

Mr. Richard Lyons  
Freesen, Inc.  
P.O. Box 350  
Bluffs, IL 62621

Re: Initial Site Approval,  
F 171-9495, Plt ID 171-05174

Dear Mr. Lyons:

This letter grants approval to construct the portable 334 ton per hour drum-mix hot asphalt manufacturing plant described in FESOP No. 171-9495-05174, to be initially located at the intersection of U.S. Rt. 41 and S.R. 63 in Warren County, Indiana. Issuance of the validation letter cited in Construction Condition C.5 of this permit will authorize operation at this site.

A two-week advance notice of start-up is required in order for IDEM to perform an inspection. If the plant is not operating in compliance with all applicable regulations upon inspection, the plant must cease operation upon notification to you by IDEM staff of such non-compliance. Operations may only resume once remedial actions have been taken.

If you have any questions concerning this permit, please contact Janusz Johnson at the above address or via phone at 317/232-8325 or at 1-800-451-6027 ext. 2-8325.

Sincerely,

Paul Dubenetzky, Chief  
Permits Branch  
Office of Air Management

JKJ

cc: File - Warren County  
Warren County Health Department  
Air Compliance Inspector - Eric Courtright  
Administration and Development - Janet Mobley  
Compliance Targeting - Wanda Stanfield  
Air Programs Section - Nancy Landau  
Data Support - Donna Dickison

**FEDERALLY ENFORCEABLE STATE  
OPERATING PERMIT (FESOP)  
and ENHANCED NEW SOURCE REVIEW  
OFFICE OF AIR MANAGEMENT**

**Freesen, Inc.  
(Portable Source)**

(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 2-8 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.: F171-9495-05174                                   |                |
| Issued by:<br>Paul Dubenetzky, Branch Chief<br>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 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.

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

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The Permittee owns and operates a portable 334 ton per hour drum-mix hot asphalt manufacturing plant.

Responsible Official: Richard Lyons  
Source Address: (Portable source)  
Mailing Address: P.O. Box 350, Bluffs, IL 62621  
SIC Code: 2951  
County Location: Portable  
County Status: Excluded from locating in severe non-attainment counties.  
Source Status: Federally Enforceable State Operating Permit (FESOP)  
Minor Source under PSD and Emission Offset Rules;

### A.2 Emission Units and Pollution Control Equipment Summary [326 IAC 2-8-3(c)(3)]

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

- (a) one (1) 334 ton per hour dryer drum mixer exhausting through a baghouse at stack EP1,
- (b) one (1) 116 million British thermal units per hour burner firing no.3 distillate oil exhausting through a baghouse at stack EP1,
- (c) one (1) 1.374 million British thermal units per hour hot oil heater firing no.2 distillate oil exhausting at stack EP2,
- (d) one (1) 12,000 gallon fuel oil storage tank, and
- (e) one (1) 30,000 gallon liquid asphalt storage tank.

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

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This portable source also includes the following insignificant activities, as defined in 326 IAC 2-7-1(21):

- (a) petroleum fuel, other than gasoline, dispensing facility with storage capacity less than 10,500 gallons and dispensing less than or equal to 230,000 gallons per month
- (b) vessels storing lubricating oils, hydraulic oils, and machining fluids
- (c) quality control lab which is considered a "laboratory" as defined in 326 IAC 2-7-1(20)(C).

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

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

**A.5 Prior Permit Conditions**

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

**SECTION B GENERAL CONDITIONS**

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

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

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

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Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, 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 2-8-4(2)]**

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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 2-8-6]**

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- (a) All terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM.
- (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.

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

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

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

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

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

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

B.8 Duty to Supplement and Provide Information [326 IAC 2-8-3(f)] [326 IAC 2-8-4(5)(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
- (b) The Permittee shall furnish to IDEM, OAM, within a reasonable time, any information that IDEM, OAM, 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, 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, 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, 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 Order Issuance [326 IAC 2-8-5(b)]

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

B.10 Compliance with Permit Conditions [326 IAC 2-8-4(5)(A)] [326 IAC 2-8-4(5)(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; and
  - (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.11 Certification [326 IAC 2-8-3(d)] [326 IAC 2-8-4(3)(C)(i)] [326 IAC 2-8-5(1)]

- (a) 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.12 Annual Compliance Certification [326 IAC 2-8-5(a)(1)]

- (a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. The 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

- (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, 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 the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-8-4(3); and
  - (5) Such other facts as specified in Sections D of this permit, IDEM, OAM, 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.13 Preventive Maintenance Plan [326 IAC 1-6-3][326 IAC 2-8-4(9)] [326 IAC 2-8-5(a)(1)]

- (a) If required by specific condition(s) in Section D of this permit, the Permittee shall prepare and maintain Preventive Maintenance Plans (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 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

- (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, upon request and shall be subject to review and approval by IDEM, OAM.

B.14 Emergency Provisions [326 IAC 2-8-12]

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

Telephone No.: 1-800-451-6027 (ask for Office of Air Management, Compliance Section) or,  
Telephone No.: 317-233-5674 (ask for Compliance Section)  
Facsimile No.: 317-233-5967

Failure to notify IDEM, OAM, by telephone or facsimile within four (4) daytime business hours after the beginning of the emergency, or after the emergency is discovered or reasonably should have been discovered, shall constitute a violation of 326 IAC 2-8 and any other applicable rules. [326 IAC 2-8-12(f)]

- (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

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

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

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

The notification which shall be submitted by the Permittee does not require the certification by 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, may require that the Preventive Maintenance Plans required under 326 IAC 2-8-3(c)(6) be revised in response to an emergency.
  - (f) Failure to notify IDEM, OAM, 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 2-8 and any other applicable rules.

- (g) Operations may continue during an emergency only if the following conditions are met:
- (1) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.
  - (2) If an emergency situation causes a deviation from a health-based limit, the Permittee may not continue to operate the affected emissions facilities unless:
    - (A) The Permittee immediately takes all reasonable steps to correct the emergency situation and to minimize emissions; and
    - (B) Continued operation of the facilities is necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw material of substantial economic value.

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

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

- (a) Deviations from any permit requirements (for emergencies see Section B - Emergency Provision), the probable cause of such deviations, and any response steps or preventive measures taken shall be reported to:
- Indiana Department of Environmental Management  
Compliance Branch, Office of Air Management  
100 North Senate Avenue, P.O. Box 6015  
Indianapolis, Indiana 46206-6015
- 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.16 Permit Modification, Reopening, Revocation and Reissuance, or Termination**

[326 IAC 2-8-4(5)(C)] [326 IAC 2-8-7(a)] [326 IAC 2-8-8]

- (a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a FESOP modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-8-4(5)(C)]
- (b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAM determines any of the following:
  - (1) That this permit contains a material mistake.
  - (2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.
  - (3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-8-8(a)]
- (c) Proceedings by IDEM, OAM, to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-8-8(b)]
- (d) The reopening and revision of this permit, under 326 IAC 2-8-8(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAM, at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAM, may provide a shorter time period in the case of an emergency. [326 IAC 2-8-8(c)]

**B.17 Permit Renewal [326 IAC 2-8-3(h)]**

- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAM, and shall include the information specified in 326 IAC 2-8-3. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40).

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, IN 46206-6015

- (b) Timely Submittal of Permit Renewal [326 IAC 2-8-3]
- (1) A timely renewal application is one that is:
- (A) Submitted at least nine (9) months prior to the date of the expiration of this permit; and
- (B) If the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAM, on or before the date it is due. [326 IAC 2-5-3]
- (2) If IDEM, OAM upon receiving a timely and complete permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect until the renewal permit has been issued or denied.
- (c) Right to Operate After Application for Renewal [326 IAC 2-8-9]  
If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-8 until IDEM, OAM, 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, any additional information identified as needed to process the application.

B.18 Permit Amendment or Modification [326 IAC 2-8-10] [326 IAC 2-8-11]

- (a) The Permittee must comply with the requirements of 326 IAC 2-8-10 or 326 IAC 2-8-11 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

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 2-8-10(b)(3)]

B.19 Permit Revision Under Economic Incentives and Other Programs [326 IAC 2-8-11(b)(2)]

Notwithstanding 326 IAC 2-8-11(b)(1)(D)(i) and 326 IAC 2-8-11(c)(1), minor permit modification procedures may be used for modifications of this permit involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches to the extent that such minor permit modification procedures are explicitly provided for in the applicable State Implementation Plan (SIP) or in applicable requirements promulgated by U.S. EPA.

B.20 Changes Under Section 502(b)(10) of the Clean Air Act [326 IAC 2-8-15(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 2-8-15(a) and the following additional condition:

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.21 Operational Flexibility [326 IAC 2-8-15]

- (a) The Permittee may make any change or changes at this source that are described in 326 IAC 2-8-15(b) through (d), without prior permit revision, if each of the following conditions is met:
- (1) The changes are not modifications under any provision of Title I of the Clean Air Act;
  - (2) Any approval required by 326 IAC 2-1 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

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 2-8-15(b) through (d) and makes such records available, upon reasonable request, to public review.

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

- (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 2-8-15(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 2-8-15(c).
- (d) Alternative Operating Scenarios [326 IAC 2-8-15(d)]  
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-8-4(7). No prior notification of IDEM, 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.22 Construction Permit Requirement [326 IAC 2]**

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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.23 Inspection and Entry [326 IAC 2-8-5(a)(2)]**

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Upon presentation of 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 FESOP 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 2-8-5(a)(4)]
  - (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, 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, nor an authorized representative, may disclose the information unless and until IDEM, OAM, 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, and IDEM, OAM, 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.24 Transfer of Ownership or Operation [326 IAC 2-1-6] [326 IAC 2-8-10]**

Pursuant to 326 IAC 2-1-6 and 2-8-10:

- (a) In the event that ownership of this source is changed, the Permittee shall notify IDEM, OAM, Permits Branch, 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 current 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 2-8-10. 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, shall reserve the right to issue a new permit.

**B.25 Annual Fee Payment [326 IAC 2-8-4(6)] [326 IAC 2-8-16]**

- (a) The Permittee shall pay annual fees to IDEM, OAM, 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.

**B.26 Enhanced New Source Review [326 IAC 2]**

The requirements of the construction permit rules in 326 IAC 2 are satisfied by this permit for any previously unpermitted facilities and such facilities to be constructed within eighteen (18) months after the date of issuance of this permit, as listed in Sections A.2 and A.3.

**SECTION C SOURCE CONSTRUCTION AND OPERATION CONDITIONS**

Entire Source

**Source Construction Conditions**

**General Construction Conditions [326 IAC 2-1-3.2]**

**C.1 General Rule Applicability**

This permit to construct does not relieve the Permittee of the responsibility to comply with the provisions of the Indiana Environmental Management Law (IC 13-11 through 13-20; 13-22 through 13-25; and 13-30), the Air Pollution Control Law (IC 13-17) and the rules promulgated thereunder, as well as other applicable local, state, and federal requirements.

**C.2 Effective Date of the Permit [IC 13-15-5-3]**

Pursuant to IC 13-15-5-3, Sections C, D.1 and D.2 of this permit become effective upon its issuance.

**C.3 Revocation of Permits [326 IAC 2-1-9(b)]**

Pursuant to 326 IAC 2-1-9(b) (Revocation of Permits), IDEM, OAM, may revoke this section of the approved permit if construction is not commenced within eighteen (18) months after receipt of this permit or if construction is suspended for a continuous period of one (1) year or more.

**C.4 Modification of Construction Conditions**

All requirements of these construction conditions shall remain in effect unless modified in a manner consistent with procedures established for modifications of construction permits pursuant to 326 IAC 2 (Permit Review Rules).

**C.5 First Time Operation Permit [326 IAC 2-1-4]**

This document shall also become the first-time operation permit for the facilities under this section of this permit, pursuant to 326 IAC 2-1-4 (Operating Permits) when, prior to start of operation, the following requirements are met:

- (a) The attached affidavit of construction shall be submitted to:

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

verifying that the facilities were constructed as proposed in the application. The facilities covered in this section of this permit may begin operating on the date the Affidavit of Construction is postmarked or hand delivered to IDEM.

- (b) If construction is completed in phases; i.e., the entire construction is not done continuously, a separate affidavit must be submitted for each phase of construction. Any permit conditions associated with operation start up dates such as stack testing for New Source Performance Standards (NSPS) shall be applicable to each individual phase.
- (c) The permittee shall receive an Operation Permit Validation Letter from the Chief of the Permit Administration & Development Section and attach it to this permit.

**Source Operation Conditions**

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

**C.6 Overall Source Limit [326 IAC 2-8]**

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

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

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

C.7 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 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.

C.8 Open Burning [326 IAC 4-1] [IC 13-17-9]

The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1. 326 IAC 4-1-3(a)(2)(A) and (B) are not federally enforceable.

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

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

C.10 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). 326 IAC 6-4-2(4) is not federally enforceable.

C.11 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. The plan includes:

- (a) adequate wet suppression of dust from unpaved roadways on an "as needed" basis,
- (b) adequate wet suppression of dust from aggregate storage piles on an "as needed" basis.

C.12 Operation of Equipment [326 IAC 2-8-5(a)(4)]

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.13 Stack Height [326 IAC 1-7]

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

C.14 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

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 2-8-4(3)]**

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

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- (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

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

#### **C.16 Compliance Monitoring [326 IAC 2-8-4(3)] [326 IAC 2-8-5(a)(1)]**

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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 notify:

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

in writing, prior to the end of the initial ninety (90) day compliance schedule, with full justification of the reasons for the inability to meet this date. The notification which shall be submitted by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

#### **C.17 Maintenance of Monitoring Equipment [326 IAC 2-8-4(3)(A)(iii)]**

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- (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.18 Monitoring Methods [326 IAC 3]**

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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.19 Pressure Gauge Specifications**

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

#### **C.20 Risk Management Plan [326 IAC 2-8-4] [40 CFR 68.215]**

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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, that a RMP or a revised plan was prepared and submitted as required by 40 CFR 68.
- (b) Provide annual certification to IDEM, OAM, 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.21 Compliance Monitoring Plan - Failure to Take Response Steps [326 IAC 2-8-4][326 IAC 2-8-5][326 IAC 1-6]**

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- (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, upon request and shall be subject to review and approval by IDEM, OAM. 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.22 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-8-4][326 IAC 2-8-5]

- (a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate 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).

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

#### **C.23 Emission Statement [326 IAC 2-6] [326 IAC 2-8-4(3)]**

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- (a) The Permittee shall submit an annual emission statement certified pursuant to the requirements of 326 IAC 2-6 that meets the requirements of 326 IAC 2-6 (Emission Reporting). This annual statement must be received by April 15 of each year and must comply with the minimum requirements 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). The annual 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

- (b) 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, on or before the date it is due.

#### **C.24 Monitoring Data Availability**

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- (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 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 in (a) above.

C.25 General Record Keeping Requirements [326 IAC 2-8-4(3)(B)][326 IAC 2-8-5]

- (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, representative. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a written request for records to the Permittee, the Permittee shall furnish the records to the Commissioner 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.26 General Reporting Requirements [326 IAC 2-8-4(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
- (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, 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).

## Portable Source Requirement

### C.27 Relocation of Portable Sources [326 IAC 2-1-6(b)]

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- (a) This permit is approved for operation in all areas of Indiana except in:
- (1) severe nonattainment areas for ozone (at the time of this permit's issuance these areas were Lake and Porter Counties),
  - (2) the particulate matter areas listed in 326 IAC 6-1-7 (at the time of this permit's issuance these areas included Dearborn, Dubois, Lake, Marion, Vigo, Wayne, Howard, Vanderburgh, Clark and St. Joseph Counties).

This determination is based on the requirements Prevention of Significant Deterioration in 326 IAC 2-2 and 40 CFR 52.21, and Emission Offset requirements in 326 IAC 2-3. A thirty (30) day advance notice of relocation must be given to IDEM, OAM and a "Relocation Site Approval" letter must be obtained before relocating.

- (b) The Permittee shall also notify the applicable local air pollution control agency when relocating to or from one of the following:
- (1) Madison County - (Anderson Office of Air Management)
  - (2) City of Evansville plus four (4) miles beyond the corporate limits but not outside Vanderburgh County - (Evansville EPA)
  - (3) City of Gary - (Gary Division of Air Pollution)
  - (4) City of Hammond - (Hammond Department of Environmental Management)
  - (5) Marion County - (Indianapolis Air Pollution Control Agency)
  - (6) St. Joseph County - (St. Joseph County Health Department)
  - (7) Vigo County - (Vigo County Air Pollution Department)
- (c) That a valid operation permit consists of this document and any subsequent "Site Approval" letter specifying the current location of the portable plant.

## Stratospheric Ozone Protection

### C.28 Compliance with 40 CFR 82 and 326 IAC 22-1

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

- (a) one (1) 334 ton per hour dryer drum mixer exhausting through a baghouse at stack EP1,
- (b) one (1) 116 million British thermal units per hour burner firing no.3 distillate oil exhausting through a baghouse at stack EP1, and
- (c) one (1) 1.374 million British thermal units per hour hot oil heater firing no.2 distillate oil exhausting at stack EP2,

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

##### D.1.1 Sulfur Dioxide (SO<sub>2</sub>) [326 IAC 2-8-4]

- (a) Pursuant to 326 IAC 2-8-4, the input of #3 distillate fuel oil to the aggregate dryer burner shall be limited to 2,703,400 gallons per twelve (12) consecutive month period.
- (b) During the first twelve (12) months of operation, #3 distillate fuel oil input shall be limited such that the total usage divided by the accumulated months of operation shall not exceed the limit specified.
- (c) These fuel usage and content limitations were taken voluntarily by the company and are equivalent to sulfur dioxide emissions of 96.0 tons per twelve (12) consecutive month period. Due to these voluntary limits, 326 IAC 2-3 (Emission Offset rules), and the Part 70 Permit Program (326 IAC 2-7) rules do not apply.

##### D.1.2 Particulate Matter (PM) [326 IAC 12]

Pursuant to the New Source Performance Standards, 326 IAC 12 (40 CFR 60.90 to 60.93, Subpart I):

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

This emission limitation is equivalent to 14.11 pounds per hour based on an exhaust rate of 58,260 acfm and an exhaust temperature of 250 degrees Fahrenheit. Compliance with part (a) of this condition will satisfy the requirements of 326 IAC 6-3 (Particulate Emission Limitations).

**D.1.3 Particulate Matter 10 Microns (PM10) [326 IAC 2-8-4]**

Pursuant to 326 IAC 2-8-4, emissions of particulate matter 10 microns or less in diameter (PM10) from the aggregate dryer/mixer shall not exceed 15.32 pounds per hour, including both filterable and condensible fractions. Compliance with this limit will satisfy 326 IAC 2-8-4. Therefore, the Part 70 rules (326 IAC 2-7) do not apply.

**D.1.4 Volatile Organic Compounds (VOC) [326 IAC 8-5-2]**

(a) Pursuant to 326 IAC 8-5-2 (Miscellaneous Operations: Asphalt Paving), 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:

- (1) penetrating prime coating
- (2) stockpile storage
- (3) application during the months of November, December, January, February, and March.

(b) Cutback asphalt or asphalt emulsion containing oil distillate or other volatile organic compounds (VOC) other than liquid asphalt shall not be produced at this source without prior review and approval by the OAM. Compliance with this part of this condition satisfies part (a) of this condition, but does not preclude the use of water based emulsifying agents in the production of cold mix asphalt.

**D.1.5 Preventive Maintenance Plan [326 IAC 2-8-4(9)]**

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

**Compliance Determination Requirements**

**D.1.6 Testing Requirements [326 IAC 2-8-5(a)(1),(4)]**

During the period within 60 days after achieving maximum production rate, but no later than 180 days after initial start-up, the Permittee shall perform PM and PM-10 testing utilizing Methods 5 or 17 (40 CFR 60, Appendix A) for PM and Methods 201 or 201A and 202 (40 CFR 51, Appendix M) for PM-10, 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. PM-10 includes filterable and condensible PM-10. In addition to these requirements, IDEM may require compliance testing when necessary to determine if the facility is in compliance.

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

**D.1.7 Particulate Matter (PM)**

The baghouse for PM control shall be in operation at all times when the aggregate drum dryer and/or aggregate dryer burner are in operation.

#### D.1.8 Visible Emission Notations

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- (a) Daily visible emission notations of the conveyers, material transfer points, aggregate storage piles, unpaved roads, and the aggregate drum dryer/burner stack exhaust, when exhausting to the atmosphere, shall be performed during normal daylight operations. A trained employee shall record whether emissions are normal or abnormal.
- (b) For processes operated continuously, "normal" means those conditions prevailing, or expected to prevail, eighty percent (80%) of the time the process is in operation, not counting startup or shut down time.
- (c) In the case of batch or discontinuous operations, readings shall be taken during that part of the operation that would normally be expected to cause the greatest emissions.
- (d) A trained employee is an employee who has worked at the plant at least one (1) month and has been trained in the appearance and characteristics of normal visible emissions for that specific process.
- (e) The Compliance Response Plan for this unit shall contain troubleshooting contingency and response steps for when an abnormal emission is observed.

#### D.1.9 Parametric Monitoring

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- (a) The Permittee shall record the total static pressure drop across the baghouse used in conjunction with the aggregate drum dryer and aggregate dryer burner, at least once per working shift when the dryer and/or dryer burner 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 1.0 and 6.0 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.
- (b) The inlet temperature to the baghouse shall be maintained within a range of 200-400 degrees Fahrenheit (°F) to prevent overheating of the bags and to prevent low temperatures from mudding up the bags. In the event that bag failure has occurred due to rupture, melting, etc., response steps shall be taken. The Preventive Maintenance Plan for this unit shall contain troubleshooting contingency and response steps for when the inlet temperature reading is outside of the above mentioned range for any one reading. The baghouse shall shutdown for visual inspection within 24 hours and bags shall be replaced as needed.

#### D.1.10 Broken Bag or Failure Detection

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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 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.

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

#### **D.1.11 Record Keeping Requirements**

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- (a) Operational Parameters - The Permittee shall maintain monthly records at the stationary source of the following values:
- (1) Amount of each fuel used;
  - (2) The records for fuel oil shall contain a minimum of the following:
    - (i) Average sulfur content of any fuel oil used;
    - (ii) Average higher heating value of any fuel oil used;
    - (iii) Average sulfur dioxide emission rate (expressed in pounds per million BTU).
    - (iv) A certification, signed by the owner or operator, that the records of the fuel supplier certifications represent all of the fuel combusted during the period; and
    - (v) Fuel supplier certifications.

The fuel supplier certification shall contain, as a minimum, the following:

- (i) The name of the fuel supplier; and
- (ii) 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.

#### **D.1.12 Reporting Requirements**

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A quarterly summary to document compliance with operation condition D.1.1 shall be submitted to the addresses listed in Section C - General Reporting Requirements, using the enclosed forms or their equivalent, within thirty (30) days after the end of the quarter being reported. These reports shall include the amount of fuel used, the fuel oil's average sulfur content and the twelve

(12) consecutive month totals of fuel usage in the quarter. All records and reports shall use calendar month averages. Records of sulfur content and higher heating value shall be determined by information as obtained by the vendor.

## **SECTION D.2 FACILITY OPERATION CONDITIONS**

- |     |  |
|-----|--|
| (d) | one (1) 12,000 gallon fuel oil storage tank, and   |
| (e) | one (1) 30,000 gallon liquid asphalt storage tank. |

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

#### **D.2.1 Volatile Liquid Storage Tanks [326 IAC 12]**

Pursuant to New Source Performance Standard (NSPS), 326 IAC 12 (40 CFR Part 60.116b only, Subpart Kb), the permittee shall maintain accessible records for the one (1) 30,000 gallon liquid asphalt storage tank and the one (1) 12,000 gallon fuel oil storage tank. These records shall include the dimension of the storage vessels and an analysis showing the capacity of each storage vessel and shall be kept for the life of the storage tanks.

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

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

Source Name: Freesen, Inc.  
Source Address: (Portable Source)  
Mailing Address: P.O. Box 350, Bluffs, IL 62621  
FESOP No.: F171-9495-05174

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

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

Source Name: Freesen, Inc.  
Source Address: (Portable Source)  
Mailing Address: P.O. Box 350, Bluffs, IL 62621  
FESOP No.: F171-9495-05174

**This form consists of 2 pages**

**Page 1 of 2**

|   |
|---|
| Check either No. 1 or No.2  |
| <b>9</b> 1. This is an emergency as defined in 326 IAC 2-7-1(12)<br>CThe 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<br>CThe 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 |
| <b>9</b> 2. This is a deviation, reportable per 326 IAC 2-7-5(3)(c)<br>CThe 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<br>Describe:   |
| Type of Pollutants Emitted: TSP, PM-10, SO <sub>2</sub> , VOC, NO <sub>x</sub> , CO, Pb, other:   |
| Estimated amount of pollutant(s) emitted during emergency/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**

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

Source Name: Freesen, Inc.  
 Source Address: (Portable Source)  
 Mailing Address: P.O. Box 350, Bluffs, IL 62621  
 FESOP No.: F171-9495-05174

**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<br>(eg. 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 - Compliance Data Section**

**Quarterly Report of Twelve (12) Consecutive Month Total**

Company Name: Freesen, Inc.  
 Location: (Portable Source)  
 Permit No.: F171-9495-05174  
 Source/Facility: aggregate dryer burner  
 Pollutant: sulfur dioxides (SO<sub>2</sub>)

Year: \_\_\_\_\_

| month | #3 distillate fuel oil usage this month (gallons/month) | total #3 distillate fuel oil usage last 12 months (gallons/12-months) | #3 distillate fuel oil usage LIMIT (gallons/12-months) |
|-------|---|---|--|
|       |   |   | 2,703,400  |
|       |   |   | 2,703,400  |
|       |   |   | 2,703,400  |

9 No deviation occurred in this month.

Submitted by: \_\_\_\_\_

9 Deviation/s occurred in this month.

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

Deviation has been reported on: \_\_\_\_\_

Signature: \_\_\_\_\_

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

## Indiana Department of Environmental Management Office of Air Management

### Technical Support Document (TSD) for a Federally Enforceable State Operating Permit (FESOP) and Enhanced New Source Review

#### Source Background And Description

**Source Name:** Freesen, Inc.  
**Source Location:** Portable  
(to be initially located at the intersection of U.S. Rt. 41 and S.R. 63 in Warren County)  
**County:** Portable  
(excluded from severe nonattainment counties)  
**SIC Code:** 2951  
**Operation Permit No.:** F171-9495-05174  
**Permit Reviewer:** JKJ

The Office of Air Management (OAM) has reviewed a construction permit application from Freesen, Inc., relating to the construction and operation of a new portable 334 ton per hour drum-mix hot asphalt manufacturing plant.

#### Permitted Emission Units and Pollution Control Equipment

There are no permitted facilities existing at this source because this source is an entirely new source.

#### Emission Units and Pollution Control Equipment Under Enhanced New Source Review (ENSR)

The application includes information relating to the construction and operation of a new portable 334 ton per hour drum-mix hot asphalt manufacturing plant. The new facilities consist of the following:

- (a) one (1) 334 ton per hour dryer drum mixer exhausting through a baghouse at stack EP1,
- (b) one (1) 116 million British thermal units per hour burner firing no.3 distillate oil exhausting through a baghouse at stack EP1,
- (c) one (1) 1.374 million British thermal units per hour hot oil heater firing no.2 distillate oil exhausting at stack EP2,
- (d) one (1) 12,000 gallon fuel oil storage tank, and
- (e) one (1) 30,000 gallon liquid asphalt storage tank.

### Insignificant Activities

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

- (a) petroleum fuel, other than gasoline, dispensing facility with storage capacity less than 10,500 gallons and dispensing less than or equal to 230,000 gallons per month
- (b) vessels storing lubricating oils, hydraulic oils, and machining fluids
- (c) quality control lab which is considered a "laboratory" as defined in 326 IAC 2-7-1(20)(C).

### Recommendation

The staff recommends to the Commissioner that the FESOP with ENSR 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 construction permit application for the purposes of this review was received on February 19, 1998.

### Emissions Calculations

See Appendix A: Emissions Calculations for detailed calculations (5 pages).

### Potential and Allowable 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."

Indiana Permit Allowable Emissions Definition (new emissions units after compliance with applicable rules, based on 8,760 hours of operation per year at rated capacity):

| Pollutant                            | Allowable Emissions (tons/year) | Potential Emissions (tons/year) |
|--------------------------------------|---------------------------------|---------------------------------|
| Particulate Matter (PM)              | 147.4                           | 27896.5                         |
| Particulate Matter (PM10)            | 81.8                            | 6472.3                          |
| Sulfur Dioxide (SO <sub>2</sub> )    | 258.9                           | 258.9                           |
| Volatile Organic Compounds (VOC)     | 0.7                             | 0.7                             |
| Carbon Monoxide (CO)                 | 18.2                            | 18.2                            |
| Nitrogen Oxides (NO <sub>x</sub> )   | 72.9                            | 72.9                            |
| Single Hazardous Air Pollutant (HAP) | <10                             | <10                             |
| Combination of HAPs                  | 8.5                             | 8.5                             |

- (a) Allowable emissions are determined from the applicability of rule 326 IAC 6-1. See attached spreadsheets for detailed calculations.

- (b) The allowable emissions based on the rules cited are less than the potential emissions, therefore, the allowable emissions are used for the state permitting determination.
- (c) Allowable emissions (as defined in the Indiana Rule) of particulate matter (PM), sulfur dioxide (SO<sub>2</sub>), and nitrogen oxides (NO<sub>x</sub>) are greater than 25 tons per year. Therefore, pursuant to 326 IAC 2-1, Sections 1 and 3, a construction permit is required.
- (d) The potential emissions (as defined in the Indiana Rule) of particulate matter 10 microns in diameter or less (PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), are equal to or greater than 100 tons per year. Therefore, the source is subject to the provisions of 326 IAC 2-7.
- (e) This source, otherwise required to obtain a Title V permit, has agreed to accept a permit with federally enforceable limits that restrict its PTE to below the Title V emission levels. Therefore, this source will be issued a Federally Enforceable State Operating Permit (FESOP), pursuant to 326 IAC 2-8.
- (f) Fugitive Emissions  
Since this type of operation is one of the 28 listed source categories under 326 IAC 2-2 because there is an applicable New Source Performance Standard that was in effect on August 7, 1980, the fugitive particulate matter emissions are counted toward determination Prevention of Significant Deterioration (PSD) and Emission Offset applicabilities.

#### Limited Potential To Emit

- (a) The source has accepted a federally enforceable limit on potential to emit particulate matter (PM) of 140.2 tons per year, consisting of:
  - (i) 46.4 tons per year for the drum-mix aggregate dryer/burner; and
  - (ii) 93.8 tons per year for the other, unlimited and uncontrolled, activities.For the purpose of Prevention of Significant Deterioration (326 IAC 2-2) and Emission Offset (326 IAC 2-3) applicability, control of fugitive dust from unpaved roads and storage piles is considered in determining limited emissions of 95.2 tons per year as follows:
  - (i) 46.4 tons per year for the drum-mix aggregate dryer/burner; and
  - (ii) 48.8 tons per year for the other, unlimited but controlled, activities.
- (b) The source has accepted a federally enforceable limit on potential to emit particulate matter 10 microns or less in diameter (PM-10) of 99.0 tons per year, consisting of:
  - (i) 67.1 tons per year for the drum-mix aggregate dryer/burner; and
  - (ii) 31.9 tons per year for the other, unlimited and uncontrolled, activities.

- (c) The source has accepted a federally enforceable limit on potential to emit sulfur dioxide (SO<sub>2</sub>) of 99.0 tons per year, consisting of:
  - (i) 96.0 tons per year for the aggregate dryer burner; and
  - (ii) 3.0 tons per year for the other, unlimited, activities.
- (d) The table below summarizes the total limited potential to emit of the significant and insignificant emission units.

| Process/<br>facility   | Limited PTE<br>(tons/year) |             |                 |            |            |             |            |
|------------------------|----------------------------|-------------|-----------------|------------|------------|-------------|------------|
|                        | PM                         | PM-10       | SO <sub>2</sub> | VOC        | CO         | NOx         | HAPs       |
| drum dryer & burner    | 46.4                       | 67.1 *      | 96.0            | 0.3        | 6.8        | 27.3        | 8.5        |
| conveying/handling     | 3.8                        | 0.4         | -               | -          | -          | -           | -          |
| storage piles **       | 0.3                        | 0.1         | -               | -          | -          | -           | -          |
| unpaved roads **       | 89.6                       | 31.4        | -               | -          | -          | -           | -          |
| hot oil heater         | 0.1                        | 0.0         | 3.0             | 0.0        | 0.2        | 0.8         | -          |
| cutback asphalt ***    | -                          | -           | -               | N.A.       | -          | -           | -          |
| <b>Total Emissions</b> | <b>140.2</b>               | <b>99.0</b> | <b>99.0</b>     | <b>0.3</b> | <b>7.0</b> | <b>28.1</b> | <b>8.5</b> |

\* Based on differences in the testing methods which demonstrate compliance for PM and PM-10 limitations, the PM-10 limitation pursuant to 326 IAC 2-8-4 is greater than the PM limitation pursuant to 326 IAC 6-1 because it includes the condensable portions in addition to filterable PM-10.

\*\* For the purposes of Part 70 review, fugitive dust controls have not been included in this limited PTE table.

\*\*\* The source does not intend to produce cutback asphalt.

**Portable Source**

- (a) Initial Location  
 This is a portable source, and its initial location will be at the intersection of U.S. Rt. 41 and S.R. 63 in Warren County.
- (b) PSD and Emission Offset Requirements  
 The emissions from this portable source were reviewed both under the requirements of the Prevention of Significant Deterioration (PSD), 326 IAC 2-2, 40 CFR 52.21, and Emission Offset, 326 IAC 2-3.
- (c) This portable source shall be prohibited from locating in severe non-attainment counties (specifically Lake County and Porter County).

### Source Status

New Source PSD Definition (emissions after controls, based on 8,760 hours of operation per year at rated capacity and as otherwise limited):

| Pollutant        | Emissions (ton/yr) |
|------------------|--------------------|
| PM *             | 99.0               |
| PM10 *           | 99.0               |
| SO <sub>2</sub>  | 99.0               |
| VOC              | 0.3                |
| CO               | 7.0                |
| NO <sub>x</sub>  | 28.1               |
| Single HAP       | <10                |
| Combination HAPs | 8.5                |

\* Particulate matter (PM) emissions for determining Prevention of Significant Deterioration (326 IAC 2-2) and Emission Offset (326 IAC 2-3) applicability are based on limited potential emissions after fugitive dust controls.

- (a) This new source is **not** a major stationary source because even though it is one of the 28 listed source categories, it does not emit 100 tons per year or more of any regulated pollutant. Therefore, pursuant to 326 IAC 2-2 and 2-3, and 40 CFR 52.21, the PSD and Emission Offset requirements do not apply.

### Federal Rule Applicability

- (a) This asphalt plant is subject to the New Source Performance Standard, 326 IAC 12, (40 CFR Part 60.90, Subpart I. Pursuant to NSPS, the following apply to this facility:
- (1) Performance tests are required as specified in this Subpart and as outlined in Part 60.8.
  - (2) On or after the date on which the performance tests are completed, no owner or operator subject to the provisions of Subpart I shall discharge or cause the discharge into the atmosphere from any affected facility any gases which:
    - (i) Contain particulate matter in excess of 0.04 gr/dscf
    - (ii) Exhibit 20 percent opacity, or greater
- (b) The 30,000 gallon liquid asphalt storage tank and the 12,000 gallon fuel oil storage tank are subject to the New Source Performance Standard, 326 IAC 12, (40 CFR Parts 60.110b, Subpart Kb).
- (c) There are no National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 63, applicable to this source.

## State Rule Applicability

### 326 IAC 5-1-2 (Visible Emission Limitations)

This rule requires the visible emissions to meet the following:

- (a) visible emissions shall not exceed an average of 30% opacity in 24 consecutive readings,
- (b) visible emissions shall not exceed 60% opacity for more than a cumulative total of 15 minutes (60 readings) in a 6 hour period.

### 326 IAC 6-1-2 (Particulate Limitations)

This rule requires that particulate matter emissions from the asphalt plant not exceed 0.03 grains per dry standard cubic foot (gr/dscf). Manufacturer specifications for the baghouse are equivalent to 0.023 grains per actual standard cubic foot of outlet air. Making the assumption that the exhaust does not have more than 23 percent moisture content for the purpose of converting actual cubic feet to dry cubic feet, this baghouse is capable of complying with the rule.

### 326 IAC 6-4 (Fugitive Dust Emissions Limitations)

This rule requires the source not generate fugitive dust to the extent that some portion of the material escapes beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located.

### 326 IAC 6-5 (Fugitive Particulate Emissions Limitations)

This rule requires a fugitive dust plan to be submitted. The plan was submitted, reviewed, and approved. The source shall comply with all dust abatement measures contained therein.

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

This rule requires levels of sulfur dioxide emissions from the combustion of distillate fuel oil not to exceed 0.5 pounds per million Btu (lb/MMBTU) heat input (the equivalent of 0.5% sulfur content for compliance purposes).

### 326 IAC 7-2-1 (Sulfur Dioxide Compliance: reporting and methods to determine compliance)

Reports of calendar month or annual average sulfur content, heat content, fuel consumption, and sulfur dioxide emission rate shall be provided upon request to the Office of Air Management.

### 326 IAC 8-5-2 (Miscellaneous Operations: asphalt paving)

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 the following purposes:

- (i) penetrating prime coating
- (ii) stockpile storage
- (iii) application during the months of Nov., Dec., Jan., Feb., and Mar.

## Compliance Requirements

Permits issued under 326 IAC 2-8 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 2-8-4. As a result, compliance requirements are divided into two sections: Compliance Determination Requirements and Compliance Monitoring Requirements.

Compliance Determination Requirements in permit Section D 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 in permit Section D. 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:

- (a) Daily visible emissions notations of the conveyers, material transfer points, aggregate storage piles, unpaved roads, and the drum dryer stack exhaust shall be performed during normal daylight operations. 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 Preventive Maintenance 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 aggregate dryer, at least once per working shift when the aggregate dryer and/or dryer burner is in operation. Unless operated under conditions for which the Preventive Maintenance Plan specifies otherwise, the pressure drop across the baghouse shall be maintained within the range of 1.0 and 6.0 inches of water or a range established during the latest stack test. The Preventive Maintenance 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.
- (c) The inlet temperature to the baghouse shall be maintained within a range of 200-400 degrees Fahrenheit (°F) to prevent overheating of the bags and to prevent low temperatures from mudding up the bags. The Preventive Maintenance Plan for this unit shall contain troubleshooting contingency and corrective actions for when the temperature reading is outside of the above mentioned range.

These monitoring conditions are necessary because the baghouse for the aggregate dryer must operate properly to ensure compliance with 326 IAC 12, (40 CFR Part 60.90, Subpart I), 326 IAC 6-1-2 (Particulate Limitations) and 326 IAC 2-8 (FESOP).

### **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) FESOP 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 Amendments to Clean Air Act.
- (b) See attached calculations for detailed air toxic calculations.
- (c) 326 IAC 2-1-3.4 (New Source Toxics Control) does not apply because no single HAP is emitted in excess of 10 tons per year and no combination of HAPs is emitted in excess of 25 tons per year.

### **Conclusion**

The operation of this portable drum-mix asphalt production plant will be subject to the conditions of the attached proposed **FESOP ENSR No. F-171-9495-05174**.

## Indiana Department of Environmental Management Office of Air Management

### Addendum to the Technical Support Document for FESOP with Enhanced New Source Review (ENSR)

Source Name: Freesen, Inc.  
Source Location: Portable (to be initially located at the intersection of U.S. Rt. 41 and S.R. 63 in Warren County)  
County: Portable (excluded from severe nonattainment counties)  
SIC Code: 2951  
Operation Permit No.: F171-9495-05174  
Permit Reviewer: JKJ

On May 14, 1998, the Office of Air Management (OAM) had a notice published in *The Review Republican*, Williamsport, Indiana, stating that Freesen, Inc. had applied for a permit to construct and operate portable 334 ton per hour drum-mix hot asphalt manufacturing plant with control. The notice also stated that OAM proposed to issue a permit for this installation 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 June 5, 1998, minor revisions were made to all FESOPs. The changes made to this permit as a result of these changes are as follows (bold emphasis added to new language):

1. Section A (Source Summary) has been changed as follows:

This permit is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Management (OAM), ~~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.**

2. The following new condition has been added to Section A on Page 6 of the FESOP:

**A.5 Prior Permit Conditions**

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

3. B.8 (Duty to Supplement and Provide Information) part (c) of the condition has been changed as follows:

- (c) Upon request, the Permittee shall also furnish to IDEM, OAM, 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 shall must furnish such records to IDEM, OAM, 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, the Permittee shall must furnish such confidential records directly to the U.S. EPA along with a claim of confidentiality under 40 CFR 2, Subpart B.**

4. B.12 (Annual Compliance Certification) part (c) of the condition has been changed to the following:

- (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 the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-8-4(3); and
  - (5) Such other facts as specified in Sections D of this permit, IDEM, OAM, may require to determine the compliance status of the source.

5. B.13 (Preventive Maintenance Plan) Item (a) has been changed as follows:

- (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**

6. B.15 (Deviations from Permit Requirements and Conditions) has been changed as follows:

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

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

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

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.

7. B.17 (Permit Renewal) Item (a) of the condition has been changed 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 2-8-3. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) **and 326 IAC 2-7-1(40).**

8. Conditions B.18 (Administrative Permit Amendment), B.19 (Minor Permit Modification), and B.20 (Significant Permit Modification) have all been combined into one condition numbered B.18 (Permit Amendment or Modification) shown below. Conditions B.19 and B.20 have been deleted, and the remainder of Section B renumbered. The new B.18 condition will read as follows:

**B.18 Permit Amendment or Modification [326 IAC 2-8-10] [326 IAC 2-8-11]**

- (a) **The Permittee must comply with the requirements of 326 IAC 2-8-10 or 326 IAC 2-8-11 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**

**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 2-8-10(b)(3)]**

9. Condition B.25 (renumbered B.23) (Inspection and Entry) shall be changed to add the following language to Item (e):

- (e) Utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements. [326 IAC 2-8-5(a)(4)]

- (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, 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, nor an authorized representative, may disclose the information unless and until IDEM, OAM, 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, and IDEM, OAM, 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]**
10. Condition B.26 (renumbered B.24) (Transfer of Ownership or Operation) Item (b) has been changed 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 2-8-10. **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).**
11. Condition B.27 (renumbered B.25) (Annual Fee Payment) has been changed as follows:

B.27 Annual Fee Payment [326 IAC 2-8-4(6)] [326 IAC 2-8-16]

  - (a) The Permittee shall pay annual fees to IDEM, OAM, within thirty (30) calendar days of receipt of a billing, ~~or in a time period consistent with the fee schedule established in 326 IAC 2-8-16.~~ **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.~~
12. Condition C.6 (Overall Source Limit) Item (b) has been changed as follows:

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

13. Condition C.12 (Operation of Equipment) has been changed as follows:

C.12 Operation of Equipment [326 IAC 2-8-5(a)(4)]

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 ~~as described in Section D of this permit.~~

14. Condition C.13 (Stack Height) has been changed as follows:

C.13 Stack Height [326 IAC 1-7]

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

~~(b) Any change in an applicable stack shall require prior approval from IDEM, OAM.~~

15. Condition C.14 (Asbestos Abatement Projects- Accreditation) and C.20 (Asbestos Abatement Projects) have been combined into one condition numbered C.14 (Asbestos Abatement Projects) shown below. Condition C.20 has been deleted, and the remainder of Section C renumbered. The new C.14 condition will read as follows:

C.14 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**

**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.**

16. Condition C.15 (Performance Testing) has had the rule cite changed to 326 IAC 3-6, and the following language changed:

C.15 Performance Testing ~~326 IAC 3-2-11~~ **[326 IAC 3-6]**

- (a) All testing shall be performed according to the provisions of 326 IAC ~~3-2-11~~ **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**

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).**

17. C.16 (Compliance Monitoring) has been changed as follows.

C.16 Compliance Monitoring [326 IAC 2-8-4(3)] [326 IAC 2-8-5(a)(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** notify:

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

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).

18. C.18 (Monitoring Methods) has been changed as follows:

C.18 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.

19. Condition C.21 (renumbered C.20) (Risk Management Plan) has been changed as follows:

C.20 Risk Management Plan [326 IAC 2-8-4] [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:

And the following language added to the end of the condition:

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

20. The title of Condition C.22 (renumbered C.21) (Compliance Monitoring Plan-Failure to Take Corrective Action) shall be changed as follows:

C.21 Compliance Monitoring Plan - Failure to Take ~~Corrective Action~~ Response Steps  
[326 IAC 2-8-4(3)]~~[326 IAC 2-8-5]~~[326 IAC 1-6]

21. Condition C.23 (renumbered C.22) (Actions Related to Noncompliance Demonstrated by a Stack Test) shall have the following rule cites added to the title:

C.22 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-8-4]~~[326 IAC 2-8-5]~~

And the following language added to the end of the condition:

**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).**

22. Condition C.24 (renumbered C.23) (Emission Statement) part (a) of the condition has been changed as follows:

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

23. Condition C.26 (renumbered C.25) (General Record Keeping Requirements) has been changed as follows:

C.25 General Record Keeping Requirements [326 IAC 2-8-4(3)(B)]~~[326 IAC 2-8-5]~~

(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, 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.~~

24. Condition C.27 (renumbered C.26) (General Reporting Requirements) Items (a) has been changed as follows:

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

Also, Item (e) has been revised as follows:

- (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 is a deviation.~~

And the following language added to the end of the condition:

**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).**

25. Condition C.28 (renumbered C.23) (Relocation of Portable Sources) Item (a) has been changed as follows:

- (a) This permit is approved for operation in all areas of Indiana except ~~Lake and Porter Counties (which are severe nonattainment areas for ozone)~~ **in severe nonattainment areas for ozone (at the time of this permit's issuance these areas were Lake and Porter Counties)**. This determination is based on the requirements Prevention of Significant Deterioration in 326 IAC 2-2 and 40 CFR 52.21, and Emission Offset requirements in 326 IAC 2-3. A thirty (30) day advance notice of relocation must be given to IDEM, OAM and a "Relocation Site Approval" letter must be obtained before relocating.

26. Condition D.1.7 (Testing Requirements) has been changed as follows:

**D.1.7 Testing Requirements [326 IAC 2-8-5(a)(1),(4)]**

During the period within 60 days after achieving maximum production rate, but no later than 180 days after initial start-up, the Permittee shall perform PM and PM-10 testing utilizing Methods 5 or 17 (40 CFR 60, Appendix A) for PM and Methods 201 or 201A and 202 (40 CFR 51, Appendix M) for PM-10, 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. PM-10 includes filterable and condensable PM-10. **In addition to these requirements, IDEM may require compliance testing when necessary to determine if the facility is in compliance.**

27. Condition D.1.9 (Visible Emission Notations) Item (a) has been changed as follows:

- (a) Daily visible emission notations of the conveyers, material transfer points, aggregate storage piles, unpaved roads, and the aggregate drum dryer/burner stack exhaust, **when exhausting to the atmosphere**, shall be performed during normal daylight operations. A trained employee shall record whether emissions are normal or abnormal.

28. The following condition has been added to Section D.1 as Condition D.1.11 and the remainder of Section D renumbered:

**D.1.11 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 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.**

29. The following changes have been made to selected report forms. The changes listed below are shown on the following three pages of this addendum in the order listed.

- (a) The "Emergency/Deviation Occurrence Reporting Form" option on the Certification Form has been removed.
- (b) The "Attach a signed certification to complete this report" language has been removed from the bottom of the second page of the Emergency/Deviation Occurrence Reporting Form.

- (c) The Quarterly Compliance Report form has been renamed the Quarterly Compliance Monitoring Report, the column marked "No Deviations" has been deleted, and minor changes have been made to the language of the form. (Note: New language which is bolded on the form has been additionally italicized for emphasis.)

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

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

Source Name: Freesen, Inc.  
Source Address: (Portable Source)  
Mailing Address: P.O. Box 350, Bluffs, IL 62621  
FESOP No.: F171-9495-05174

**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<br>Describe:   |
| Type of Pollutants Emitted: TSP, PM-10, SO <sub>2</sub> , VOC, NO <sub>x</sub> , CO, Pb, other:   |
| Estimated amount of pollutant(s) emitted during emergency/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**

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

Source Name: Freesen, Inc.  
 Source Address: (Portable Source)  
 Mailing Address: P.O. Box 350, Bluffs, IL 62621  
 FESOP No.: F171-9495-05174

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:~~

| <b>Compliance Monitoring Requirement</b><br>(e.g. Permit Condition D.1.3) | <b>Number of Deviations</b> | <b>Date of each Deviations</b> | <del>_____ No _____<br/>Deviations</del> |
|---|-----------------------------|--------------------------------|--|
|   |                             |                                |  |
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|   |                             |                                |  |
|   |                             |                                |  |

Form Completed By: \_\_\_\_\_  
 Title/Position: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Phone: \_\_\_\_\_

Attach a signed certification to complete this report.

On June 10, 1998, Freesen, Inc. submitted comments on the proposed FESOP with ENSR permit. The summary of the comments and corresponding responses is as follows (changes are bolded for emphasis):

Comment 1: Section B - Freesen suggests incorporating a new permit condition which would specify that the terms and conditions outlined in the permit would apply only to the extent that the portable plant was located in and operating in Indiana. Freesen suggests the addition of a new Condition B.4 which would read:

The Terms and conditions of this permit, including monitoring, recordkeeping, and reporting requirements, apply only for periods during which the equipment covered by this permit is located and operating in Indiana.

Response 1: The terms and conditions of the permit apply to the permitted facilities when they are located in Indiana. The OAM agrees that daily or weekly monitoring and recordkeeping are not required during periods the plant operates outside of Indiana. However, this does not preclude the requirement to keep accessible records or to submit quarterly reports and annual certifications for any compliance period specified in the permit during which the permittee operates the equipment in Indiana for any length of time. During compliance periods in which the source does not operate in Indiana for the entire period, these reports and certifications must still be submitted, but can be completed by specifying that the plant did not operate during the compliance period. All operating and permit fees are required to be submitted regardless of where the source is located.

Comment 2: Condition B.12 - This condition specifies that an annual compliance certification must be submitted by April 15 of each year. In a later comment, Freesen requests that the nonattainment particulate matter emission limitations be eliminated, and that the plant be restricted from locating in nonattainment areas identified under 326 IAC 6-1. With this change, Freesen requests that the annual compliance certification submission date be changed to the attainment area date of July 1.

Response 2: The due date of the compliance certification submittal specified in the FESOP is intended to coincide with the annual emission statement reporting requirements of 326 IAC 2-6 (Emission Reporting) referred to in Condition C.24 of the FESOP. For the reasons given in the response addressing Comment 5 on Condition C.24, the date of compliance certification required in Condition B.12 shall remain April 15.

Comment 3: This condition states that OAM may revoke the permit if construction is not commenced within 18 months after receipt of the approved permit. Freesen finds this condition burdensome given the nature of anticipated operation of this equipment, and requests that the condition be deleted. As noted in Freesen's application, the equipment covered by the draft permit is a portable asphalt plant. The nature of this equipment is that it is moved from project to project as contracts are awarded by State or local transportation departments. These contracts typically require that a firm begin operation within 30 days of contract award. Freesen is attempting to comply with Indiana air pollution control permitting requirements (which require up to 120 days to issue a permit) by filing for and obtaining permission to locate a plant in Indiana in the event that it receives a contract from the Indiana Department of Transportation (INDOT) at some future date. The revocation of this permit after 18 months if Freesen does not locate this plant in Indiana would mean that Freesen would have to reapply every year-and-a-half in order to maintain its ability to respond to a contract from INDOT.

Freesen has reviewed Indiana Statutes in an effort to identify an acceptable manner to deal with this issue. Under Indiana Code 13-14-8-8, provisions are provided for variances from rules where affected parties can demonstrate that requirements are overly burdensome. Freesen believes that, given the circumstances of this situation, that such a request would be reasonable, and would be given favorable review by the Commissioner. As an alternative, Freesen believes that the Commissioner has the ability to waive this requirement entirely, given that 1) the plant will exist and be operating in another state, and the 2) Freesen can provide IDEM with test data from the plant at its location outside Indiana demonstrating that the equipment is capable of meeting the emission limitations contained in the permit. Under these circumstances, Freesen believes it appropriate to delete the normal construction permit commence construction language and replace this with language requiring demonstration that the equipment has been purchased and could potentially be constructed, if a contract were awarded.

Response 3: Pursuant to 326 IAC 2-1-9(b), the commissioner may revoke a permit to construct if the construction of the facility is not begun within eighteen (18) months from the date of the issuance of the permit, or if during the construction of the facility, work is suspended for a continuous period of one (1) year or more. The OAM does not feel that this condition is overly burdensome and reserves the right to revoke a permit for any of the reasons specified in 326 IAC 2-1-9. However, a request for extension of this time clock may be filed if construction does not commence within the first eighteen (18) months of issuance.

Comment 4: Condition C.11 - This condition contains provisions to implement the fugitive dust control plan for Freesen's plant. This plan will be submitted to IDEM under separate cover. Freesen requests that the condition contained in its permit be modified to delete subparagraph (2), which requires watering of the storage piles on an as needed basis. The aggregate utilized by Freesen will be washed prior to placing into storage, thus minimizing the potential for fugitive dust from storage piles.

Response 4: The intent of this condition is to highlight some of the key aspects of the fugitive dust control plan submitted pursuant to 326 IAC 6-5. Item (2) of Condition C.11 describes a control method for storage piles which will minimize fugitive dust emissions from that process point. Washing the aggregate prior to storage is another method of minimizing fugitive dust, and can be considered equivalent to adequate wetting. Item (2) of Condition C.11 shall be changed as follows:

C.11 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. The plan includes:

- (a) adequate wet suppression of dust from unpaved roadways on an "as needed" basis,
- (b) adequate **washing of aggregate materials prior to storage to minimize** ~~wet suppression of~~ dust from aggregate storage piles ~~on an~~ "as needed" basis.

Comment 5: Condition C.24 - This condition requires Freesen to submit its annual emission statement by April 15 of each year. In a subsequent comment, Freesen requests that its portable plant be restricted from location in any nonattainment area specified in 326 IAC 6-1. With this change, Freesen requests that Condition C.24 be modified to require the submission of an annual emission statement by July 1 of each year.

Response 5: Restriction from the nonattainment areas identified under 326 IAC 6-1 does not exclude the possibility of locating in some of the counties listed under 326 IAC 2-6-1 (specifically Elkhart and Floyd counties). Therefore, pursuant to 326 IAC 2-6-3(a), the annual submission must be received by the department each year by April 15. This date will remain in Condition C.24 as originally specified.

Comment 6: Condition C.27 - This condition outlines general reporting requirements, including a requirement to submit quarterly compliance reports under subsection (a). The rule referenced in this condition, 326 IAC 2-8-4, requires that such compliance reports be submitted a minimum of two times per year. Freesen requests that this condition be modified to require only semiannual compliance reporting for its portable plant.

Response 6: The rule gives IDEM the authority to require reports "at least" every six months. IDEM feels that a period of time longer than every quarter will usually not provide sufficient reporting of continuous compliance monitoring.

Comment 7: Condition C.28(a) - This subsection specifies that the portable plant may not be located in any severe ozone nonattainment areas. Because the permit does not restrict Freesen from location in any particulate nonattainment areas as identified in 326 IAC 6-1, IDEM has required Freesen to meet the more restrictive nonattainment requirements. Freesen does not have plans to locate this plant in any of the nonattainment areas identified in Rule 6-1, and asks that this restriction be incorporated into this condition to allow Freesen to follow attainment area requirements.

Response 7: Condition C.27 Item (a) has been changed to exclude this portable asphalt plant from locating in the particulate matter non-attainment counties identified in 326 IAC 6-1 as follows:

(a) This permit is approved for operation in all areas of Indiana except in:

- (1) severe nonattainment areas for ozone (at the time of this permit's issuance these areas were Lake and Porter Counties),
- (2) **the particulate matter areas listed in 326 IAC 6-1-7 (at the time of this permit's issuance these areas included Dearborn, Dubois, Lake, Marion, Vigo, Wayne, Howard, Vanderburgh, Clark and St. Joseph Counties).**

This determination is based on the requirements Prevention of Significant Deterioration in 326 IAC 2-2 and 40 CFR 52.21, and Emission Offset requirements in 326 IAC 2-3. A thirty (30) day advance notice of relocation must be given to IDEM, OAM and a "Relocation Site Approval" letter must be obtained before relocating.

Comment 8: Condition D.1.2 - This condition restricts particulate matter emissions from the plant to 0.03 grains per dry standard cubic foot, as specified in 326 IAC 6-1. For the reasons outlined in comment 6 above, Freesen asks that this condition be changed to reference attainment area particulate matter emissions contained in 326 IAC 6-3.

Response 8: Based on the exclusion from locating in the counties listed in 326 IAC 6-1-7 added as a result of Comment 7, above, 326 IAC 6-1 will no longer apply to this source. Therefore, Condition D.1.2 has been removed from the permit and all subsequent conditions in Section D.1 have been renumbered. Additionally, Condition D.1.3 (renumbered D.1.2) has been changed as follows:

D.1.2 Particulate Matter (PM) [326 IAC 12]  
 Pursuant to the New Source Performance Standards, 326 IAC 12 (40 CFR 60.90 to 60.93, Subpart I):

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

**This emission limitation is equivalent to 14.11 pounds per hour based on an exhaust rate of 58,260 acfm and an exhaust temperature of 250 degrees Fahrenheit.** Compliance with ~~326 IAC 6-1-2 as specified in D.1.4, part (a) of this condition~~ will satisfy the requirements of **326 IAC 6-3 (Particulate Emission Limitations)** ~~this rule set forth in part (a) of this condition.~~

As a result of the changes specified in Responses 7 and 8 of this addendum, the following changes to the Limited PTE Table on Page 4 of 8 of the Technical Support Document (TSD) should be noted:

| Process/<br>facility   | Limited PTE<br>(tons/year) |        |                 |      |     |      |      |
|------------------------|----------------------------|--------|-----------------|------|-----|------|------|
|                        | PM                         | PM-10  | SO <sub>2</sub> | VOC  | CO  | NOx  | HAPs |
| drum dryer & burner    | <b>61.8</b>                | 67.1 * | 96.0            | 0.3  | 6.8 | 27.3 | 8.5  |
| conveying/handling     | 3.8                        | 0.4    | -               | -    | -   | -    | -    |
| storage piles **       | 0.3                        | 0.1    | -               | -    | -   | -    | -    |
| unpaved roads **       | 89.6                       | 31.4   | -               | -    | -   | -    | -    |
| hot oil heater         | 0.1                        | 0.0    | 3.0             | 0.0  | 0.2 | 0.8  | -    |
| cutback asphalt ***    | -                          | -      | -               | N.A. | -   | -    | -    |
| <b>Total Emissions</b> | <b>155.6</b>               | 99.0   | 99.0            | 0.3  | 7.0 | 28.1 | 8.5  |

These changes are allowed because the increase in the potential to emit particulate matter (PM) is less than the level requiring permit review under 326 IAC 2-1. There is no change to the potential to emit any Part 70 regulated pollutant as a result of these changes, and the Prevention of Significant Deterioration (PSD) rules are still satisfied. Therefore, these changes will not require a new public notice period.

Comment 9: Condition D.1.7 - This condition requires a stack test for particulate matter and for PM-10 following startup of the plant. While Freesen has no objection to the requirement for a particulate matter test, Freesen objects to the requirement to conduct a test for PM-10. Anticipated PM-10 emissions, based upon estimates provided in the permit application, should be well within levels necessary to remain below the Title V threshold of 100 tons per year. Freesen believes that particulate matter tests will provide sufficient documentation (in combination with condensible particulate matter emission factors for fuel combustion from AP-42) to assure that PM-10 emissions do not exceed these levels.

Response 9: Potential PM10 emissions before controls, based on AP-42 emission factors, are greater than the Title V threshold of 100 tons per year. As a component of the FESOP, the potential to emit (PTE) PM10 must be limited below the Title V threshold in a manner that is federally enforceable. The OAM feels that the use of a control device to reduce PM10 emissions is considered federally enforceable provided: (1) the control device has been demonstrated to meet the required level of control, and (2) there are provisions for compliance monitoring which assure that the control device continues to operate at the level of control demonstrated. Because PM10 is the particulate matter criteria pollutant for the purpose of Title V, the ability of the baghouse to control PM10 must be tested. The condition shall remain as specified in the draft FESOP.

Comment 10: Condition D.1.9 - This condition requires that daily visible emission notations be made of several emission points at the plant. In a separate provision (Condition D.1.10), Freesen is also required to maintain records of baghouse pressure drop once per shift. Freesen believes that pressure drop readings are a better indicator of baghouse performance than visual observation, and requests that reference to visible emission notations be deleted, or at a minimum be reduced to a less frequent recording requirement.

Response 10: As discussed in the response to Comment 9, compliance monitoring is required to demonstrate that the control device is operating correctly. The OAM feels that neither monitoring the baghouse pressure drop nor visible emission notations alone can be the best indicator of baghouse performance. Visible emission notations are also intended to indicate that the source is in compliance with 326 IAC 5-1, 326 IAC 6 and 326 IAC 12, without the requirement to have a person on site trained in opacity measurement. This requirement is designed as a trigger that the source perform some response step on the facility if visible emissions are abnormal and ensures continuous compliance with emission limitations. No permit change was made as a result of this comment.

Comment 11: Condition D.1.10 - This condition contains requirements for parametric monitoring, including requirements that the plant be equipped with an automatic burner shutoff for high temperature to the baghouse. Freesen acknowledges the need to immediately address high temperature levels to the baghouse, but requests that the condition be modified to be less prescriptive in the manner in which such problems are addressed. Freesen request that the second sentence of subparagraph (b) be changed to read as follows:

“At any time when the inlet temperature reaches 400° F, Freesen will adjust burner and/or dryer operation to bring temperatures within acceptable levels.”

Response 11: Condition D.1.10 (renumbered D.1.9) Item (b) has been changed as follows:

- (b) The inlet temperature to the baghouse shall be maintained within a range of 200-400 degrees Fahrenheit (°F) to prevent overheating of the bags and to prevent low temperatures from mudding up the bags. ~~The thermocouple at the inlet has a temperature switch which automatically shuts the burner off if the high end range is exceeded.~~ In the event that bag failure has occurred due to rupture, melting, etc., ~~corrective action~~ **response steps** shall be taken. The Preventive Maintenance Plan for this unit shall contain troubleshooting contingency and ~~corrective action~~ **response steps** for when the inlet temperature reading is outside of the above mentioned range for any one reading. The baghouse shall shutdown for visual inspection within 24 hours and bags shall be replaced as needed.

Comment 12: Condition D.1.12 - This condition requires that quarterly compliance summaries be provided summarizing certain parameters. As outlined above, Freesen requests that this requirement be changed to a semiannual reporting requirement.

Response 12: As previously discussed in the response to Comment 6, IDEM feels that a period of time longer than every quarter will usually not provide sufficient reporting of continuous compliance monitoring. No change to the FESOP has been made as a result of this comment.

Mail to: Permit Administration & Development Section  
Office Of Air Management  
100 North Senate Avenue  
P. O. Box 6015  
Indianapolis, Indiana 46206-6015

Freesen, Inc.  
P.O. Box 350  
Bluffs, IL 62621

**Affidavit of Construction**

I, \_\_\_\_\_, being duly sworn upon my oath, depose and say:  
(Name of the Authorized Representative)

1. I live in \_\_\_\_\_ County, Indiana and being of sound mind and over twenty-one (21) years of age, I am competent to give this affidavit.
2. I hold the position of \_\_\_\_\_ for \_\_\_\_\_.  
(Title) (Company Name)
3. By virtue of my position with \_\_\_\_\_, I have personal  
(Company Name)  
knowledge of the representations contained in this affidavit and am authorized to make these representations on behalf of \_\_\_\_\_.  
(Company Name)
4. I hereby certify that Freesen, Inc., to be initially located at the intersection of U.S. Rt. 41 and S.R. 63 in Warren County, Indiana, has constructed the 334 ton per hour drum-mix hot asphalt manufacturing plant in conformity with the requirements and intent of the construction permit application received by the Office of Air Management on February 19, 1998, and as permitted pursuant to **FESOP with ENSR Permit No. F-171-9495, Plant ID No. 171-05174** issued on \_\_\_\_\_.

Further Affiant said not.

I affirm under penalties of perjury that the representations contained in this affidavit are true, to the best of my information and belief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

STATE OF INDIANA)  
)SS

COUNTY OF \_\_\_\_\_ )

Subscribed and sworn to me, a notary public in and for \_\_\_\_\_ County and State of  
Indiana on this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (typed or printed)

Company Name: **Freesen, Inc.**  
 Plant Location: **(portable)**  
 County: **(portable)**  
 FESOP No.: **F 171-9495**  
 Plt. ID: **171-05174**  
 Date Received: **February 19, 1998**  
 Permit Reviewer: **Janusz Johnson**

**I. Potential Emissions**

**A. Source emissions before controls**

**\*\*dryer combustion \*\***

(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:  
 (note: these factors are assumed to represent #3 distillate fuel oil combustion)

|            |  |                               |                       |                |
|------------|--|-------------------------------|-----------------------|----------------|
| Pollutant: | <b>116</b> MMBtu/hr * 8760 hr/yr * 1000000 Btu/MMBtu | * Ef (lb/1000 gal) = (ton/yr) | Fuel Usage (kgal/yr): | <b>7206.81</b> |
|            | <b>141,000</b> Btu/gal * 2000 lb/ton * 1000 gal/kgal |                               |                       |                |
| P M:       | 2.0 lb/1000 gal =                                    | <b>7.21</b> ton/yr            |                       |                |
| P M-10:    | 1.0 lb/1000 gal =                                    | <b>3.60</b> ton/yr            |                       |                |
| S O x:     | 71.0 lb/1000 gal =                                   | <b>255.84</b> ton/yr          |                       |                |
| N O x:     | 20.0 lb/1000 gal =                                   | <b>72.07</b> ton/yr           |                       |                |
| V O C:     | 0.2 lb/1000 gal =                                    | <b>0.72</b> ton/yr            |                       |                |
| C O:       | 5.0 lb/1000 gal =                                    | <b>18.02</b> ton/yr           |                       |                |

**\*\*hot oil heater combustion \*\***

(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: | <b>1.374</b> MMBtu/hr * 8760 hr/yr * 1000000 Btu/MMBtu | * Ef (lb/1000 gal) = (ton/yr) | Fuel Usage (kgal/yr): | <b>85.36</b> |
|            | <b>141,000</b> Btu/gal * 2000 lb/ton * 1000 gal/kgal   |                               |                       |              |
| P M:       | 2.0 lb/1000 gal =                                      | <b>0.09</b> ton/yr            |                       |              |
| P M-10:    | 1.0 lb/1000 gal =                                      | <b>0.04</b> ton/yr            |                       |              |
| S O x:     | 71.0 lb/1000 gal =                                     | <b>3.03</b> ton/yr            |                       |              |
| N O x:     | 20.0 lb/1000 gal =                                     | <b>0.85</b> ton/yr            |                       |              |
| V O C:     | 0.2 lb/1000 gal =                                      | <b>0.01</b> ton/yr            |                       |              |
| C O:       | 5.0 lb/1000 gal =                                      | <b>0.21</b> ton/yr            |                       |              |

**\*\* aggregate drying: drum-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): **\*\*\*\*\***

|         |                  |                     |              |                        |
|---------|------------------|---------------------|--------------|------------------------|
| P M:    | 19 lb/ton x      | <b>334</b> ton/hr x | 8760 hr/yr = | <b>27795.48</b> ton/yr |
|         |                  | 2000 lb/ton         |              |                        |
| P M-10: | 4.4 lb/ton x     | <b>334</b> ton/hr x | 8760 hr/yr = | <b>6436.85</b> ton/yr  |
|         |                  | 2000 lb/ton         |              |                        |
| Lead:   | 3.3E-06 lb/ton x | <b>334</b> ton/hr x | 8760 hr/yr = | <b>0.00</b> ton/yr     |
|         |                  | 2000 lb/ton         |              |                        |
| HAPs:   | 0.0058 lb/ton x  | <b>334</b> ton/hr x | 8760 hr/yr = | <b>8.48</b> 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

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

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

$$P M : \mathbf{0.0028} \text{ lb/ton x } \mathbf{315} \text{ ton/hr x } 8760 \text{ hr/yr} = \mathbf{3.82} \text{ ton/yr}$$

2000 lb/ton

$$P M-10: 10\% \text{ of PM} = \mathbf{0.38} \text{ ton/yr}$$

**\*\* 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.

**A. Misc. Trucks (assumed Tri-axle as representative)**

$$\mathbf{16.7} \text{ trip/hr x } \mathbf{0.38} \text{ mile/roundtrip x } 8760 \text{ hr/yr} = \mathbf{55590.96} \text{ miles per year}$$

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

$$= 3.02 \text{ lb/mile}$$

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 = **10** miles/hr vehicle speed

W = 21 tons average vehicle weight  
w = 14 wheels

$$\text{PM: } \frac{3.02 \text{ lb/mi} \times 55590.96 \text{ mi/yr}}{2000 \text{ lb/ton}} = 84.02 \text{ tons/yr}$$

P M-10: 35% of PM = 29.41 ton/yr

### C. Front End Loader

39.4 trip/hr x  
0.014 mile/roundtrip x  
8760 hr/yr =

$$4832.02 \text{ miles per year}$$

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

= 2.30 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 = 10 miles/hr vehicle speed  
W = 35 tons average vehicle weight  
w = 4 wheels

$$\text{PM: } \frac{2.30 \text{ lb/mi} \times 4832.016 \text{ mi/yr}}{2000 \text{ lb/ton}} = 5.56 \text{ tons/yr}$$

P M-10: 35% of PM = 1.95 ton/yr

Total PM: 89.58 tons/yr  
Total PM-10: 31.35 tons/yr

### \*\* storage \*\*

The following calculations determine the amount of emissions created by wind erosion of storage stockpiles, based on 8760 hours of use and AP-42, Ch 11.2.3.

$$E_f = 1.7 \cdot (s/1.5) \cdot (365-p)/235 \cdot (f/15)$$

= 1.27 lb/acre/day for sand  
= 1.39 lb/acre/day for stone  
= 1.16 lb/acre/day for slag  
= 1.16 lb/acre/day for gravel  
= 0.93 lb/acre/day for RAP

where s = 1.1 % silt for sand  
s = 1.2 % silt of stone  
s = 1.0 % silt of slag  
s = 1.0 % silt of gravel  
s = 0.8 % silt for RAP  
p = 125 days of rain greater than or equal to 0.01 inches  
f = 15 % of wind greater than or equal to 12 mph

$$\begin{aligned}
 \text{Ep (storage)} &= \frac{\text{Ef} * \text{sc} * (20 \text{ cuft/ton}) * (365 \text{ day/yr})}{(2000 \text{ lb/ton}) * (43560 \text{ sqft/acre}) * (25 \text{ ft})} \\
 &= 0.06 \text{ tons/yr for sand} \\
 &= 0.19 \text{ tons/yr for stone} \\
 &= 0.04 \text{ tons/yr for slag} \\
 &= 0.00 \text{ tons/yr for gravel} \\
 &= 0.00 \text{ tons/yr for RAP} \\
 \text{Total PM:} &= 0.29 \text{ tons/yr}
 \end{aligned}$$

where sc = 15,000 tons storage capacity for sand  
 sc = 40,000 tons storage capacity for stone  
 sc = 10,000 tons storage capacity for slag  
 sc = 0,000 tons storage capacity for gravel  
 sc = 0,000 tons storage capacity for RAP

|                     |             |                         |
|---------------------|-------------|-------------------------|
| P M-10:             | 35% of PM = | 0.02 tons/yr for sand   |
|                     | 35% of PM = | 0.07 tons/yr for stone  |
|                     | 35% of PM = | 0.01 tons/yr for slag   |
|                     | 35% of PM = | 0.00 tons/yr for gravel |
|                     | 35% of PM = | 0.00 tons/yr for RAP    |
| <b>Total PM-10:</b> |             | <b>0.10 tons/yr</b>     |

## 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):

$$\begin{aligned}
 & \frac{0.04 \text{ grain}}{\text{dscf}} * \frac{58260 \text{ acfm}}{\text{year}} * \frac{528}{460 + 250 \text{ Temp}} * \frac{100}{100 - 5.00 \% \text{ moisture}} * \\
 & \frac{525600 \text{ minute}}{\text{year}} * \frac{1}{7000 \text{ grain}} * \frac{1 \text{ ton}}{2000 \text{ lb}} = \frac{61.81 \text{ tons PM}}{\text{year}}
 \end{aligned}$$

14.11181

A2. The following calculations determine compliance with 326 IAC 6-1, which limits stack emissions from asphalt plants to 0.03 or 0.1 gr/dscf (if applicable):

$$\begin{aligned}
 & \frac{0.03 \text{ grain}}{\text{dscf}} * \frac{58260 \text{ acfm}}{\text{year}} * \frac{528}{460 + 250 \text{ Temp}} * \frac{100}{100 - 5.00 \% \text{ moisture}} * \\
 & \frac{525600 \text{ minute}}{\text{year}} * \frac{1}{7000 \text{ grain}} * \frac{1 \text{ ton}}{2000 \text{ lb}} = \frac{46.36 \text{ tons PM}}{\text{year}}
 \end{aligned}$$

### III. Limited Potential Emissions

#### PRIMARY FUEL USAGE LIMITATIONS

A. Fuel Oil: #2 (dryer combustion)

$$\frac{95.97 \text{ tons SO}_2}{\text{year limited}} \quad / \quad \frac{255.84 \text{ tons SO}_2}{\text{year potential}} \quad * \quad \frac{7206.81 \text{ Kgals}}{\text{year potential}} \quad = \quad \frac{2703.40 \text{ Kgals}}{\text{year limited}}$$

#### COLD MIX CUTBACK ASPHALT PRODUCTION

This company does not intend to produce coldmix asphalt containing volatile cutback agents.