4 waste or refined oil, natural gas or butane, and #2 distillate oil for fuel, with a baghouse for control of particulate matter, and exhausting to stack 1; or-
- (2) One (1) syn-fuel plant, with a maximum capacity of 240 tons per hour, with a 96 MMBtu per hour dryer burner, using #4 waste or refined oil, natural gas or butane, and #2 distillate oil, with a baghouse for control of particulate matter, and exhausting to stack 1.

Response to Comment 22:

The descriptions that are listed in the box that prefaces each D section is information that was obtained from the applicant and was used to establish the actual permit conditions that follow. These descriptions are treated the same as those in Section A and not considered to be directly enforceable. The descriptions of the equipment would only be considered enforceable if explicitly stated in a permit condition. The descriptions should be considered very carefully because, just like the Section A descriptions, changes can affect compliance with existing applicable requirements or trigger new applicable requirements. New requirements may include the need to obtain a revision to this permit prior to affecting the change. There will be no changes to this section in the final permit due to this comment.

1. The equipment listed in Section D.1 "FACILITY OPERATION CONDITIONS" has been changed to be as follows:

(1) One (1) asphalt **or syn-fuel** batch plant, identified as unit 3, with a maximum capacity of ~~480~~ **240** tons of asphalt concrete per hour, with a ~~75.6~~ **96** MMBtu per hour dryer burner, using #4 waste **or refined** oil, natural gas **or butane**, and #2 distillate oil for fuel, with a baghouse for control of particulate matter, and exhausting to stack 1.

2. Condition D.1.1 "Particulate Matter" has been changed to be as follows due to this alternate operating scenario:

D.1.1 Particulate Matter (PM) ~~[326 IAC 2-3] [326 IAC 6-3]~~ **[326 IAC 2-2] [326 IAC 6-1-2(a)] [40 CFR 60.90, Subpart I]**

(a) Pursuant to ~~326 IAC 6-3 (Process Operations)~~, The allowable PM emission rate from the ~~asphalt~~ batch plant **when producing asphalt** shall not exceed ~~8.90~~ **0.03 grains per dry standard cubic foot. This is equivalent to potential to emit (PTE) of 9.93** pounds particulate matter (PM) per hour when operating at a process weight rate of 240 tons per hour. This limit will ~~also~~ satisfy the requirements of ~~326 IAC 2-3 (Emission Offset), 326 IAC 2-2 (Prevention of Significant Deterioration), 326 IAC 6-1-2(a) (Particulate Emission Limitations) and 40 CFR 60.90, Subpart I (Standards for Asphalt Plants).~~

(b) **The allowable PM emission rate from the batch plant when producing syn-fuel shall not exceed 43.15 pounds per hour. This is equivalent to 249 tons per year when operating at a process weight rate of 240 tons per hour. This limit will satisfy the requirements of 326 IAC 6-3-2 (Process Operations) and make the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration) not applicable.**

3. Condition D.1.3 (now renumbered Condition D.1.2) "Opacity" has been changed to be as follows due to this alternate operating scenario:

D.1.~~32~~ **Opacity [40 CFR 60.90, Subpart I]**

Pursuant to 40 CFR 60.90, Subpart I, the ~~hot mix asphalt~~ batch plant **when producing asphalt** shall not discharge into the atmosphere any gases which exhibit twenty percent (20%) opacity or greater.

4. Condition D.1.6 (now renumbered Condition D.1.5) "Used Oil Requirements" has been changed to be as follows due to this alternate operating scenario:

D.1.~~65~~ **Used Oil Requirements**

The waste oil burned in the asphalt **or syn-fuel** dryer burner shall comply with the used oil requirements specified in 329 IAC 13 (Used Oil Management). Pursuant to 329 IAC 13-3-2 (Used Oil Specifications), used oil burned for energy recovery that is classified as off-specification used oil fuel shall comply with the provisions of 329 IAC 13-8 (Used Oil Burners Who Burn Off-specification Used Oil For Energy Recovery), including:

(a) Receipt of an EPA identification number as outlined in 329 IAC 13-8-3 (Notification),

(b) Compliance with the used oil storage requirements specified in 329 IAC 13-8-5 (Used Oil Storage), and

(c) Maintaining records pursuant to 329 IAC 13-8-6 (Tracking).

The burning of mixtures of used oil and hazardous waste that is regulated under 329 IAC 3.1 is prohibited at this source.

5. Condition D.1.9 (now renumbered Condition D.1.8) "Particulate Matter" has been changed to be as follows due to this alternate operating scenario:

D.1.98 Particulate Matter (PM)

To show compliance with Conditions D.1.1, the baghouse and inertial separator for PM control shall be in operation at all times when the asphalt batch plant is in operation.

6. Condition D.1.12 (now renumbered Condition D.1.11) "Parametric Monitoring" has been changed to be as follows due to this alternate operating scenario:

D.1.1211 Parametric Monitoring

The Permittee shall record the total static pressure drop across the baghouse used in conjunction with the asphalt batch plant, at least once daily when the asphalt **or syn-fuel** dryer is in operation. Unless operated under conditions for which the Compliance Response Plan specifies otherwise, the pressure drop across the baghouse shall be maintained within the range of 2.0 and 8.0 inches of water or a range established during the latest stack test. The Compliance Response Plan for this unit shall contain troubleshooting contingency and response steps for when the pressure reading is outside of the above mentioned range for any one reading.

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

7. Condition D.1.14 (now renumbered Condition D.1.13) "Record Keeping Requirements" has been changed to be as follows due to this alternate operating scenario:

D.1.1413 Record Keeping Requirements

(a) To document compliance with Condition D.1.3, the Permittee shall maintain records in accordance with (1) through (6) below.

- (1) Calendar dates covered in the compliance determination period;
- (2) Actual fuel oil usage since last compliance determination period and equivalent sulfur dioxide emissions;
- (3) A certification, signed by the owner or operator, that the records of the fuel supplier certifications represent all of the fuel oil combusted during the period; and

If the fuel supplier certification is used to demonstrate compliance the following, as a minimum, shall be maintained:

- (4) Fuel supplier certifications.
- (5) The name of the fuel supplier; and
- (6) A statement from the fuel supplier that certifies the sulfur content of the fuel oil.

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

- (b) To document compliance with Condition D.1.10, the Permittee shall maintain records of daily visible emission notations of the dryer stack exhaust when using waste oil or #2 distillate oil for fuel.
- (c) To document compliance with Condition D.1.11, the Permittee shall maintain the following:
 - (1) Daily records of the following operational parameters during normal operation:
 - (A) Inlet and outlet differential static pressure; and
 - (B) Cleaning cycle: frequency and differential pressure;
 - (2) Documentation of all response steps implemented, per event .
 - (3) Operation and preventive maintenance logs, including work purchases orders, shall be maintained.
 - (4) Quality Assurance/Quality Control (QA/QC) procedures.
 - (5) Operator standard operating procedures (SOP).
 - (6) Manufacturer's specifications or its equivalent.
 - (7) Equipment "troubleshooting" contingency plan.
- (d) Records shall be maintained of the times when the batch plant is producing asphalt and when the batch plant is producing syn-fuel.**
- ~~(e)~~ All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

Comment 23:

Condition D.1.1 Particulate Matter

J.H. Rudolph requests that IDEM clarify that this limitation applies only to emissions of "Method 5 particulates," and not to PM-10 emissions.

D.1.1 Particulate Matter (PM) [326 IAC 2-2] [326 IAC 6-1-2(a)] [40 CFR 60.90, Subpart I]

The allowable PM emission rate from the asphalt batch plant shall not exceed 0.03 grains per dry standard cubic foot. This is equivalent to potential to emit (PTE) of 9.93 pounds particulate matter (PM) per hour when operating at a process weight rate of 240 tons per hour. This limit will satisfy the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration), 326 IAC 6-1-2(a) (Particulate Emission Limitations) and 40 CFR 60.90, Subpart I (Standards for Asphalt Plants). **This limit does not apply to PM-10 emissions.**

Response to Comment 23:

There is no need to state that this limit does not apply to PM-10 emissions because the title of the condition only states Particulate Matter (PM), not PM-10. They are two entirely different pollutants. There will be no changes to this condition in the final permit due to this comment.

Comment 24:

Condition D.1.7 Testing Requirements

J.H. Rudolph proposes to add language to allow for an extension of the testing deadline. Depending on when the Part 70 permit is issued, the source may not be in operation during the 180 day time period. The plant operates on a seasonal basis, and at times may not be able to operate at full capacity.

In addition, J.H. Rudolph proposes to delete the testing requirement for PM-10, as J.H. Rudolph is not subject to a PM-10 emission limit. Such testing, therefore, is unnecessary to show compliance with applicable regulations.

J.H. Rudolph also proposes to clarify that testing under Methods 5 and 17 refers to testing of filterables only. IDEM has verbally indicated that particulate matter testing for the purposes of showing compliance with applicable requirements includes filterables, but not condensibles. Such clarification in the permit would assist J.H. Rudolph in developing internal procedures to ensure compliance with permit terms.

D.1.7 Testing Requirements [326 IAC 2-7-6(1),(6)]

~~Within 180 days after issuance of this permit, the Permittee shall perform PM and PM-10 testing utilizing Methods 5 or 17 (40 CFR 60, Appendix A) for PM (filterables only), or other methods as approved by the Commissioner. Should the Permittee demonstrate to IDEM, OAM that testing within 180 days is not practicable (for example, because of the seasonal nature of operations of the plant, the inability at the time to run the plant at full capacity, or the fact the plant is not in use during the 180-day time period), IDEM, OAM may extend the testing deadline. This test shall be repeated at least once every five (5) years from the date of this valid compliance demonstration. In addition to these requirements, IDEM may require compliance testing when necessary to determine if the facility is in compliance.~~

Response to Comment 24:

Condition D.1.8 (now renumbered Condition D.1.7) "Testing Requirements" has been changed to be as follows:

D.1.7 Testing Requirements [326 IAC 2-7-6(1),(6)]

~~Testing of this facility is not specifically required by this permit. However, if testing is required, compliance with the PM and SO₂ limits specified in Conditions D.1.1 and D.1.3 shall be determined by performance tests conducted in accordance with Section C - Performance Testing. This does not preclude testing requirements on this facility under 326 IAC 2-7-5 and 326 IAC 2-7-6.~~

Within 180 operating days after issuance of this permit, the Permittee shall perform PM testing utilizing Methods 5 or 17 (40 CFR 60, Appendix A) for PM, or other methods as approved by the Commissioner. This test shall be repeated at least once every five (5) years from the date of this valid compliance demonstration. In addition to these requirements, IDEM may require compliance testing when necessary to determine if the facility is in compliance.

Particulate Matter (PM) only includes filterables. It does not include condensibles. Therefore, the clarification is not needed. PM-10 includes both filterables and condensibles. Particulate Matter (PM) and PM-10 are two entirely different pollutants.

Pursuant to 326 IAC 2-7-6(6) "Compliance Requirements", the Commissioner may require other provisions as necessary to show compliance with the applicable requirements stated in the Part 70 permit. Therefore, IDEM may require compliance testing when necessary to determine if a facility is in compliance with the conditions of this permit. There will be no changes to this condition in the final permit due to this comment.

Comment 25:

Condition D.1.8 Particulate Matter (PM)

This condition is redundant and unnecessary. Condition C.8 already requires that all air pollution control equipment be operated at all times that emission units vented to the control equipment are in operation. Either condition D.1.8 or C.8 should be deleted.

~~D.1.8 Particulate Matter (PM)~~

~~To show compliance with Conditions D.1.1, the baghouse and inertial separator for PM control shall be in operation at all times when the asphalt batch plant is in operation.~~

Response to Comment 25:

Condition C.8 (now renumbered Condition C.7) "Operation of Equipment" is a source-wide operating condition. Condition D.1.8 "Particulate Matter" is a condition for a specific facility for a specific pollutant. This condition is needed to ensure compliance with Condition D.1.1. There will be no changes to this condition in the final permit due to this comment.

Comment 26:

Condition D.1.9 Sulfur Dioxide Emissions and Sulfur Content

J.H. Rudolph objects to and proposes to delete the last sentence of the condition because it goes beyond IDEM's regulatory authority, and creates burdensome testing conditions that are unnecessary and may create confusion. It appears to impose an onerous condition on J.H. Rudolph to use all possible methods to show compliance because evidence of compliance using one method is not sufficient to assure compliance with the emissions limitation.

D.1.9 Sulfur Dioxide Emissions and Sulfur Content

Compliance with Condition D.1.3 shall be determined utilizing one of the following options.

- (a) Pursuant to 326 IAC 3-7-4, the Permittee shall demonstrate that the fuel oil sulfur content does not exceed five-tenths percent (0.5%) by weight by:
 - (1) Providing vendor analysis of fuel delivered, if accompanied by a certification;
 - (2) Analyzing the oil sample to determine the sulfur content of the oil via the procedures in 40 CFR 60, Appendix A, Method 19.
 - (A) Oil samples may be collected from the fuel tank immediately after the fuel tank is filled and before any oil is combusted; and
 - (B) If a partially empty fuel tank is refilled, a new sample and analysis would be required upon filling; or
- (b) Compliance may also be determined by conducting a stack test for sulfur dioxide emissions from the asphalt dryer, using 40 CFR 60, Appendix A, Method 6 in accordance with the procedures in 326 IAC 3-6.

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

Response to Comment 26:

This language is pursuant to 326 IAC 7-2-1(d) (Reporting Requirements; Methods to Determine Compliance). Therefore, it cannot be deleted. There will be no changes to this condition in the final permit due to this comment.

Comment 27:

Condition D.1.10 Visible Emissions

J.H. Rudolph proposes to change the definition of "normal" to reflect the common meaning of the term. The reference to "80%" of the time is arbitrary, and does not provide a reasonable basis for measurement.

- (b) For processes operated continuously, "normal" means ~~those conditions prevailing, or expected to prevail, eighty percent (80%) of the time~~ **the usual conditions when** the process is in operation, not counting startup or shut down time.

Response to Comment 27:

IDEM, OAM feels that conditions prevailing or expected to prevail 80% of the time would be an adequate assumption of normal operations or usual conditions. There will be no changes to this condition in the final permit due to this comment.

Comment 28:

Condition D.1.12 Broken Bag

J.H. Rudolph proposes to delete condition D.1.12 because it is redundant and unnecessary. The permit terms already specify that emissions units cannot operate without controls. In addition, to the extent that response steps are required, they are adequately addressed through the preventive maintenance plan. Furthermore, the volume of allowable emissions here is so limited that it does not justify additional burdensome compliance monitoring provisions such as this.

~~D.1.12 Broken Bag or Failure Detection~~

~~In the event that bag failure has been observed:~~

- ~~(a) The affected compartments will be shut down immediately until the failed units have been repaired or replaced. For single compartment baghouses, failed units and the associated process will be shut down immediately until the failed units have been repaired or replaced.~~
- ~~(b) Within eight (8) hours of the determination of failure, response steps according to the timetable described in the Preventive Maintenance Plan shall be initiated. For any failure with corresponding response steps and timetable not described in the Preventive Maintenance Plan, response steps shall be devised within eight (8) hours of discovery of the failure and shall include a timetable for completion.~~

Response to Comment 28:

IDEM, OAM does not consider this condition to be redundant and unnecessary. This condition states what steps to take when the specific control device (the baghouse) fails. This condition is there to ensure compliance with Condition D.1.1 "Particulate Matter". IDEM, OAM feels that having specific requirements in Section D of the permit regarding control devices will lessen the likelihood of violations of permit requirements. Condition D.1.13 (now renumbered Condition D.1.12) "Broken Bag or Failure Detection" has been changed to be as follows:

D.1.13 Broken Bag or Failure Detection

In the event that bag failure has been observed:

- (a) The affected compartments will be shut down immediately until the failed units have been repaired or replaced. ~~For single compartment baghouses, failed units and the associated process will be shut down immediately until the failed units have been repaired or replaced.~~ **Within eight (8) hours of the determination of failure, response steps according to the timetable described in the Compliance Response Plan shall be initiated. For any failure with corresponding response steps and timetable not described in the Compliance Response Plan, response steps shall be devised within eight (8) hours of discovery of the failure and shall include a timetable for completion. 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) ~~Within eight (8) hours of the determination of failure, response steps according to the timetable described in the Compliance Response Plan shall be initiated. For any failure with corresponding response steps and timetable not described in the Compliance Response Plan, response steps shall be devised within eight (8) hours of discovery of the failure and shall include a timetable for completion.~~ **For single compartment baghouses, failed units and the associated process will be shut down immediately until the failed units have 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).**

Comment 29:

Condition D.1.13 Record Keeping Requirements

As a general rule, recordkeeping and reporting requirements should be consistent with the other terms of the permit. J.H. Rudolph would like to work with IDEM to ensure that recordkeeping remains consistent with other terms and conditions of the permit, and that it is clear and unambiguous. To that end, J.H. Rudolph proposes changes, as noted.

- (c) To document compliance with Condition D.1.11, the Permittee shall maintain the following:
 - (1) Daily records of the following operational parameters during normal operation:
 - (A) Inlet and outlet differential static pressure; and
 - (B) Cleaning cycle: frequency and differential pressure;
 - (2) Documentation of all response steps implemented, per event .
 - ~~(3) Operation and preventive maintenance logs, including work purchases orders, shall be maintained.~~
 - (4) Quality Assurance/Quality Control (QA/QC) procedures.
 - (5) Operator standard operating procedures (SOP).
 - (6) Manufacturer's specifications or its equivalent.
 - ~~(7) Equipment "troubleshooting" contingency plan.~~

Response to Comment 29:

IDEM, OAM feels that these recordkeeping requirements are consistent with other terms and conditions of this permit and are not unclear or ambiguous. There will be no changes to this condition in the final permit due to this comment.

Comment 30:

Condition D.1.14 Reporting Requirements

J.H. Rudolph also proposes that subsection (b) of condition D.1.14 be revised as noted to ensure that J.H. Rudolph has a reasonable time in which to respond to such request for a summary of information to document compliance with D.1.1 and D.1.3.

D.1.14 Reporting Requirements

- (a) In order to document compliance with Condition D.1.3, the natural gas certification shall be submitted to the address listed in Section C - General Reporting Requirements, of this permit, using the form located at the end of this permit, or the equivalent, within thirty (30) days after the end of the quarter being reported.
- (b) A summary of the information to document compliance with Conditions D.1.1 and D.1.3 shall be submitted to the address listed in Section C - General Reporting Requirements, of this permit, **within a reasonable time** upon request.

Response to Comment 30:

IDEM, OAM felt that it would be best to leave a specific time requirement out of the condition. That way, the time frame that is best suited for the source to submit the records can be specified when the records are requested. There will be no changes to this condition in the final permit due to this comment.

Comment 31:

Condition D.2 Description

J.H. Rudolph proposes the addition of language as noted that clarifies that the listing of facilities contained in this section is merely descriptive information and does not constitute an enforceable condition.

Facility Description [326 IAC 2-7-5(15)]

The following is descriptive information and does not constitute an enforceable condition; however, the Permittee should be aware that physical changes or changes in the method of operation that may render this descriptive information obsolete or inaccurate may also trigger requirements for permits or permit modifications under 326 IAC 2.

- (1) Storage tanks emitting less than fifteen (15) pounds per day of VOC (Tanks T1-T10)

Response to Comment 31:

The descriptions that are listed in the box that prefaces each D section is information that was obtained from the applicant and was used to establish the actual permit conditions that follow. These descriptions are treated the same as those in Section A and not considered to be directly enforceable. The descriptions of the equipment would only be considered enforceable if explicitly stated in a permit condition. The descriptions should be considered very carefully because, just like the Section A descriptions, changes can affect compliance with existing applicable requirements or trigger new applicable requirements. New requirements may include the need to obtain a revision to this permit prior to affecting the change. There will be no changes to this section in the final permit due to this comment.

Comment 32:

Condition D.2.2 Testing Requirements

J.H. Rudolph proposes to delete the final two sentences of this condition, as they unnecessarily reserve authority for IDEM and goes beyond the authority given in the referenced citations.

D.2.2 Testing Requirements [326 IAC 2-7-6(1),(6)]

~~The Permittee is not required to test this facility by this permit. However, IDEM may require compliance testing at any specific time when necessary to determine if the facility is in compliance. If testing is required by IDEM, compliance with the any limit shall be determined by a performance test conducted in accordance with Section C – Performance Testing.~~

Response to Comment 32:

Pursuant to 326 IAC 2-7-6(6) "Compliance Requirements", the Commissioner may require other provisions as necessary to show compliance with the applicable requirements stated in the Part 70 permit. Therefore, IDEM may require compliance testing when necessary to determine if a facility is in compliance with the conditions of this permit. There will be no changes to this condition in the final permit due to this comment.

Comment 33:

Condition D.2.3 Record Keeping Requirements

J.H. Rudolph proposes to delete this condition as it is redundant and unnecessary. Condition 2.1 contains nearly identical language.

~~D.2.3 Record Keeping Requirements~~

~~To document compliance with Condition D.2.1, the Permittee shall maintain readily accessible records showing the dimensions of the storage vessel, and an analysis showing the capacity of the storage vessel, for the life of the source.~~

Response to Comment 33:

Condition D.2.1 "Volatile Organic Liquid Storage Vessels" has been changed to be as follows:

D.2.1 Volatile Organic Liquid Storage Vessels Compounds [40 CFR 60.110b, Subpart Kb] [326 IAC 42] [326 IAC 8]

~~Pursuant to 40 CFR 60, Subpart Kb (Standards of Performance for Volatile Organic Liquid Storage Vessels), the Permittee shall:~~

- ~~(a) Keep readily accessible records showing the dimensions of the storage vessel, and an analysis showing the capacity of the storage vessel, (for the life of the source)~~

Any change or modification to each facility that would lead to an increase in volatile organic compound (VOC) emissions, as specified in 326 IAC 2-1 must be approved by the Office of Air Management (OAM) before such change or modification can occur.

Upon further review, OAM has made the following changes to the final Part 70 permit (~~strikeout~~ added to show what was deleted and **bold** added to show what was added):

1. The name in the signature block on the cover page has been changed from "Felicia R. George" to "**Janet G. McCabe**".
2. A "Source Summary" has been changed to be as follows:

SECTION A SOURCE SUMMARY

This permit is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Management (OAM) and City of Evansville EPA and presented in the permit application. **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.**

3. Condition A.1 "General Information" has been changed to be as follows:

A.1 General Information [326 IAC 2-7-4(c)] [326 IAC 2-7-5(15)]

The Permittee owns and operates a stationary asphalt concrete batch plant.

Responsible Official: J. Steven Rudolph
Source Address: 901 East Columbia Street, Evansville, Indiana 47711
Mailing Address: 901 East Columbia Street, Evansville, Indiana 47711
SIC Code: 2951
County Location: Vanderburgh County
County Status: ~~Secondary Nonattainment for TSP;~~
Attainment for all other criteria pollutants
Source Status: Part 70 Permit Program
Minor Source, under PSD Rules;

4. Condition A.5 "Prior Permit Conditions Superseded" has been deleted as follows:

~~**A.5 Prior Permit Conditions Superseded [326 IAC 2]**~~

~~The terms and conditions of this permit incorporate all the current applicable requirements for all emission units located at this source, and supersede all terms and conditions in all registrations and permits, including construction permits, issued prior to the date of issuance of this permit. All terms and conditions in such registrations and permits are no longer in effect.~~

5. Condition B.1(b) "Permit No Defense" has been changed to be as follows:

- (b) This prohibition shall not apply to alleged violations of applicable requirements for which the Commissioner has granted a permit shield in accordance with 326 IAC 2-1-3.2 or 326 IAC 2-7-15, **as set out in this permit in the Section B condition entitled "Permit Shield."**

6. Condition B.8(c) "Duty to Supplement and Provide Information" has been changed to be as follows:

- (c) Upon request, the Permittee shall also furnish to IDEM, OAM and City of Evansville EPA copies of records required to be kept by this permit. **If the Permittee wishes to assert a claim of confidentiality over any of the furnished records, For information claimed to be confidential, the Permittee must shall furnish such records to IDEM, OAM and City of Evansville EPA along with a claim of confidentiality under 326 IAC 17. If requested by IDEM, OAM, or the U.S. EPA, to furnish copies of requested records directly to U. S. EPA, and if the Permittee is making a claim of confidentiality regarding the furnished records, then the Permittee must shall furnish such confidential records directly to the U.S. EPA along with a claim of confidentiality under 40 CFR 2, Subpart B.**

7. Condition B.11(c) "Annual Compliance Certification" has been changed to be as follows:

- (c) The annual compliance certification report shall include the following:
- (1) The identification of each term or condition of this permit that is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether compliance was **based on** continuous or intermittent **data**;
 - (4) The methods used for determining compliance of the source, currently and over the reporting period consistent with 326 IAC 2-7-5(3); ~~and~~
 - (5) Any insignificant activity that has been added without a permit revision; and**
 - ~~(5)~~ **(6)** Such other facts, as specified in Sections D of this permit, as IDEM, OAM and City of Evansville EPA may require to determine the compliance status of the source.

The ~~notification which shall be submitted~~ **submittal** by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

8. Condition B.12 "Preventive Maintenance Plan" has been changed to be as follows:

B.12 Preventive Maintenance Plan [326 IAC 2-7-5(1),(3) and (13)] [326 IAC 2-7-6(1) and (6)]
[326 IAC 1-6-3]

-
- (a) If required by specific condition(s) in Section D of this permit, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMP) within ninety (90) days after issuance of this permit, including the following information on each **facility**:
- (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing ~~emission units and associated~~ emission control devices;
 - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions;
 - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If due to circumstances beyond its control, the PMP 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 Branch, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015**

and

**City of Evansville EPA
Room 250
101 N.W. Martin Luther King Jr. Blvd
Evansville, Indiana 47708**

- (b) The Permittee shall implement the Preventive Maintenance Plans as necessary to ensure that lack of proper maintenance does not cause or contribute to a violation of any limitation on emissions or potential to emit.
- (c) PMP's shall be submitted to IDEM, OAM, and City of Evansville EPA upon request and shall be subject to review and approval by IDEM, OAM and City of Evansville EPA .

9. Condition B.14 "Permit Shield" has been changed to be as follows:

B.14 Permit Shield [326 IAC 2-7-15]

(a) This condition provides a permit shield as addressed in 326 IAC 2-7-15.

~~(a)~~ **(b) This permit shall be used as the primary document for determining compliance with applicable requirements established by previously issued permits.**

Compliance with the conditions of this permit shall be deemed in compliance with any applicable requirements as of the date of permit issuance, provided ~~that either of the following:~~

- (1) The applicable requirements are included and specifically identified in this permit; ~~or~~
- (2) ~~IDEM, OAM and City of Evansville EPA in acting on the Part 70 permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the Part 70 permit includes the determination or a concise summary thereof.~~ **The permit contains an explicit determination or concise summary of a determination that other specifically identified requirements are not applicable.**

~~(b)~~ **(c) No permit shield shall apply to any permit term or condition that is determined after issuance of this permit to have been based on erroneous information supplied in the permit application. If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement that applied to the source on the date of permit issuance, including any term or condition from a previously issued construction or operation permit, IDEM, OAM and City of Evansville EPA shall immediately take steps to reopen and revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the Permittee is in compliance with the compliance order.**

~~(e)~~ (d) ~~If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement, IDEM, OAM, and City of Evansville EPA shall immediately take steps to reopen and revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the Permittee is in compliance with the compliance order. No permit shield shall apply to any permit term or condition that is determined after issuance of this permit to have been based on erroneous information supplied in the permit application.~~

~~(e)~~ (e) Nothing in 326 IAC 2-7-15 or in this permit shall alter or affect the following:

- (1) The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the U.S. EPA under Section 303 of the Clean Air Act;
- (2) The liability of the Permittee for any violation of applicable requirements prior to or at the time of this permit's issuance;
- (3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the Clean Air Act; and
- (4) The ability of U.S. EPA to obtain information from the Permittee under Section 114 of the Clean Air Act.

~~(e)~~ (f) This permit shield is not applicable to any change made under 326 IAC 2-7-20(b)(2) (Sections 502(b)(10) of the Clean Air Act changes) and 326 IAC 2-7-20(c)(2) (trading based on State Implementation Plan (SIP) provisions).

~~(f)~~ (g) This permit shield is not applicable to modifications eligible for group processing until after IDEM, OAM, and City of Evansville EPA has issued the modifications. [326 IAC 2-7-12(c)(7)]

~~(g)~~ (h) This permit shield is not applicable to minor Part 70 permit modifications until after IDEM, OAM, and City of Evansville EPA has issued the modification. [326 IAC 2-7-12(b)(8)]

10. Condition B.16 "Deviations from Permit Requirements and Conditions" has been changed to be as follows:

B.16 Deviations from Permit Requirements and Conditions [326 IAC 2-7-5(3)(C)(ii)]

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

Indiana Department of Environmental Management
Compliance Branch, Office of Air Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

and

City of Evansville EPA
Room 250
101 N.W. Martin Luther King Jr. Blvd
Evansville, Indiana 47708

within ten (10) calendar days from the date of the discovery of the deviation.

- (b) **A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit or a rule. It does not include:**
- (1) **An excursion from compliance monitoring parameters as identified in Section D of this permit unless tied to an applicable rule or limit; or**
 - (2) **An emergency as defined in 326 IAC 2-7-1(12); or**
 - (3) **Failure to implement elements of the Preventive Maintenance Plan unless lack of maintenance has caused or contributed to a deviation.**
 - (4) **Failure to make or record information required by the compliance monitoring provisions of Section D unless such failure exceeds 5% of the required data in any calendar quarter.**

A Permittee's failure to take the appropriate response step when an excursion of a compliance monitoring parameter has occurred is a deviation.

- ~~(b)~~ (c) Written notification shall be submitted on the attached Emergency/Deviation Occurrence Reporting Form or its substantial equivalent. **The notification does not need to be certified by the "responsible official" as defined by 326 IAC 2-7-1(34).**
- ~~(c)~~ (d) Proper notice submittal under 326 IAC 2-7-16 satisfies the requirement of this subsection.

11. Condition B.18(a) "Permit Renewal" has been changed to be as follows:

- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAM, and shall include the information specified in 326 IAC 2-7-4. 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).**

12. Condition B.19 "Administrative Permit Amendment", Condition B.20 "Minor Permit Modification", and Condition B.21 "Significant Permit Modification" have all been combined into one condition numbered Condition B.19 "Permit Amendment or Modification" as follows. The remaining conditions of this section have been renumbered:

~~B.19 Administrative Permit Amendment [326 IAC 2-7-11]~~

- ~~(a) An administrative permit amendment is a Part 70 permit revision that makes changes of the type specified under 326 IAC 2-7-11(a).~~
- ~~(b) An administrative permit amendment may be made by IDEM, OAM and City of Evansville EPA consistent with the procedures specified under 326 IAC 2-7-11(e).~~
- ~~(c) The Permittee may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-7-11(e)(3)]~~

~~B.20 Minor Permit Modification [326 IAC 2-7-12]~~

- ~~(a) A permit modification is any revision to this permit that cannot be accomplished as an administrative permit amendment under 326 IAC 2-7-11.~~
- ~~(b) Minor modification to this permit shall follow the procedures specified under 326 IAC 2-7-12(b), except as provided by 326 IAC 2-7-12(c).~~

- ~~(c) An application requesting the use of minor modification procedures shall meet the requirements of 326 IAC 2-7-12(b) and shall include the information required in 326 IAC 2-7-12(b)(3)(A) through (E).~~
- ~~(d) The Permittee may make the change proposed in its minor permit modification application immediately after it files such application provided that the change has received any approval required by 326 IAC 2-1. After the Permittee makes the change allowed under minor permit modification procedures, and until IDEM, OAM and City of Evansville EPA takes any of the actions specified in 326 IAC 2-7-12(b)(6)(A) through (G), the Permittee must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this period, the Permittee need not comply with the existing permit terms and conditions it seeks to modify. If the Permittee fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it. [326 IAC 2-7-12(b)(7)]~~

~~B.21 Significant Permit Modification [326 IAC 2-7-12(d)]~~

- ~~(a) Significant modification procedures shall be used for applications requesting permit modifications that do not qualify as minor permit modifications or as administrative amendments.~~
- ~~(b) Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or record keeping permit terms or conditions of this permit shall be considered significant.~~
- ~~(c) Nothing in 326 IAC 2-7-12(d) shall be construed to preclude the Permittee from making changes consistent with 326 IAC 2-7 that would render existing permit compliance terms and conditions irrelevant.~~
- ~~(d) Significant modifications of this permit shall meet all requirements of 326 IAC 2-7, including those for application, public participation, review by affected states, review by the U.S. EPA, and availability of the permit shield, as they apply to permit issuance and renewal.~~

B.19 Permit Amendment or Modification [326 IAC 2-7-11] [326 IAC 2-7-12]

- (a) The Permittee must comply with the requirements of 326 IAC 2-7-11 or 326 IAC 2-7-12 whenever the Permittee seeks to amend or modify this permit.**
- (b) Any application requesting an amendment or modification of this permit shall be submitted to:**

**Indiana Department of Environmental Management
Permits Branch, Office of Air Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015**

and

**City of Evansville EPA
Room 250
101 N.W. Martin Luther King Jr. Blvd
Evansville, Indiana 47708**

Any such application should be certified by the “responsible official” as defined by 326 IAC 2-7-1(34) only if a certification is required by the terms of the applicable rule.

(c) The Permittee may implement the administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-7-11(c)(3)]

13. Condition B.24(a)(2) (now renumbered Condition B.22(a)(2)) "Operational Flexibility" has been changed to be as follows:

(2) Any approval required by 326 IAC 2-1 **or Evansville EPA and the Municipal Code of Evansville** has been obtained;

14. Condition B.26 (now renumbered Condition B.24) "Inspection and Entry" has been changed to be as follows:

B.2624 Inspection and Entry [326 IAC 2-7-6(2)]

Upon presentation of ~~IDEM~~ **proper** identification cards, credentials, and other documents as may be required by law, the Permittee shall allow IDEM, OAM, U.S. EPA, or an authorized representative to perform the following:

- (a) Enter upon the Permittee's premises where a Part 70 source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and
- (e) Utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.
[326 IAC 2-7-6(6)]

(1) The Permittee may assert a claim that, in the opinion of the Permittee, information removed or about to be removed from the source by IDEM, OAM, and City of Evansville EPA or an authorized representative, contains information that is confidential under IC 5-14-3-4(a). The claim shall be made in writing before or at the time the information is removed from the source. In the event that a claim of confidentiality is so asserted, neither IDEM, OAM, and City of Evansville EPA nor an authorized representative, may disclose the information unless and until IDEM, OAM, and City of Evansville EPA makes a determination under 326 IAC 17-1-7 through 326 IAC 17-1-9 that the information is not entitled to confidential treatment and that determination becomes final. [IC 5-14-3-4; IC 13-14-11-3; 326 IAC 17-1-7 through 326 IAC 17-1-9]

(2) The Permittee, IDEM, OAM and City of Evansville EPA acknowledge that the federal law applies to claims of confidentiality made by the Permittee with regard to information removed or about to be removed from the source by U.S. EPA. [40 CFR Part 2, Subpart B]

15. Condition B.27(b) (now renumbered Condition B.25(b)) "Transfer of Ownership or Operation" has been changed to be as follows:

- (b) The written notification shall be sufficient to transfer the permit to the new owner by an administrative amendment pursuant to 326 IAC 2-7-11. **The notification which shall be submitted by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).**

16. Condition B.28 (now renumbered Condition B.26) "Annual Fee Payment" has been changed to be as follows:

~~B.2826~~ Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-7-5(7)]

- (a) The Permittee shall pay annual fees to IDEM, OAM and City of Evansville EPA within thirty (30) calendar days of receipt of a billing. ~~or in a time period consistent with the fee schedule established in 326 IAC 2-7-19.~~ **If the Permittee does not receive a bill from IDEM, OAM 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) ~~If the Permittee does not receive a bill from IDEM, OAM, thirty (30) calendar days before the due date,~~ The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-0425 (ask for OAM, Technical Support and Modeling Section), to determine the appropriate permit fee. ~~The applicable fee is due April 1 of each year.~~
17. Condition C.1 "Emission Offset Minor Source Status" has been deleted from the final permit as follows because Vanderburgh County is no longer nonattainment for TSP. The remaining conditions of this section have been renumbered:

~~G.1~~ Emission Offset Minor Source Status [326 IAC 2-3]

- ~~(a) The total source potential to emit PM is limited to 99 tons per 365 consecutive day period. Therefore, the requirements of 326 IAC 2-3 (Emission Offset) will not apply.~~
- ~~(b) Any change or modification which may increase potential emissions to 100 tons per twelve (12) consecutive month period, from the equipment covered in this permit, shall require an Emission Offset pursuant to 326 IAC 2-3, before such change may occur.~~

18. Condition C.2 "PSD Minor Source Status" has been deleted from the final permit as follows. The remaining conditions of this section have been renumbered:

~~G.2~~ PSD Minor Source Status [326 IAC 2-2] [40 CFR 52.21]

- ~~(a) The total source potential to emit of all criteria pollutants except PM is less than 250 tons per 365 consecutive day period. Therefore the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration) and 40 CFR 52.21 will not apply.~~
- ~~(b) Any change or modification which may increase potential emissions to 250 tons per twelve (12) consecutive month period, from the equipment covered in this permit, shall require a PSD permit pursuant to 326 IAC 2-2, before such change may occur.~~

19. Condition C.1 "Particulate Matter Emission Limitations for Processes with Process Weight Rates Less Than One Hundred pounds per hour" has been added to the permit as follows. The remaining conditions of this section have been renumbered:

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

Pursuant to 326 IAC 6-3-2(c), the allowable particulate matter emissions rate from any process not already regulated by 326 IAC 6-1 or any New Source Performance Standard, and which has a maximum process weight rate less than 100 pounds per hour shall not exceed 0.551 pounds per hour.

20. Condition C.4 (now renumbered Condition C.3) "Open Burning" has been changed to be as follows:

C.43 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 **and per Municipal Code of Evansville 3.30.18.214**. 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. 326 IAC 4-1-3 (a)(2)(A) and (B) **and MCE 3.30.18.214** are not federally enforceable.

21. Condition C.6 (now renumbered Condition C.5) "Fugitive Dust Emissions" has been changed to be as follows:

C.65 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) **or the Municipal Code of Evansville, 3.30.18.212**. 326 IAC 6-4-2(4) ~~is~~ **and MCE 3.30.18.212 are** not federally enforceable.

22. Condition C.8 (now renumbered Condition C.7) "Operation of Equipment" has been changed to be as follows:

C.87 Operation of Equipment [326 IAC 2-7-6(6)]

All air pollution control equipment listed in this permit **and used to comply with an applicable requirement** shall be operated at all times that the emission unit(s) vented to the control equipment are in operation. ~~as described in Section D of this permit.~~

23. Condition C.9 "Asbestos Abatement Projects- Accreditation" and Condition C.16 "Asbestos Abatement Projects" have been combined into one condition as follows:

~~C.9 Asbestos Abatement Projects - Accreditation [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]~~

~~Prior to the commencement of any demolition or renovation activities, the Permittee shall use an Indiana accredited asbestos inspector to inspect thoroughly the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable asbestos containing material. The requirement that the inspector be accredited is federally enforceable.~~

C.8 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61.140]

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

- (b) The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:
- (1) When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or
 - (2) If there is a change in the following:
 - (A) Asbestos removal or demolition start date;
 - (B) Removal or demolition contractor; or
 - (C) Waste disposal site.
- (c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).
- (d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).

All required notifications shall be submitted to:

Indiana Department of Environmental Management
Asbestos Section, Office of Air Management
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

and

City of Evansville EPA
Room 250
101 N.W. Martin Luther King Jr. Blvd
Evansville, Indiana 47708

The notifications do not require a certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (e) **Procedures for Asbestos Emission Control**
The Permittee shall comply with the emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-4 emission control requirements are mandatory 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) **Indiana Accredited Asbestos Inspector**
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Accredited Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos. The requirement that the inspector be accredited is federally enforceable.

24. Condition C.10 (now renumbered Condition C.9) "Performance Testing" has been changed to be as follows:

C.409 Performance Testing ~~[326 IAC 3-2-1]~~ **[326 IAC 3-6]**

- (a) All testing shall be performed according to the provisions of 326 IAC ~~3-2-1~~ **3-6** (Source Sampling Procedures), except as provided elsewhere in this permit, utilizing methods approved by IDEM, OAM.

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

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

and

City of Evansville EPA
Room 250
101 N.W. Martin Luther King Jr. Blvd
Evansville, Indiana 47708

no later than thirty-five (35) days ~~before~~ **prior to** the intended test date. **The Permittee shall submit a notice of the actual test date to the above address so that it is received at least two weeks prior to the test date.**

- (b) All test reports must be received by IDEM, OAM within forty-five (45) days after the completion of the testing. An extension may be granted by the Commissioner, if the source submits to IDEM, OAM, a reasonable written explanation within five (5) days prior to the end of the initial forty-five (45) day period.

The documentation submitted by the Permittee does not require certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

25. Condition C.11 (now renumbered Condition C.10) "Compliance Schedule" has been changed to be as follows:

C.410 Compliance Schedule [326 IAC 2-7-6(3)]

The Permittee:

- (a) **Has certified that all facilities at this source are in compliance with all applicable requirements; and** ~~Will continue to comply with such requirements that become effective during the term of this permit; and~~
- (b) Has submitted a statement that the Permittee will continue to comply with such requirements; and
- (c) **Will comply with such applicable requirements that become effective during the term of this permit.** ~~Has certified that all facilities at this source are in compliance with all applicable requirements.~~

26. Condition C.12 (now renumbered Condition C.11) "Compliance Monitoring" has been changed to be as follows:

C.4211 Compliance Monitoring [326 IAC 2-7-5(3)] [326 IAC 2-7-6(1)]

Compliance with applicable requirements shall be documented as required by this permit. The Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment, no more than ninety (90) days after receipt of this permit. If due to circumstances beyond its control, this schedule cannot be met, the Permittee **may extend compliance schedule an additional ninety (90) days provided the Permittee shall** notifies:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

and

City of Evansville EPA
Room 250
101 N.W. Martin Luther King Jr. Blvd
Evansville, Indiana 47708

in writing, **prior to the end of the initial ninety (90) day compliance schedule** ~~no more than ninety (90) days after receipt of this permit, with full justification of the reasons for the inability to meet this date. and a schedule which it expects to meet. If a denial of the request is not received before the monitoring is fully implemented, the schedule shall be deemed approved.~~
The notification which shall be submitted by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

27. Condition C.14 (now renumbered Condition C.13) "Monitoring Methods" has been changed to be as follows:

C.4413 Monitoring Methods [326 IAC 3]

Any monitoring or testing performed to meet the **applicable** requirements of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, or other approved methods as specified in this permit.

28. Condition C.18 (now renumbered Condition C.16) "Risk Management Plan" has been changed to be as follows:

C.4816 Risk Management Plan [326 IAC 2-7-5(12)] [40 CFR 68.215]

If a regulated substance, subject to 40 CFR 68, is present **in a process** in more than the threshold quantity, 40 CFR 68 is an applicable requirement and the Permittee shall:

(a) Submit:

- (1) A compliance schedule for meeting the requirements of 40 CFR 68 by the date provided in 40 CFR 68.10(a); or
- (2) As a part of the compliance certification submitted under 326 IAC 2-7-6(5), a certification statement that the source is in compliance with all the requirements of 40 CFR 68, including the registration and submission of a Risk Management Plan (RMP); and

- (3) A verification to IDEM, OAM and City of Evansville EPA that a RMP or a revised plan was prepared and submitted as required by 40 CFR 68.
- (b) Provide annual certification to IDEM, OAM and City of Evansville EPA that the Risk Management Plan is being properly implemented.

All documents submitted pursuant to this condition shall include the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).

29. The rule cites of Condition C.19 (now renumbered Condition C.17) “Compliance Monitoring Plan - Failure to Take Response Steps” have been changed to be as follows:

~~C.19~~**17** Compliance Monitoring Plan - Failure to Take Response Steps [326 IAC 2-7-5(~~3~~)]**[326 IAC 2-7-6]**
[326 IAC 1-6]

30. Condition C.20 (now renumbered Condition C.18) “Actions Related to Noncompliance Demonstrated by a Stack Test” has been changed to be as follows:

~~C.20~~**18** Actions Related to Noncompliance Demonstrated by a Stack Test **[326 IAC 2-7-5]**
[326 IAC 2-7-6]

- (a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate corrective actions. The Permittee shall submit a description of these corrective actions to IDEM, OAM, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize emissions from the affected facility while the corrective actions are being implemented. IDEM, OAM shall notify the Permittee within thirty (30) days, if the corrective actions taken are deficient. The Permittee shall submit a description of additional corrective actions taken to IDEM, OAM within thirty (30) days of receipt of the notice of deficiency. IDEM, OAM reserves the authority to use enforcement activities to resolve noncompliant stack tests.
- (b) A retest to demonstrate compliance shall be performed within one hundred twenty (120) days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAM that retesting in one-hundred and twenty (120) days is not practicable, IDEM, OAM may extend the retesting deadline. Failure of the second test to demonstrate compliance with the appropriate permit conditions may be grounds for immediate revocation of the permit to operate the affected facility.

The documents submitted pursuant to this condition do not require the certification by the “responsible official” as defined by 326 IAC 2-7-1(34).

31. Condition C.21(a) (now renumbered Condition C.19(a)) “Emission Statement” has been changed to be as follows:

- (a) The Permittee shall submit an ~~certified~~, annual emission statement **certified pursuant to the requirements of 326 IAC 2-6**, that must be received by April 15 of each year and must comply with the minimum requirements specified in 326 IAC 2-6-4. The annual emission statement shall meet the following requirements:

32. The rule cite and (a) of Condition C.23 (now renumbered Condition C.21) "General Record Keeping Requirements" has been changed to be as follows:

C.2321 General Record Keeping Requirements [326 IAC 2-7-5(3)(B)]~~[326 IAC 2-7-6]~~

- (a) Records of all required monitoring data and support information 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 kept at the source location **for a minimum of three (3) years** and available **upon the request** ~~within one (1) hour upon verbal request~~ of an IDEM, OAM and City of Evansville EPA representative, for a minimum of three (3) years. ~~They~~ **The records** may be stored elsewhere for the remaining two (2) years **as long as they are available upon request** ~~providing they are made available within thirty (30) days after written request.~~ **If the Commissioner makes a written request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.**

33. Condition C.24 (now renumbered Condition C.22) "General Reporting Requirements" has been changed to be as follows:

C.2422 General Reporting Requirements [326 IAC 2-7-5(3)(C)]

- (a) To affirm that the source has met all the **compliance monitoring** requirements stated in this permit the source shall submit a Quarterly Compliance **Monitoring** Report. Any deviation from the requirements and the date(s) of each deviation must be reported.

- (b) The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Management
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

and

City of Evansville EPA
Room 250
101 N.W. Martin Luther King Jr. Blvd
Evansville, Indiana 47708

- (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, OAM and City of Evansville EPA on or before the date it is due.

- (d) Unless otherwise specified in this permit, any quarterly report shall be submitted within thirty (30) days of the end of the reporting period.

- (e) All instances of deviations **as described in Section B- Deviations from Permit Requirements Conditions** must be clearly identified in such reports. ~~A reportable deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit or a rule. It does not include:~~

~~(1) An excursion from compliance monitoring parameters as identified in Section D of this permit unless tied to an applicable rule or limit, or~~

- ~~(2) An emergency as defined in 326 IAC 2-7-1(12), or~~
- ~~(3) Failure to implement elements of the Preventive Maintenance Plan unless lack of maintenance has caused or contributed to a deviation.~~
- ~~(4) Failure to make or record information required by the compliance monitoring provisions of Section D unless such failure exceeds 5% of the required data in any calendar quarter.~~
- ~~A Permittee's failure to take the appropriate response step when an excursion of a compliance monitoring parameter has occurred or failure to monitor or record the required compliance monitoring is a deviation.~~
- (f) Any corrective actions or response steps taken as a result of each deviation must be clearly identified in such reports.
- (g) The first report shall cover the period commencing on the date of issuance of this permit and ending on the last day of the reporting period.

The documents submitted pursuant to this condition do not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

34. The following sentence was added to the equipment description in Sections D.1 and D.2 "FACILITY OPERATION CONDITIONS" :

Facility Description [326 IAC 2-7-5(15)]

35. Condition D.1.1 and D.1.2 have been combined to be the following condition. The remaining conditions of this section have been re-numbered:

- D.1.1 Particulate Matter (PM) ~~[326 IAC 2-3] [326 IAC 6-3]~~ **[326 IAC 2-2] [326 IAC 6-1-2(a)] [40 CFR 60.90, Subpart I]**

- (a) Pursuant to ~~326 IAC 6-3 (Process Operations)~~, The allowable PM emission rate from the ~~asphalt~~ batch plant **when producing asphalt** shall not exceed ~~8.99~~ **0.03 grains per dry standard cubic foot. This is equivalent to potential to emit (PTE) of 9.93 pounds particulate matter (PM) per hour** when operating at a process weight rate of 240 tons per hour. This limit will ~~also satisfy the requirements of 326 IAC 2-3 (Emission Offset),~~ **326 IAC 2-2 (Prevention of Significant Deterioration), 326 IAC 6-1-2(a) (Particulate Emission Limitations) and 40 CFR 60.90, Subpart I (Standards for Asphalt Plants).**
- (b) **The allowable PM emission rate from the batch plant when producing syn-fuel shall not exceed 43.15 pounds per hour. This is equivalent to 249 tons per year when operating at a process weight rate of 240 tons per hour. This limit will satisfy the requirements of 326 IAC 6-3-2 (Process Operations) and make the requirements of 326 IAC 2-2 (Prevention of Significant Deterioration) not applicable.**

- ~~D.1.2 Particulate Matter (PM) [326 IAC 6-1-2(a)] [40 CFR 60.90, Subpart I]~~

~~Pursuant to 326 IAC 6-1-2(a) (Particulate Emission Limitations: General Sources), particulate matter (PM) emissions from the asphalt plant shall be limited to 0.03 grains per dry standard cubic foot. This is equivalent to 9.93 pounds per hour. This limit will also satisfy the requirements of 40 CFR 60.90, Subpart I.~~

36. Condition D.1.8 (now renumbered Condition D.1.7) "Testing Requirements" has been changed to be as follows:

~~D.1.87~~ Testing Requirements [326 IAC 2-7-6(1),(6)]

~~Testing of this facility is not specifically required by this permit. However, if testing is required, compliance with the PM and SO₂ limits specified in Conditions D.1.1 and D.1.3 shall be determined by performance tests conducted in accordance with Section C - Performance Testing. This does not preclude testing requirements on this facility under 326 IAC 2-7-5 and 326 IAC 2-7-6.~~

Within 180 operating days after issuance of this permit, the Permittee shall perform PM testing utilizing Methods 5 or 17 (40 CFR 60, Appendix A) for PM, or other methods as approved by the Commissioner. This test shall be repeated at least once every five (5) years from the date of this valid compliance demonstration. In addition to these requirements, IDEM may require compliance testing when necessary to determine if the facility is in compliance.

37. Condition D.1.10 (now renumbered Condition D.1.9) "Sulfur Dioxide Emissions and Sulfur Content" has been changed to be as follows:

~~D.1.409~~ Sulfur Dioxide Emissions and Sulfur Content

Compliance with Condition D.1.3 shall be determined utilizing one of the following options.

- (a) Pursuant to 326 IAC ~~3-3-4~~ **3-7-4**, the Permittee shall demonstrate that the fuel oil sulfur content does not exceed five-tenths percent (0.5%) by weight by:
- (1) Providing vendor analysis of fuel delivered, if accompanied by a certification;
 - (2) Analyzing the oil sample to determine the sulfur content of the oil via the procedures in 40 CFR 60, Appendix A, Method 19.
 - (A) Oil samples may be collected from the fuel tank immediately after the fuel tank is filled and before any oil is combusted; and
 - (B) If a partially empty fuel tank is refilled, a new sample and analysis would be required upon filling; or
- (b) Compliance may also be determined by conducting a stack test for sulfur dioxide emissions from the asphalt dryer, using 40 CFR 60, Appendix A, Method 6 in accordance with the procedures in 326 IAC ~~3-2-4~~ **3-6**.

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

38. Condition D.1.11(a) (now renumbered Condition D.1.10(a)) "Visible Emissions Notations" has been changed to be as follows:

- (a) Daily visible emission notations of the dryer stack exhaust shall be performed during normal daylight operations when the dryer is using waste oil or #2 distillate oil for fuel **an exhausting to the atmosphere**. A trained employee shall record whether emissions are normal or abnormal.

39. Condition D.1.13(a) (now renumbered Condition D.1.12(a)) "Broken Bag or Failure Detection" has been changed to be as follows:
- (a) The affected compartments will be shut down immediately until the failed units have been repaired or replaced. **Within eight (8) hours of the determination of failure, response steps according to the timetable described in the Compliance Response Plan shall be initiated. For any failure with corresponding response steps and timetable not described in the Compliance Response Plan, response steps shall be devised within eight (8) hours of discovery of the failure and shall include a timetable for completion. 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).**
40. Condition D.1.14(a) (now renumbered Condition D.1.13(a)) "Record Keeping Requirements" has been changed to be as follows:
- (a) To document compliance with Condition D.1.3, the Permittee shall maintain records in accordance with (1) through (6) below.
- (1) Calendar dates covered in the compliance determination period;
- (2) Actual fuel oil usage since last compliance determination period and equivalent sulfur dioxide emissions;
- (3) A certification, signed by the owner or operator, that the records of the fuel supplier certifications represent all of the fuel oil combusted during the period; and
- If the fuel supplier certification is used to demonstrate compliance the following, as a minimum, shall be maintained:**
- (4) Fuel supplier certifications.
- ~~The fuel supplier certification shall contain, as a minimum, the following:~~
- (5) The name of the fuel supplier; and
- (6) A statement from the fuel supplier that certifies the sulfur content of the fuel oil.
- The Permittee shall retain records of all recording/monitoring data and support information for a period of five (5) years, or longer if specified elsewhere in this permit, from the date of the monitoring sample, measurement, or report. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.
41. Condition D.1.15(a) (now renumbered Condition D.1.14(a)) "Reporting Requirements" has been changed to be as follows:
- (a) In order to document compliance with Condition ~~D.1.1 and D.1.2~~ **D.1.3**, the natural gas certification shall be submitted to the address listed in Section C - General Reporting Requirements, of this permit, using the form located at the end of this permit, or the equivalent, within thirty (30) days after the end of the quarter being reported.

42. Condition D.2.2 "Testing Requirements" has been changed to be as follows:

D.2.2 Testing Requirements [326 IAC 2-7-6(1),(6)]

~~Testing of The Permittee is not required to test this facility is not specifically required~~ by this permit. However, **IDEM may require compliance testing at any specific time when necessary to determine if the facility is in compliance.** If testing is required **by IDEM**, compliance with the any limit shall be determined by a performance test conducted in accordance with Section C - Performance Testing. ~~This does not preclude testing requirements on this facility under 326 IAC 2-7-5 and 326 IAC 2-7-6.~~

43. On the Certification Form, the line "Emergency/Deviation Occurrence Reporting Form" has been deleted.
44. On the Emergency/ Deviation Occurrence Reporting Form, the last sentence "Attach a signed certification to complete this report" has been deleted from the bottom of the second page.
45. The Quarterly Compliance Report is now called the Quarterly Compliance Monitoring Report, delete the column marked "No Deviations", and the language on the form has been changed.

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

**PART 70 OPERATING PERMIT
CERTIFICATION**

Source Name: J.H. Rudolph and Company, Inc.
Source Address: 901 East Columbia Street, Evansville, Indiana 47711
Mailing Address: 901 East Columbia Street, Evansville, Indiana 47711
Part 70 Permit No.: T163-7420-03294

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:

9 Annual Compliance Certification Letter

~~9 Emergency/Deviation Occurrence Reporting Form~~

9 Test Result (specify) _____

9 Report (specify) _____

9 Notification (specify) _____

9 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:

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

Page 2 of 2

Date/Time Emergency/Deviation started:
Date/Time Emergency/Deviation was corrected:
Was the facility being properly operated at the time of the emergency/deviation? 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/deviation:
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: _____

~~Attach a signed certification to complete this report.~~

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

PART 70 OPERATING PERMIT QUARTERLY COMPLIANCE MONITORING REPORT

Source Name: J.H. Rudolph and Company, Inc.
 Source Address: 901 East Columbia Street, Evansville, Indiana 47711
 Mailing Address: 901 East Columbia Street, Evansville, Indiana 47711
 Part 70 Permit No.: T163-7420-03294

Months: _____ to _____ Year: _____

This report is an affirmation that the source has met all the **compliance monitoring** requirements stated in this permit. This report shall be submitted quarterly. Any deviation from the **compliance monitoring** requirements and the date(s) of each deviation must be reported. Additional pages may be attached if necessary. This form can be supplemented by attaching the Emergency/Deviation Occurrence Report. If no deviations occurred, please specify ~~zero in the column marked "No Deviations"~~ in the box marked **"No deviations occurred this reporting period"**.

9 NO DEVIATIONS OCCURRED THIS REPORTING PERIOD

~~9 THE FOLLOWING DEVIATIONS OCCURRED THIS REPORTING PERIOD. LIST EACH COMPLIANCE MONITORING REQUIREMENT EXISTING FOR THIS SOURCE:~~

Compliance Monitoring Requirement (e.g. Permit Condition D.1.3)	Number of Deviations	Date of each Deviations	No Deviations

Form Completed By: _____
 Title/Position: _____
 Date: _____
 Phone: _____

Attach a signed certification to complete this report.

Appendix A: Emission Calculations

Company Name: **J. H. Rudolph & Co., Inc.**
 Plant Location: **901 East Columbia Street, Evansville, Indiana 47711**
 County: **Vanderburgh County**
 Part 70 No.: **T 163-7420-03294**
 Plt. ID: **163-03294**
 Date Received: **December 10, 1996**
 Permit Reviewer: **Dana L. Brown/Cathie Moore**

I. Potential Emissions

A. Source emissions before controls

****dryer combustion ****

(gas/<100MMBTU/uncontrolled)

The following calculations determine the amount of emissions created by natural gas combustion, based on 8760 hours of use, AP-42 Ch. 1.4, and EPA SCC #3-05-002-06:

Pollutant:	96 MMBtu/hr * 8760 hr/yr	* Ef (lb/MMcf) = (ton/yr)	Fuel Usage (MMCF/yr):	840.96
	1000 Btu/cf * 2000 lb/ton			
P M:	14.0 lb/MMcf =	5.89 ton/yr		
P M-10:	14.0 lb/MMcf =	5.89 ton/yr		
S O x:	0.6 lb/MMcf =	0.25 ton/yr		
N O x:	140.0 lb/MMcf =	58.87 ton/yr		
V O C:	2.8 lb/MMcf =	1.18 ton/yr		
C O:	35.0 lb/MMcf =	14.72 ton/yr		

(Distillate Oil)

The following calculations determine the amount of emissions created by #2 & #1 distillate fuel oil @ **0.500** % sulfur, based on 8760 hours of use and EPA SCC #3-05-002-08:

Pollutant:	96 MMBtu/hr * 8760 hr/yr * 1000000 Btu/MMBtu	* Ef (lb/1000 gal) = (ton/yr)	Fuel Usage (kgal/yr):	6006.86
	140,000 Btu/gal * 2000 lb/ton * 1000 gal/kgal)			
P M:	2.0 lb/1000 gal =	6.01 ton/yr		
P M-10:	1.0 lb/1000 gal =	3.00 ton/yr		
S O x:	71.0 lb/1000 gal =	213.24 ton/yr		
N O x:	20.0 lb/1000 gal =	60.07 ton/yr		
V O C:	0.2 lb/1000 gal =	0.60 ton/yr		
C O:	5.0 lb/1000 gal =	15.02 ton/yr		

(waste oil/small boiler)

These calculations determine the amount of emissions created by waste fuel oil @ **0.411** % sulfur, based on 8760 hours of use and EPA SCC #3-05-002-08: % Ash Content **0.330**

Pollutant:	96 MMBtu/hr * 8760 hr/yr * 1000000 Btu/MMBtu	* Ef (lb/1000 gal) = (ton/yr)	Fuel Usage (kgal/yr):	5922.25
	142,000 Btu/gal * 2000 lb/ton * 1000 gal/kgal)			
P M:	20.1 lb/1000 gal =	59.61 ton/yr		

P M-10:	16.8 lb/1000 gal =	49.84	ton/yr
S O x:	60.4 lb/1000 gal =	178.90	ton/yr
N O x:	19.0 lb/1000 gal =	56.26	ton/yr
V O C:	1.0 lb/1000 gal =	2.96	ton/yr
C O:	5.0 lb/1000 gal =	14.81	ton/yr

**** aggregate drying: batch-mix plant ****

The following calculations determine the amount of emissions created by aggregate drying, based on 8760 hours of use and EPA SCC #3-05-002-05:

Potential asphalt produced (ton/yr): 2,102,400

P M:	32 lb/ton x	240	ton/hr x	8760 hr/yr =	33638.40	ton/yr
		2000	lb/ton			
P M-10:	4.5 lb/ton x	240	ton/hr x	8760 hr/yr =	4730.40	ton/yr
		2000	lb/ton			
Lead:	3.3E-06 lb/ton x	240	ton/hr x	8760 hr/yr =	0.00	ton/yr
		2000	lb/ton			
HAPs:	0.0058 lb/ton x	240	ton/hr x	8760 hr/yr =	6.10	ton/yr
		2000	lb/ton			

HAPs include benzene, ethylbenzene, formaldehyde, methyl chloroform, naphthalene, toluene, xylene; arsenic, cadmium, chromium, manganese, mercury, and nickel compounds.

**** conveying / handling ****

The following calculations determine the amount of emissions created by material handling of aggregate, based on 8760 hours of use and AP-42, Ch 11.19.2

$$E_f = .0032 * \frac{(U/5)^{1.3} * k}{(M/2)^{1.4}} = 0.0028 \text{ lb/ton}$$

where k= 1 (particle size multiplier)
 U = 12 mph mean wind speed (worst case)
 M = 5.00 % moisture

$$P M : 0.0028 \text{ lb/ton} \times \frac{204 \text{ ton/hr} \times 8760 \text{ hr/yr}}{2000 \text{ lb/ton}} = 2.47 \text{ ton/yr}$$

$$P M-10: 10\% \text{ of PM} = 0.25 \text{ ton/yr}$$

**** unpaved roads ****

The following calculations determine the amount of emissions created by vehicle traffic on unpaved roads, based on 8760 hours of use and AP-42, Ch 11.2.1.

B. Tri-axle Truck

$$10.8 \text{ trip/hr} \times 0.0756 \text{ mile/roundtrip} \times 8760 \text{ hr/yr} = 7152.36 \text{ miles per year}$$

$$E_f = k * 5.9 * (s/12) * (S/30) * (W/3)^{0.7} * (w/4)^{0.5} * ((365-p)/365)$$

= 2.03 lb/mile
 where k = 0.8 (particle size multiplier)
 s = 4.8 % silt content of unpaved roads
 p = 125 days of rain greater than or equal to 0.01 inches
 S = 5 miles/hr vehicle speed
 W = 32 tons average vehicle weight
 w = 14 wheels

 PM: $\frac{2.03 \text{ lb/mi} \times 7152.3648 \text{ mi/yr}}{2000 \text{ lb/ton}} = 7.26 \text{ tons/yr}$

 P M-10: 35% of PM = 2.54 ton/yr

C. Front End Loader

37.4 trip/hr x
 0.074 mile/roundtrip x
 8760 hr/yr = 24244.18 miles per year

$E_f = k \cdot 5.9 \cdot (s/12) \cdot (S/30) \cdot (W/3)^{0.7} \cdot (w/4)^{0.5} \cdot ((365-p)/365)$
 = 0.95 lb/mile
 where k = 0.8 (particle size multiplier)
 s = 4.8 % silt content of unpaved roads
 p = 125 days of rain greater than or equal to 0.01 inches
 S = 5 miles/hr vehicle speed
 W = 26 tons average vehicle weight
 w = 4 wheels

 PM: $\frac{0.95 \text{ lb/mi} \times 24244.176 \text{ mi/yr}}{2000 \text{ lb/ton}} = 11.46 \text{ tons/yr}$

 P M-10: 35% of PM = 4.01 ton/yr

II. Allowable Emissions

A1. The following calculations determine compliance with NSPS (subpart I), which limits stack emissions from asphalt plants to 0.04 gr/dscf (if applicable):

$$\frac{0.04 \text{ grain}}{\text{dscf}} \cdot 54700 \text{ acfm} \cdot \frac{528}{460} \cdot \frac{1}{250} \cdot \frac{100}{100} \cdot \frac{1 \text{ ton}}{2000 \text{ lb}} \cdot \frac{525600 \text{ minute}}{\text{year}} \cdot \frac{1}{7000 \text{ grain}} = 58.03 \text{ tons PM/year}$$

A3. The following calculations determine compliance with 326 IAC 6-3, which limits stack emissions based on the following calculation (if applicable):

$$\frac{240 \text{ ton}}{\text{hr}} \cdot 55 \cdot 40 = 60.50 \frac{\text{lb}}{\text{hr}} \cdot \frac{8760 \text{ hr/yr}}{2000 \text{ lb/ton}} = 265.01 \text{ tons PM/year}$$

B1. The following calculations determine the maximum sulfur content of distillate fuel oil allowable by 326-IAC 7:

limit: 0.5 lb/MMBtu

0.5 lb/MMBtu x **96** Btu/gal= 0.048 lb/1000gal

0.048 lb/1000gal / **142** lb/1000 gal = **0.000**

Sulfur content must be less than or equal to **0.000** % to comply with 326 IAC 7 and to limit SO2 emissions to 99 tons per year or less.

B2. The following calculations determine the maximum sulfur content of residual waste fuel oil allowable by 326-IAC 7:

limit: 1.6 lb/MMBtu

1.6 lb/MMBtu x **96** Btu/gal= 0.1536 lb/1000gal

0.1536 lb/1000gal / **147** lb/1000 gal = **0.001**

(check burner type)

Sulfur content must be less than or equal to **0.001** % to comply with 326 IAC 7 and to limit SO2 emissions to 99 tons per year or less.