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

Paul H. Rohe Company, Inc.

(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.: F137-9662-03258	
Issued by: Paul Dubenetzky, Branch Chief 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). The information describing the source contained in conditions A.1 through A.3 is descriptive information and does not constitute enforceable conditions. However, the Permittee should be aware that a physical change or a change in the method of operation that may render this descriptive information obsolete or inaccurate may trigger requirements for the Permittee to obtain additional permits or seek modification of this permit pursuant to 326 IAC 2, or change other applicable requirements presented in the permit application.

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

The Permittee owns and operates a portable hot mix asphalt concrete source.

Responsible Official:	Daniel T. Crago, Environmental Manager
Initial Source Address:	14205 North Rosfeld Road, Sunman, Indiana 47041
Mailing Address:	11641 Mosteller Road, Cincinnati, Ohio 45241
SIC Code:	2951
Initial County Location:	Ripley
County Status:	Attainment for all criteria pollutants
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)]

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

(1) one (1) aggregate drum mix dryer, with a maximum capacity of 325 tons per hour, equipped with one (1) No. 2 distillate fuel oil fired aggregate dryer burner with a maximum rated capacity of 93.0 million (MM) British thermal units (Btu) per hour, using one (1) cyclone collector and one (1) baghouse in series for air pollution control, and exhausting at one (1) stack;
(2) two (2) aggregate feeder conveyors, one (1) Recycled Asphalt Pavement (RAP) feeder conveyor, and one (1) drag slat conveyor; and
(3) one (1) asphalt cement storage tank, identified as AC#1, with a maximum storage capacity of 30,000 gallons.

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

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

(1) two (2) No. 2 distillate fuel oil storage tanks, identified as Tanks #2 and #3, respectively, each with a maximum storage capacity of 10,000 gallons;
(3) application of oils, greases, lubricants or other nonvolatile materials applied as temporary protective coatings; and
(4) closed loop heating and cooling systems.

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

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

SECTION B GENERAL CONDITIONS

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

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

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

Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, 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)]

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]

(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)]

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

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

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

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

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

B.8 Duty to 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]

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)]

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 OPERATION CONDITIONS

Entire Source

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

C.1 Overall Source Limit [326 IAC 2-8]

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

(a) Pursuant to 326 IAC 2-8:

(1) The potential to emit any regulated pollutant from the entire source shall be limited to less than one-hundred (100) tons per three hundred sixty-five (365) consecutive day 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 three hundred sixty-five (365) consecutive day 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 three hundred sixty-five (365) consecutive day 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.2 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.3 Open Burning [326 IAC 4-1] [IC 13-17-9]

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

C.4 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.5 Fugitive Dust Emissions [326 IAC 6-4]

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

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

Pursuant to 326 IAC 6-5 (Fugitive Particulate Matter Emission Limitations), fugitive particulate matter emissions shall be controlled according to the plan submitted on April 9, 1998. The plan consists of watering the following fugitive emission activities on an as needed basis:

(a) Vehicular traffic on unpaved roads, paved roads and parking lots;
(b) Aggregate stockpile operations; and
(c) Outdoor aggregate conveying and handling.

C.7 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 unit vented to the control equipment is in operation.

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

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

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

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

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

(A) Asbestos removal or demolition start date;

(B) Removal or demolition contractor; or

(C) Waste disposal site.

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

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

All required notifications shall be submitted to:

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

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.9 Performance Testing [326 IAC 3-6]

(a) All testing shall be performed according to the provisions of 326 IAC 3-6 (Source Sampling Procedures), except as provided elsewhere in this permit, utilizing methods approved by the 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.10 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.

C.11 Maintenance of Monitoring Equipment [326 IAC 2-8-4(3)(A)(iii)]

(a) In the event that a breakdown of the monitoring equipment occurs, a record shall be made of the times and reasons of the breakdown and efforts made to correct the problem. To the extent practicable, supplemental or intermittent monitoring of the parameter should be implemented at intervals no less frequent than required in Section D of this permit until such time as the monitoring equipment is back in operation. In the case of continuous monitoring, supplemental or intermittent monitoring of the parameter should be implemented at intervals no less than one (1) hour until such time as the continuous monitor is back in operation.

(b) The Permittee shall install, calibrate, quality assure, maintain, and operate all necessary monitors and related equipment. In addition, prompt corrective action shall be initiated whenever indicated.

C.12 Monitoring Methods [326 IAC 3]

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

C.13 Pressure Gauge Specifications

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

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

C.14 Risk Management Plan [326 IAC 2-8-4] [40 CFR 68.215]

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

(a) Submit:

(1) A compliance schedule for meeting the requirements of 40 CFR 68 by the date provided in 40 CFR 68.10(a); or

(2) As a part of the compliance certification submitted under 326 IAC 2-7-6(5), a certification statement that the source is in compliance with all the requirements of 40 CFR 68, including the registration and submission of a Risk Management Plan (RMP); and

(3) A verification to IDEM, OAM, 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.15 Compliance Monitoring Plan - Failure to Take Response Steps [326 IAC 2-8-4][326 IAC 2-8-5] [326 IAC 1-6]

(a) The Permittee is required to implement a compliance monitoring plan to ensure that reasonable information is available to evaluate its continuous compliance with applicable requirements. This compliance monitoring plan is comprised of:

(1) This condition;

(2) The Compliance Determination Requirements in Section D of this permit;

(3) The Compliance Monitoring Requirements in Section D of this permit;

(4) The Record Keeping and Reporting Requirements in Section C (Monitoring Data Availability, General Record Keeping Requirements, and General Reporting Requirements) and in Section D of this permit; and

(5) A Compliance Response Plan (CRP) for each compliance monitoring condition of this permit. CRP's shall be submitted to IDEM, OAM 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.16 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-8-4] [326 IAC 2-8-5]

(a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate 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.17 Emission Statement [326 IAC 2-6] [326 IAC 2-8-4(3)]

(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.18 Monitoring Data Availability

(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.19 General Record Keeping Requirements [326 IAC 2-8-4(3)][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.20 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.21 Relocation of Portable Sources [326 IAC 2-1-6(b)]

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

(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 "Relocation Site Approval" letter specifying the current location of the portable plant.

Stratospheric Ozone Protection

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

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

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

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

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

Stormwater Control

C.23 Compliance with 327 IAC 8-4.1 and 15-3 [326 IAC 2-8-4]

Pursuant to 327 IAC 15-16-1, Indiana's Storm Water Rule, the permittee shall comply with the applicable requirements of the rule, including the submission of a complete Notice of Intent letter in compliance with the requirements of 327 IAC 15-6-6 one hundred eighty (180) days before completion of construction.

Paved Roadways

C.24 Roadway Paving at plant [326 IAC 2-1-3(i)(8)]

Pursuant to 326 IAC 2-1-3(i)(8), the permittee shall pave the roadways used by the trucks loading asphalt at the plant.

SECTION D.1 FACILITY OPERATION CONDITIONS

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

(1) one (1) aggregate drum mix dryer, with a maximum capacity of 325 tons per hour, equipped with one (1) No. 2 distillate fuel oil fired aggregate dryer burner with a maximum rated capacity of 93.0 million (MM) British thermal units (Btu) per hour, using one (1) cyclone collector and one (1) baghouse in series for air pollution control, and exhausting at one (1) stack; ***and***

(2) two (2) aggregate feeder conveyors, one (1) Recycled Asphalt Pavement (RAP) feeder conveyor, and one (1) drag slat conveyor.

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

D.1.1 Particulate Matter (PM) [326 IAC 6-1-2] [326 IAC 12] [40 CFR 60.90, Subpart I]

(a) Pursuant to 326 IAC 6-1-2 (Particulate Emissions Limitations), the particulate matter emissions from the mixing and drying operation shall be limited to 0.03 grains per dry standard cubic foot (gr/dscf). This is equivalent to a particulate matter emission rate of 8.2 pounds per hour. This limit will also render 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) and 326 IAC 2-3 (Emission Offset) not applicable.

(b) Pursuant to 326 IAC 12, (40 CFR Part 60.90, Subpart I) "Standards of Performance for Hot Mix Asphalt Facilities", the particulate matter emissions from the mixing and drying operations shall be limited to 0.04 grains per dry standard cubic foot (gr/dscf). This is equivalent to a particulate matter emission rate of 10.9 pounds per hour.

Compliance with the PM emission limit pursuant to 326 IAC 6-1-2 will also satisfy the PM emission limit pursuant to 326 IAC 12, 40 CFR Part 60.90, Subpart I.

D.1.2 Particulate Matter 10 Microns (PM-10) [326 IAC 2-8-4]

Pursuant to 326 IAC 2-8-4, particulate matter 10 microns emissions from the aggregate mixing and drying operation shall not exceed 17.7 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.1.3 Opacity [326 IAC 12] [40 CFR 60.90, Subpart I]

Pursuant to 326 IAC 12, (40 CFR Part 60.92, Subpart I) "Standards of Performance for Hot Mix Asphalt Facilities", the mixing and drying operations shall not discharge or cause the discharge into the atmosphere any gases which exhibit 20% opacity or greater.

D.1.4 Sulfur Dioxide (SO_2) [326 IAC 7-1.1]

Pursuant to 326 IAC 7-1.1 (Sulfur Dioxide Emission Limitations), sulfur dioxide emissions from the 93.0 million Btu per hour burner for the aggregate dryer shall be limited to 0.5 pounds per million Btu heat input or a sulfur content of less than or equal to 0.5% when using distillate oil.

D.1.5 Fuel Oil Usage [326 IAC 2-8-4]

Pursuant to 326 IAC 2-8-4(1), the following limit shall apply:

(a) the input of No. 2 distillate fuel oil to the 93.0 million Btu per hour burner for the aggregate dryer shall be limited, to 2,869,066 U.S. gallons per twelve (12) consecutive months, rolled on a monthly basis.

(b) The total for each month shall not exceed the difference between the annual usage limit minus the sum of actual usage from the previous eleven (11) months.

(c) During the first twelve (12) months of operation under this permit, the input of No. 2 distillate fuel oil shall be limited such that the total gallons divided by the accumulated months of operation shall not exceed 239,088 U.S. gallons per month.

Therefore, the requirements of 326 IAC 2-7 will not apply.

D.1.6 Volatile Organic Compounds (VOC)

Cutback/emulsified asphalt shall not be used without approval from the OAM.

D.1.7 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.1.8 Testing Requirements [326 IAC 2-8-5(1)]

During the period no later than 120 days after start-up, the Permittee shall perform PM and PM-10 testing utilizing Method 5 (40 CFR 60, Appendix A) for PM and for PM-10, or other methods as approved by the Commissioner. 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.

D.1.9 Sulfur Dioxide Emissions and Sulfur Content

Compliance shall be determined utilizing one of the following options.

(a) Pursuant to 326 IAC 3-7-4, the Permittee shall demonstrate that the fuel oil sulfur content does not exceed five-tenths percent (0.5%) by weight by:

(1) Providing vendor analysis of fuel delivered, if accompanied by a certification;

(2) Analyzing the oil sample to determine the sulfur content of the oil via the procedures in 40 CFR 60, Appendix A, Method 19.

(A) Oil samples may be collected from the fuel tank immediately after the fuel tank is filled and before any oil is combusted; and

(B) If a partially empty fuel tank is refilled, a new sample and analysis would be required upon filling; or

(b) Compliance may also be determined by conducting a stack test for sulfur dioxide emissions from the thirteen (13) MMBtu per hour heater, using 40 CFR 60, Appendix A, Method 6 in accordance with the procedures in 326 IAC 3-6.

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

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

D.1.10 Particulate Matter (PM)

The baghouse for PM control shall be in operation at all times when the aggregate dryer is in operation and exhausting to the outside atmosphere.

D.1.11 Visible Emissions Notations

(a) Daily visible emission notations of the aggregate dryer baghouse stack exhaust shall be performed during normal daylight operations when exhausting to the atmosphere. A trained employee shall record whether emissions are normal or abnormal.

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

(c) In the case of batch or discontinuous operations, readings shall be taken during that part of the operation that would normally be expected to cause the greatest emissions.

(d) A trained employee is an employee who has worked at the plant at least one (1) month and has been trained in the appearance and characteristics of normal visible emissions for that specific process.

(e) The Compliance Response Plan for this unit shall contain troubleshooting contingency and response steps for when an abnormal emission is observed.

D.1.12 Parametric Monitoring

The Permittee shall record the total static pressure drop across the baghouse used in conjunction with the aggregate dryer, at least once daily when the aggregate dryer is in operation when venting to the atmosphere. 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 4.0 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.

D.1.13 Broken Bag or Failure Detection

In the event that bag failure has been observed:

(a) The affected compartments will be shut down immediately until the failed units have been repaired or replaced. For single compartment baghouses, failed units and the associated process will be shut down immediately until the failed units have been repaired or replaced.

(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 Requirements [326 IAC 2-8-4(3)] [326 IAC 2-8-16]

D.1.14 Record Keeping Requirements

(a) To document compliance with Conditions D.1.4 and D.1.5, the Permittee shall maintain records in accordance with (1) through (6) below.

(1) Calendar dates covered in the compliance determination period;

(2) Actual No. 2 distillate fuel oil usage per month since last compliance determination period and equivalent sulfur dioxide emissions;

(3) A certification, signed by the owner or operator, that the records of the fuel supplier certifications represent all of the fuel combusted during the period; and

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

(4) Fuel supplier certifications.

(5) The name of the fuel supplier; and

(6) A statement from the fuel supplier that certifies the sulfur content of the fuel oil.

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

(b) To document compliance with Condition D.1.11, the Permittee shall maintain records of daily visible emission notations of the aggregate dryer baghouse stack exhaust.

(c) To document compliance with Condition D.1.12, the Permittee shall maintain the following:

(1) Daily records of the following operational parameters during normal operation when venting to the atmosphere:

(A) Inlet and outlet differential static pressure; and

(B) Cleaning cycle: frequency and differential pressure.

(2) Documentation of all response steps implemented, per event .

(3) Operation and preventive maintenance logs, including work purchases orders, shall be maintained.

(4) Quality Assurance/Quality Control (QA/QC) procedures.

(5) Operator standard operating procedures (SOP).

(6) Manufacturer's specifications or its equivalent.

(7) Equipment "troubleshooting" contingency plan.

(8) Documentation of the dates vents are redirected.

(d) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

D.1.15 Reporting Requirements

A quarterly summary of the information to document compliance with Condition D.1.5 shall be submitted to the address listed in Section C - General Reporting Requirements, of this permit, using the reporting forms located at the end of this permit, or their equivalent, within thirty (30) days after the end of the quarter being reported.

SECTION D.2 FACILITY OPERATION CONDITIONS

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

(3) one (1) asphalt cement storage tank, identified as AC#1, with a maximum storage capacity of 30,000 gallons.

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

D.2.1 Volatile Organic Compounds (VOCs) [326 IAC 12] [40 CFR 60.110b, Subpart Kb]

Pursuant to 40 CFR Part 60.110b, Subpart Kb (Standards of Performance for Volatile Organic Liquid Storage Vessels), the 30,000 gallon asphalt cement storage tank, with a vapor pressure of less than 15.0 kPa, is subject to 40 CFR Part 60.116b, paragraphs (a) and (b) which requires record keeping.

D.2.2 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 device.

Compliance Determination Requirements

D.2.3 Testing Requirements [326 IAC 2-8-5(a)(1), (4)]

The Permittee is not required to test this facility by this permit. However, IDEM may require compliance testing at any specific time when necessary to determine if the facility is in compliance. If testing is required by IDEM, compliance with the VOC limit specified in Condition D.2.1 shall be determined by a performance test conducted in accordance with Section C - Performance Testing.

D.2.4 Asphalt Vapor Control [326 IAC 2-1-3 (i)(8)]

The Permittee shall install a fume condenser hood on the vents of the asphalt storage tank.

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

D.2.5 Record Keeping Requirements

(a) To document compliance with Condition D.2.1, the Permittee shall maintain permanent records at the source in accordance with (1) through (3) below:

(1) the dimension of the storage vessel;

(2) an analysis showing the capacity of the storage vessel; and

(3) the true vapor pressure of each VOC stored, indicating that the maximum true vapor pressure of VOC is less than 15.0 kPa for Tank AC#1.

(b) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

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

FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP) CERTIFICATION

Source Name: Paul H. Rohe Company, Inc.
Initial Source Address: 14205 North Rosfeld Road, Sunman, Indiana 47041
Mailing Address: 11641 Mosteller Road, Cincinnati, Ohio 45241
FESOP No.: F137-9662-03258

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: Paul H. Rohe Company, Inc.
Initial Source Address: 14205 North Rosfeld Road, Sunman, Indiana 47041
Mailing Address: 11641 Mosteller Road, Cincinnati, Ohio 45241
FESOP No.: F137-9662-03258

This form consists of 2 pages **Page 1 of 2**

Check either No. 1 or No.2
9 1. This is an emergency as defined in 326 IAC 2-7-1(12) 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 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
9 2. This is a deviation, reportable per 326 IAC 2-7-5(3)(c) 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 Describe:
Type of Pollutants Emitted: TSP, PM-10, SO_2, VOC, NO_X, CO, Pb, other:
Estimated amount of pollutant(s) emitted during emergency/deviation:
Describe the steps taken to mitigate the problem:
Describe the corrective actions/response steps taken:
Describe the measures taken to minimize emissions:
If applicable, describe the reasons why continued operation of the facilities are necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw materials of substantial economic value:

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

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

FESOP Quarterly Report

Source Name: Paul H. Rohe Company, Inc.
Initial Source Address: 14205 North Rosfeld Road, Sunman, Indiana 47041
Mailing Address: 11641 Mosteller Road, Cincinnati, Ohio 45241
FESOP No.: F137-9662-03258
Facility: 93.0 MMBtu per hour burner for the aggregate dryer
Parameter: Sulfur Dioxide (SO_2)
Limit: sulfur content of fuel not to exceed 0.5%; the input of No. 2 distillate fuel oil shall be limited, to 2,869,066 U.S. gallons per twelve (12) consecutive months, rolled on a monthly basis. During the first twelve (12) months of operation under this permit, the input of No. 2 distillate fuel oil shall be limited such that the total gallons divided by the accumulated months of operation shall not exceed 239,088 U.S. gallons per month.

YEAR: _____

Month	Sulfur Content of Fuel Oil (%)	Heat Content of Fuel Oil (Btu/gal)	No. 2 Distillate Fuel Oil Usage This Month (gal)	No. 2 Distillate Fuel Oil Usage Previous 11 Months (gal)	12 Month Total No. 2 Distillate Fuel Oil Usage (gal)
Month 1					
Month 2					
Month 3					

9 No deviation occurred in this quarter.

9 Deviation/s occurred in this quarter.
Deviation has been reported on: _____

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

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

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

Source Name: Paul H. Rohe Company, Inc.
Initial Source Address: 14205 North Rosfeld Road, Sunman, Indiana 47041
Mailing Address: 11641 Mosteller Road, Cincinnati, Ohio 45241
FESOP No.: F137-9662-03258

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 (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

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

Source Background and Description

Source Name:	**Paul H. Rohe Company, Inc.**
Initial Source Location:	**14205 North Rosfeld Road, Suman, Indiana 47041**
County:	**Ripley**
SIC Code:	**2951**
Operation Permit No.:	**F137-9662-03258**
Permit Reviewer:	**Trish Earls/EVP**

The Office of Air Management (OAM) has reviewed a Federally Enforceable State Operating Permit (FESOP) application from Paul H. Rohe Company, Inc. relating to the operation of a portable hot mix asphalt concrete source.

Unpermitted Emission Units and Pollution Control Equipment Requiring ENSR

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

New Emission Units and Pollution Control Equipment Requiring ENSR

The application includes information relating to the construction and operation of the following equipment (Note: this equipment was previously located out of state and is now being relocated to Indiana for the first time):

(a) one (1) aggregate drum mix dryer, with a maximum capacity of 325 tons per hour, equipped with one (1) No. 2 distillate fuel oil fired aggregate dryer burner with a maximum rated capacity of 93.0 million (MM) British thermal units (Btu) per hour, using one (1) baghouse for air pollution control, and exhausting at one (1) stack;
(b) two (2) aggregate feeder conveyors, one (1) Recycled Asphalt Pavement (RAP) feeder conveyor, and one (1) drag slat conveyor; and
(c) one (1) asphalt cement storage tank, identified as AC#1, with a maximum storage capacity of 30,000 gallons.

Insignificant Activities

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

(a) two (2) No. 2 distillate fuel oil storage tanks, identified as Tanks #2 and #3, respectively, each with a maximum storage capacity of 10,000 gallons;
(b) application of oils, greases, lubricants or other nonvolatile materials applied as temporary protective coatings; and
(c) closed loop heating and cooling systems.

Recommendation

The staff recommends to the Commissioner that the FESOP 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 incomplete FESOP application for the purposes of this review was received on April 9, 1998. Additional information received on April 27, 1998, makes the FESOP application administratively complete.

Emission Calculations

See Appendix A of this document for detailed emissions calculations (7 pages).

Potential Emissions

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

Pollutant	Potential Emissions (tons/year)
PM	27,094.74
PM-10	6,139.09
SO_2	202.97
VOC	9.58
CO	14.71
NO_x	58.82

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

HAP's	Potential Emissions (tons/year)
Acetaldehyde	1.85
Acrolein	0.04
Benzene	0.58
Ethylbenzene	0.54
Formaldehyde	3.42
Methyl Ethyl Ketone	0.03
Propionaldehyde	0.19
Quinone	0.23
Toluene	1.07
Xylene	0.23
Polycyclic Organic Matter (POM)	0.83
TOTAL	8.99

(a) The potential emissions (as defined in 326 IAC 1-2-55) of PM-10 and SO_2 are equal to or greater than 100 tons per year. Therefore, the source is subject to the provisions of 326 IAC 2-7.

(b) 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.

Limited Potential to Emit

(a) The source has accepted a federally enforceable limit on potential to emit PM-10 of 99 tons per year. Source wide PM10 emissions are controlled at 15.5 tons per year, consisting of:

(i) 15.5 tons per year for the significant activities (by using a baghouse to control PM10 emissions from the aggregate dryer).

(b) The source has accepted a federally enforceable limit on potential to emit SO_2 of 99 tons per year, consisting of:

(i) 99 tons per year for the significant activities.

(c) The table below summarizes the total limited potential to emit of the significant and insignificant emission units.

	Limited Potential to Emit (tons/year)						
Process/facility	PM	PM-10	SO_2	VOC	CO	NO_X	HAPs
Aggregate drying	35.16	7.96	99.0	9.28	7.17	28.69	8.99
Bin loading & conveying	1.06	0.51	0.0	0.0	0.0	0.0	0.0
Unpaved Roads	19.56	6.85	0.0	0.0	0.0	0.0	0.0
Storage Piles	0.55	0.19	0.0	0.0	0.0	0.0	0.0
Insignificant Activities	negl.	negl.	negl.	negl.	negl.	negl.	negl.
Total Emissions	56.34	15.51	99.0	9.28	7.17	28.69	8.99

Portable Source

(a) Initial Location
This is a portable source and its initial location is 14205 North Rosfeld Road, Suman, Indiana 47041.

(b) PSD and Emission Offset Requirements
The emissions from this portable source were reviewed 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.

Federal Rule Applicability

(a) This source is subject to the New Source Performance Standard, 326 IAC 12, (40 CFR 60.90, Subpart I) because it meets the definition of a hot mix asphalt facility pursuant to the rule and it was constructed after June 11, 1973. This rule limits particulate matter emissions to 0.04 grains per dry standard cubic foot (gr/dscf) and also limits visible emissions to 20% opacity. This is equivalent to a particulate matter emission rate of 10.9 pounds per hour. The source will comply with this rule by using a baghouse to limit particulate matter emissions to less than 0.03 gr/dscf (see Appendix A, page 5 of 7, for detailed calculations).

(b) The two (2) 10,000 gallon No. 2 fuel oil storage tanks, identified as Tanks 2 and 3, each installed in 1985, are not subject to the requirements of the New Source Performance Standard, 326 IAC 12, (40 CFR 60.110b, Subpart Kb) because each of the tanks has a storage capacity less than 40 cubic meters.

(c) The one (1) 30,000 gallon asphalt cement storage tank, identified as AC#1, is subject to the requirements of the New Source Performance Standard, 326 IAC 12, (40 CFR 60.110b, Subpart Kb) because it was installed after July 23, 1984, and has a storage capacity greater than 40 cubic meters. However, since the tank has a storage capacity greater than 75 cubic meters but less than 151 cubic meters, and the liquid asphalt cement stored in the tank has a maximum true vapor pressure of less than 15.0 kPa, the tank is subject to only 40 CFR Part 60.116b, paragraph (a) and (b) which requires record keeping.

(d) There are no National Emission Standards for Hazardous Air Pollutants (NESHAPs), 40 CFR Part 63, applicable to this source.

State Rule Applicability - Entire Source

326 IAC 2-6 (Emission Reporting)

This source is subject to 326 IAC 2-6 because it is a portable source and can be located in any of the counties listed in 326 IAC 2-6-1(a). The potential to emit any criteria pollutant, including federally enforceable limits, is less than 100 tons per year. However, this source still has the potential to emit NO_X into the air at levels greater than ten (10) tons per year, therefore, the source is subject to this rule. Pursuant to this rule, the owner/operator of this facility must annually submit an emission statement of the facility. The annual statement must be received by April 15 of each year and must contain the minimum requirements as specified in 326 IAC 2-6-4.

326 IAC 2-8-4 (FESOP)

This source is subject to 326 IAC 2-8-4 (FESOP). Pursuant to this rule, the usage of No. 2 distillate fuel oil, with a maximum sulfur content of 0.5%, shall be limited to 2,869,066 U.S. gallons per year. Also, PM-10 emissions from the aggregate dryer shall be limited to 17.7 pounds per hour. The source will comply with the PM-10 emission limit by utilizing a baghouse for controlling PM-10 emissions from the aggregate dryer to 1.8 pounds per hour. Therefore, the requirements of 326 IAC 2-7 do not apply.

326 IAC 5-1 (Visible Emissions Limitations)

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

(a) Visible emissions shall not exceed an average of 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.

326 IAC 6-4 (Fugitive Dust Emissions)

This source is subject to 326 IAC 6-4 for fugitive dust emissions. Pursuant to 326 IAC 6-4 (Fugitive Dust Emissions), fugitive dust shall not be visible crossing the boundary or property line of a source. Observances of visible emissions crossing property lines may be refuted by factual data expressed in 326 IAC 6-4-2(1), (2) or (3).

326 IAC 6-5 (Fugitive Particulate Matter Emission Limitations)

This source is subject to 326 IAC 6-5 for fugitive particulate matter emissions. Pursuant to 326 IAC 6-5, for any new source which has not received all the necessary preconstruction approvals before December 13, 1985, a fugitive dust control plan must be submitted, reviewed and approved. The fugitive dust control plan for this source includes watering the following fugitive emission activities on an as needed basis:

(a) Vehicular traffic on unpaved roads, paved roads and parking lots;
(b) Aggregate stockpile operations; and
(c) Outdoor aggregate conveying and handling.

State Rule Applicability - Individual Facilities

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

The particulate matter emissions from the aggregate mixing and drying operation are subject to the requirements of 326 IAC 6-1-2 (Particulate Emissions Limitations). The rule requires that the particulate matter emissions be limited to 0.03 gr/dscf. This is equivalent to a particulate matter emission rate of 8.2 pounds per hour. The baghouse shall be in operation at all times the aggregate dryer is in operation, in order to comply with this limit.

326 IAC 6-3-2 (Process Operations)

The aggregate mixing and drying operation is not subject to the requirements of 326 IAC 6-3-2. This rule does not apply if the limitation established in the rule is not consistent with applicable limitations in 326 IAC 6-1 or 326 IAC 12. Since the applicable PM limits established by 326 IAC 6-1-2 and 326 IAC 12, 40 CFR 60, Subpart I, are less than the PM limits that would be established by 326 IAC 6-3-2, the more stringent limits apply and the limits pursuant to 326 IAC 6-3-2 do not apply.

326 IAC 7-1.1 (Sulfur Dioxide Emission Limitations)

The sulfur dioxide emissions from the 93.0 MMBtu/hr dryer burning distillate oil shall be limited to 0.5 lb/MMBtu heat input. This equates to a fuel oil sulfur content limit of 0.5%. Therefore, the sulfur content of the fuel must be less than or equal to 0.5% in order to comply with this rule (See Appendix A, Page 5 of 7 for detailed calculations). The source will comply with this rule by using No. 2 distillate fuel oil with a sulfur content of 0.5% or less in the dryer.

326 IAC 7-2-1 (Sulfur Dioxide Reporting Requirements)

This source is subject to 326 IAC 7-2-1 (Reporting Requirements). This rule requires the source to submit to the Office of Air Management upon request records of sulfur content, heat content, fuel consumption, and sulfur dioxide emission rates based on a calendar-month average.

326 IAC 8-5-2 (Miscellaneous Operations: Asphalt Paving)

This source is not subject to 326 IAC 8-5-2, which prevents the use of cutback asphalt or asphalt emulsion containing more than seven percent (7%) oil distillate by volume of emulsion. This source does not use cutback asphalt or asphalt emulsion, therefore, 326 IAC 8-5-2 does not apply.

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

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

1. The combustion of No. 2 distillate fuel oil in the aggregate dryer burner has applicable compliance monitoring conditions as specified below:

   (a) the consumption of No. 2 distillate fuel oil for the entire source must be limited to 2,869,066 U.S. gallons per year, based on a maximum sulfur content of 0.5%, in order to ensure compliance with 326 IAC 2-8 (FESOP).

   (b) Quarterly reports shall be submitted to OAM Compliance Section. These reports shall include:

      (1) the usage of No. 2 distillate fuel oil in gallons, rolled on a monthly basis; and
      (2) sulfur content and heating value of the fuel oil.

   These monitoring conditions are necessary because SO_2 emissions from the combustion of No. 2 distillate fuel oil must be limited to below the Title V major source level of 100 tons per year to comply with 326 IAC 2-8-4. Additionally, the sulfur content of the fuel oils must comply with 326 IAC 7-1.1.

2. The conveying, material transfer points, screening, unpaved roads, storage piles, mixing and drying operation have applicable compliance monitoring conditions as specified below:

   (a) Daily visible emissions notations of the conveyors, material transfer points, screening, unpaved roads, storage piles, and mixer/dryer stack 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 mixing and drying operation, at least once daily when the aggregate dryer 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 4.0 to 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.

These monitoring conditions are necessary because the baghouse for the mixing and drying operation must operate properly to ensure compliance with 326 IAC 6-1-2 (Particulate Emissions Limitations), 40 CFR Part 60.90 (Subpart I-Standards of Performance for Hot Mix Asphalt Facilities), 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 Clean Air Act Amendments.

(b) See attached calculations for detailed air toxic calculations. (Appendix A, pages 6 and 7)

Conclusion

The operation of this portable hot mix asphalt concrete source shall be subject to the conditions of the attached proposed **FESOP No. F137-9662-03258.**

Indiana Department of Environmental Management
Office of Air Management

Addendum to the
Technical Support Document for Federally Enforceable State Operating Permit (FESOP) and Enhanced New Source Review (ENSR)

Source Name:	**Paul H. Rohe Company, Inc.**
Initial Source Location:	**14205 North Rosfeld Road Sunman, Indiana 47041**
SIC Code:	**2951**
County:	**Ripley**
Operation Permit No.:	**F137-9662-03258**
Permit Reviewer:	**Trish Earls/EVP**

On June 2, 1998, the Office of Air Management (OAM) had a notice published in the Osgood Journal, Versailles, Indiana, stating that Paul H. Rohe Company, Inc. had applied for a Federally Enforceable State Operating Permit (FESOP) to operate a portable hot mix asphalt concrete manufacturing operation. The notice also stated that OAM proposed to issue a FESOP for this operation and provided information on how the public could review the proposed FESOP 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 FESOP should be issued as proposed.

Upon further review, the OAM has decided to make the following changes to the FESOP and the TSD (new text in bold, deleted text in strikeout):

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

SECTION A SOURCE SUMMARY

This permit is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Management (OAM), ~~and 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. Condition A.5, Prior Permit Conditions, is a new condition. The condition reads as follows:

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:

B.8 Duty to Supplement and Provide Information [326 IAC 2-8-3(f)] [326 IAC 2-8-4(5)(E)]

(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:

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

(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) has been changed as follows:

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 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

(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.

6. At the end of conditions B.14(b)(5) (Emergency Provisions) and B.23(b) (Operational Flexibility) change the rule cite as follows.

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~~(33)~~ **(34)**.

7. 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.

8. B.17 (Permit Renewal) part (a) of the condition has been changed as follows:

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).**

9. 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. Delete B.19 and B.20 and renumber the remainder of Section B. 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)]

10. B.25 (now B.23) (Inspection and Entry) add the following language to (e).

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

(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]

11. B.26 (now B.24) (Transfer of Ownership or Operation) part (b) of the condition has been changed as follows:

B.24 Transfer of Ownership or Operation [326 IAC 2-1-6] [326 IAC 2-8-10]

(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).**

12. B.27 (now B.25) (Annual Fee Payment) has been changed as follows:

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, ~~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.~~

13. C.1 (Overall Source Limit) add "not" to the end of part (b).

(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.

14. C.7 (Operation of Equipment) has been changed as follows:

C.7 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 unit vented to the control equipment is in operation. ~~as described in Section D of this permit.~~

15. C.8 (Asbestos Abatement Projects- Accreditation) and C.14 (Asbestos Abatement Projects) have been combined into one condition which will read as follows:

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

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

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

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

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

(A) Asbestos removal or demolition start date;

(B) Removal or demolition contractor; or

(C) Waste disposal site.

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

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

All required notifications shall be submitted to:

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

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. Add the following language to C.9 (Performance Testing):

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

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

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

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

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.10 (Compliance Monitoring) has been changed as follows.

C.10 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.12 (Monitoring Methods) has been changed as follows:

C.12 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. C.14 (Asbestos Abatement Projects) has been deleted. It is now C.8 (Asbestos Abatement Projects) and has been revised there.

~~C.14 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18-1] [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 insure 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~~

~~(3) 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~~

~~(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(e). 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.~~

20. C.15 (now C.14) (Risk Management Plan) has been changed as follows:

C.14 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:

(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).

21. C.16 (now C.15) (Compliance Monitoring Plan-Failure to Take Corrective Action), change the title as follows:

C.15 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]**

22. C.17 (now C.16) (Actions Related to Noncompliance Demonstrated by a Stack Test), add the following rule cites to the title.

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

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

23. C.18 (now C.17) (Annual Emission Statement) part (a) of the condition has been changed as follows:

C.17 Emission Statement [326 IAC 2-6] [326 IAC 2-8-4(3)]

(a) The Permittee shall submit a**n** ~~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:

24. C.20 (now C.19) (General Record Keeping Requirements) has been changed as follows:

C.19 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.**

25. C.21 (now C.20) (General Reporting Requirements) change the language as follows.

C.20 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. ~~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.~~

(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).

26. C.22 (now C.21) (Relocation of Portable Sources) has been changed as follows.

C.21 Relocation of Portable Sources [326 IAC 2-1-6(b)]

(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.

27. The following language has been added to the facility description box in all D sections.

SECTION D.1 FACILITY OPERATION CONDITIONS

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

28. Because this new asphalt plant is subject to the requirements of 40 CFR 60, Subpart I, condition D.1.8 of the FESOP, page 27 of 35, has been revised to require the compliance stack tests be conducted no later than 120 days after start-up, consistent with 40 CFR 60.8, using Method 5 as specified in the subpart. The revised condition now reads as follows (new text in bold, deleted text in strikeout):

D.1.8 Testing Requirements [326 IAC 2-8-5(1)]

During the period **no later than 120 days after start-up,** ~~between 30 and 36 months after issuance of this permit,~~ the Permittee shall perform PM and PM-10 testing utilizing Method~~s~~ 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.**

29. Condition D.2.3 (Testing Requirements) has been changed as follows.

D.2.3 Testing Requirements [326 IAC 2-8-5(a)(1),(4)]

~~Testing of~~ **The Permittee is not required to test** this facility ~~is not required~~ by this permit. However, **IDEM may require compliance testing at any specific time when necessary to determine if the facility is in compliance.** If testing is required **by IDEM**, compliance with the VOC limit specified in Condition D.2.1 shall be determined by a performance test conducted in accordance with Section C - Performance Testing. ~~This does not preclude testing requirements on this facility under 326 IAC 2-8-4 and 326 IAC 2-8-5.~~

30. In condition D.1.9 (Sulfur Dioxide Emissions and Sulfur Content), 326 IAC 3-3-4 has been changed to 326 IAC 3-7-4 in subpart (a), and 326 IAC 3-2.1 has been changed to 326 IAC 3-6 in subpart (b).

D.1.9 Sulfur Dioxide Emissions and Sulfur Content

Compliance shall be determined utilizing one of the following options.

(a) Pursuant to 326 IAC ~~3-3-4~~ **3-7-4**, the Permittee shall demonstrate that the fuel oil sulfur content does not exceed five-tenths percent (0.5%) by weight by:

(1) Providing vendor analysis of fuel delivered, if accompanied by a certification;

(2) Analyzing the oil sample to determine the sulfur content of the oil via the procedures in 40 CFR 60, Appendix A, Method 19.

(A) Oil samples may be collected from the fuel tank immediately after the fuel tank is filled and before any oil is combusted; and

(B) If a partially empty fuel tank is refilled, a new sample and analysis would be required upon filling; or

(b) Compliance may also be determined by conducting a stack test for sulfur dioxide emissions from the thirteen (13) mmBtu per hour heater, using 40 CFR 60, Appendix A, Method 6 in accordance with the procedures in 326 IAC ~~3-2.1~~ **3-6**.

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

31. Condition D.1.11(a) (Visible Emission Notations) has been changed as follows.

D.1.11 Visible Emissions Notations

(a) Daily visible emission notations of the aggregate dryer baghouse stack exhaust shall be performed during normal daylight operations **when exhausting to the atmosphere**. A trained employee shall record whether emissions are normal or abnormal.

32. Condition D.1.13 (Broken Bag or Failure Detection) has been changed as follows:

D.1.13 Broken Bag or Failure Detection

In the event that bag failure has been observed:

(a) The affected compartments will be shut down immediately until the failed units have been repaired or replaced. **For single compartment baghouses, failed units and the associated process will be shut down immediately until the failed units have been repaired or replaced.**

(b) ~~Based upon the findings of the inspection, any additional response steps will be devised within eight (8) hours of discovery and will include a timetable for completion.~~ **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.**

33. The Certification Form delete “Emergency/Deviation Occurrence Reporting Form”. This change is shown on the following page.

34. The Emergency/ Deviation Occurrence Reporting Form delete “Attach a signed certification to complete this report” from the bottom of the second page. This change is shown in the following pages.

35. The Quarterly Compliance Report is now called the Quarterly Compliance Monitoring Report, delete the column marked “No Deviations”, and change the language as shown in the following pages.

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

FEDERALLY ENFORCEABLE STATE OPERATING PERMIT (FESOP) CERTIFICATION

Source Name: Paul H. Rohe Company, Inc.
Initial Source Address: 14205 North Rosfeld Road, Sunman, Indiana 47041
Mailing Address: 11641 Mosteller Road, Cincinnati, Ohio 45241
FESOP No.: F137-9662-03258

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

Please check what document is being certified:

9 Annual Compliance Certification Letter

9 ~~Emergency/Deviation Occurrence Reporting Form~~

9 Test Result (specify) _____

9 Report (specify) _____

9 Notification (specify) _____

9 Other (specify) _____

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

Signature:

Printed Name:

Title/Position:

Date:

If any of the following are not applicable, mark N/A **Page 2 of 2**

Date/Time Emergency/Deviation started:
Date/Time Emergency/Deviation was corrected:
Was the facility being properly operated at the time of the emergency/deviation? Y N Describe:
Type of Pollutants Emitted: TSP, PM-10, SO_2, VOC, NO_X, CO, Pb, other:
Estimated amount of pollutant(s) emitted during emergency/deviation:
Describe the steps taken to mitigate the problem:
Describe the corrective actions/response steps taken:
Describe the measures taken to minimize emissions:
If applicable, describe the reasons why continued operation of the facilities are necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw materials of substantial economic value:

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

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

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

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

Source Name: Paul H. Rohe Company, Inc.
Initial Source Address: 14205 North Rosfeld Road, Sunman, Indiana 47041
Mailing Address: 11641 Mosteller Road, Cincinnati, Ohio 45241
FESOP No.: F137-9662-03258

Months: _____ to _____ Year: _____

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

9 NO DEVIATIONS OCCURRED THIS REPORTING PERIOD

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

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

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

Attach a signed certification to complete this report.

The OAM received many written comments on the proposed permit from a large number of local residents including a petition with more than 600 signatures that states the residents are opposed to the installation of the proposed asphalt plant. A summary of the written comments received and responses to those comments is as follows:

Comment

Written comments were received from Wayne Jenner, John Campbell, and Ron Kneuven of the Sunman Town Council, Donald Dunbar, E. George Ammerman, and John Little of the Ripley County Board of Commissioners, State Representative Cleo Duncan, and State Senator Johnny Nugent stating that since the town of Sunman is in the process of setting up their wellhead protection program, they are requesting that issuance of the FESOP be delayed until wellhead protection has been delineated in the event the area would be rezoned to prevent contamination of the aquifer.

Response

Although IDEM is currently working with the Town of Sunman regarding a wellhead protection program, IDEM is required by statute to process permit applications and issue final decisions within a specified number of days from an application's date of receipt at IDEM, and, at this time, the agency does not have the direct authority to postpone a final decision regarding the air permit application. The issue of the wellhead protection program is addressed on page 38 of this Addendum.

Comment

Several letters were received from residents in the area. These letters all expressed opposition to the installation of the proposed asphalt plant at this site because of its effect on air quality, water quality, quality of life, public health and safety, plants and animals (this is a mainly agricultural community), property values, noise and odor problems, and traffic problems. Some of these residents expressed concern since they had asthma and other respiratory problems.

Several residents sent letters with more specific concerns listed. These are as follows: Air Pollution - Sulfur dioxide, particulate matter less than or equal to 10 microns in size and any other pollutants which may be released. The surrounding Tri-State area is under an EPA advisement to clean up the air. Production of air pollutants from this operation will only compound the problem; Soil and Water Contamination - Sulfur dioxide is a component of acid rain. Any air pollutants release from this plant will be washed from the air by rain and contaminate the soil, surface and deep wells in the surrounding areas; Odors - Sulfur odors from this facility will be noxious, unsafe and unbearable; Noise Pollution - The noise levels produced by this plant will be excessive.

Response

The U.S. EPA has used health-based criteria to establish National Ambient Air Quality Standards (NAAQS) for several air pollutants (often referred to as "criteria pollutants"), including particulate matter, nitrogen dioxide, and sulfur dioxide. The OAM has performed an air quality analysis using the U.S. EPA approved SCREEN3 computer model to predict the worst case impacts that the source will have on ambient air quality. These impacts, or maximum increases in pollutant levels, are compared to the NAAQS for each pollutant and summarized below. There are no other sources of these air pollutants in the vicinity of the proposed plant that are large enough to have any substantial impact on air quality. Therefore, the small impacts of the proposed plant will not cause or contribute to air pollutant concentrations in excess of any NAAQS.

There are no ambient standards that have been established for other air pollutants such as acetaldehyde, formaldehyde, and toluene. The U.S. EPA is required to establish control technology standards for such pollutants. The standards for asphalt concrete plants are scheduled to become law in 2000. The OAM performs air quality modeling for these pollutants using the same general methodology as for the criteria pollutants. Since there are no legal standards for the concentrations of these pollutants in ambient air, a different benchmark is needed for a comparison to the maximum predicted impacts. The Occupational Safety and Health Administration (OSHA) regulates work place exposure to many chemicals. There are important differences between an acceptable exposure in the work place and protection of the general public from excessive concentrations in the ambient air. Nonetheless, these permissible exposure levels (PELs) are useful for comparison. The summary table provides this comparison. The maximum impact of each of the air pollutants is less than one half of one percent of the OSHA PEL. The OAM does not believe that such an increase will result in any significant increase in health risk.

I. Comparison of Predicted Concentrations with OSHA PELs

Pollutant	Rate (lb/hr)	Rate @ 8,760 hr/yr (ton/yr)	Modeled 1-hr Concentration (Fg/m^3)	OSHA PEL (Fg/m^3)	% OSHA PEL
Acetaldehyde	0.42	1.85	1.69	360,000	0.0
Formaldehyde	0.78	3.42	3.11	930	0.3
Toluene	0.24	1.07	0.97	752,000	0.0

Methodology:
Rate ton/yr = (rate lb/hr)*(hr/yr of operation)*(ton/2000 lbs)

II. Comparison of Predicted Concentrations with NAAQS for Criteria Pollutants

Pollutant	Rate (lb/hr)	Modeled 1-hr Concentration (Fg/m^3)		3-hr	24-hr	Annual
PM-10	1.82	7.26				
			Predicted Conc.* (Fg/m^3)	6.53	2.90	0.58
			NAAQS (Fg/m^3)	N/A	150	50
			Pred. Concentration / NAAQS (%)	N/A	1.93	1.16
SO_2	46.34	185.03				
			Predicted Conc.* (Fg/m^3)	166.53	74.01	14.80
			NAAQS (Fg/m^3)	1300	365	80
			Pred. Concentration / NAAQS (%)	12.81	20.28	18.50
NOx	13.43	53.62				

			Predicted Conc.* (Fg/m^3)	48.26	21.45	4.29
			NAAQS (Fg/m^3)	N/A	N/A	100
			Pred. Concentration / NAAQS (%)	N/A	N/A	4.29

Methodology:
Rate ton/yr = (rate lb/hr)*(hr/yr of operation)*(ton/2000 lbs)

Note:
The SCREEN3 model results provide the 1-hour maximum concentrations of a pollutant at the property line and distances beyond the property line. The highest of the maximum concentrations was used to compare with the OSHA PEL and the NAAQS.

* To predict the worst case concentrations for a 3-hour, 24-hour, and annual averaging time for the criteria pollutants, the 1-hour maximum concentrations were multiplied by a multiplying factor. The multiplying factors were obtained from USEPA's "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October, 1992, and are as follows: 3-hr averaging time - 0.9, 24-hr averaging time - 0.4, Annual averaging time - 0.08.

The above tables and associated text are now included as part of the Air Toxic Emissions section of the TSD.

The proposed asphalt plant meets all the applicable state and federal rules. These rules were established by State and EPA under several programs of Clean Air Act and the Indiana Code. These also include rules adopted as part of the State Implementation Plan (SIP). The SIP has been approved by the U.S. EPA as providing for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) using health based criteria and allowing for an adequate margin of safety as needed to protect public health, pursuant to Section 109 of the Clean Air Act. Also Paul H. Rohe Company has agreed to comply with other measures to control pollutants, such as watering of paved and unpaved roads and parking lots, aggregate stockpiles, and outdoor conveying and handling operations to control fugitive particulate matter emissions. IDEM has also evaluated the air quality impact of the allowed emissions (see response above) and has determined that no health-based standards established by the Clean Air Act will be violated. IDEM is charged with ensuring the public (i.e. the community as a whole) health will be protected. IDEM believes that the conditions in the FESOP are adequate to protect the public health and therefore does not need to address the issue of its authority to deny a permit based on inadequate protection of public health.

The issues regarding effects of the emissions on quality of life, public safety, property values, odor problems, noise and traffic problems are outside of the jurisdiction of the OAM.

Comment

A letter was received from Ben House, a concerned citizen, containing the following comments:

Item 1 - After reviewing the application, it was found that Form B, the Plant Layout Sheet was not followed with the proper documenting information. Form B, Section 1, item G says "to supply the distance in feet from the nearest residence." The property listed in their Plot Plan as the nearest residence is not a residence but a commercial business. There is a residence (with small children) approximately 100 yards North of their driveway across Rosfeld Road.

Item 2 - The "Public Notification" in the newspaper was placed in a newspaper in the Southern part of Ripley County. This property is in the Northernmost part of the County and should have been in the Herald Tribune in Batesville for proper notification.

Item 3 - The MSDS forms for the dyed fuel oil #2 and the P.G. 64-22 are not complete. The index for each chemical lists 16 sections, however, only 3 sections are listed in the copy available for public inspection at the library. This does not make for a complete analysis, especially, Section II, pertaining to toxicity.

Item 4 - The Form B introduction paragraph states that "If you do not provide the necessary information applicable to your source, the application process will be stopped. Let's get this stopped for a "cleaner, healthier Indiana".

Response

Item 1 - The information related to the nearest resident to the company is used in the modeling for the hazardous air pollutants and the criteria pollutants. The modeling discussion is on pages 18 and 19 of the Addendum. On page 20, it states,"...model results provide the 1-hour maximum concentrations of a pollutant at the property line and distances beyond the property line. The highest of the maximum concentrations was used to compare with the OSHA PEL and the NAAQS." The results of the modeling show that for the hazardous air pollutants the concentrations are less than 1% of the OSHA PEL. For the criteria pollutants, sulfur dioxide has the highest concentration when compared against the NAAQS at 18.5%. Additionally, this modeling issue is discussed on page 26 of this Addendum.

Item 2 - Rule 326 IAC 2-1-3(i)(2) states, "The commissioner shall notify the public of the proposed construction by publishing, in a minimum of one (1) newspaper of general circulation in the county wher the construction is proposed ..." Usually the largest circulated newspaper of the county is used. IDEM has a list of newspapers for every county in the state in which notices are placed whenever a permit is being proposed for issuance. This listing has been amended so that any notices about air permits in Ripley County will be placed in both of the newspapers in Ripley County.

Item 3 - When submitting air permit applications to the OAM, applicants are only required to submit sections 1 through 3 of the MSDS sheets because these are the sections useful for determining potential emissions of air toxics. The other sections of the MSDS are not necessary to evaluate the air permit requirements and are not required to be submitted with the application because many MSDS sheets can be quite lengthy and often numerous MSDS sheets must be submitted with an application. Therefore, to save paper and minimize the size of the permit applications, only sections 1, 2 and 3 of the MSDS sheet are required.

Item 4 - This application has been determined to be complete, as stated on page 2 of the Technical Support Document. The company had provided additional information to make the initial application complete. Therefore, the draft permit was produced.

Comment

A letter was received from R.J. Richle, a citizen of Sunman, and included the following comments:

1. What is done with the waste from this operation? Solid waste - stockpiled at the site or hauled to the landfill?

2. How far does the dust travel - depending on the windspeed? Are charts available?

3. What is done with the contaminated water?

4. What is proposed in this proposed project regarding “wellhead protection”?

5. What substances will endanger plants, animals, and humans? What are proposed treatments?

Response

1. The amount of solid waste generated from this operation is not expected to be substantial. Most of the asphalt is recycled back into the process and there is typically very little waste.

2. The distance the dust travels is what the modeling information on page 19 shows. In this case, the pollutant would be particulate matter. The modeling has provided the maximum impacts for the various pollutants. This shows the maximum concentrations drop off with the increase in the distance from the source.

3. The water runoff issue is addressed on page 37 of this Addendum.

4. This issue is addressed on page 38 of this Addendum.

5. Emissions of hazardous air pollutants (HAPs) from this operation are listed on page 2 of 7 of the TSD and on page 7 of 7 of the emission calculations associated with this proposed FESOP. Indiana presently requests applicants to provide information on emissions of the 187 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. The concentrations of the three (3) HAPs with the highest emissions from the source were modeled. The predicted concentrations of the HAPs were then compared to the Permissible Exposure Limits (PEL) developed by the Occupational Safety and Health Administration (OSHA). The results of this modeling analysis can be seen on page 18. The concentrations of the three (3) worst case HAPs were all less than 0.5% of the OSHA PEL.

   The NAAQS were determined to account for the protection of plants, animals, and humans.

Verbal comments of the same nature as the written comments were also received in a public hearing held on July 22, 1998 at the Sunman Elementary School in Sunman, Indiana. Doug Wagner, Janusz Johnson, and John Rose were in attendance on behalf of IDEM, and over 200 Sunman residents were also in attendance. A summary of some of the comments and responses is as follows:

Comment

Joe Cruse, a Sunman resident, was the first speaker to voice comments. His comments were as follows:

1. One thing we found in the permit application that was not listed was the distance to the nearest resident. It states on IDEM’s form that if you do not provide the necessary information applicable to your source, the application process will be stopped. If they do not list the nearest resident to the layout will IDEM drop this application?

2. We also are concerned about the swale out on the site. We found out that three years ago there was pond contamination. We are greatly concerned about the water runoff and if they are going to do anything about containing the water runoff.

3. On the drawing in the application, they have some things listed as No. 11 and No. 5. We are not sure what these are referring to. Are they tanks or different piles of aggregate or what?

4. In the permit application, it states that the No. 2 fuel oil will be 0.02 percent sulfur, but on the MSDS sheet, it shows zero to five percent. We would like to find out from Paul Rohe Company if they will put in writing that they will only burn the low sulfur fuels.

5. Under combustion in the permit, we want to know why there's a baghouse on the combustion sheet. Are we talking about the engine? The fuel oil? Why is there a baghouse on that? I understand that a baghouse should be on the particulate matter, but not the fuel oil being burned. We're confused on that part of the permit.

6. There is also a discrepancy that we found in the efficiency of the emission control equipment. It says the equipment is efficient to 99.13%, and based on other violations that the Paul Rohe Company has, they don't calibrate their equipment, so we feel that this may be a concern. You can put whatever you want in a permit. If you don't enforce it, who is to say that they won't put out a lot more than what is in the permit?

7. Also, in the permit it says they will operate eight hours a day, five days a week, 40 hours a year, but on the drawing it says they will operate ten hours a day, six days a week, 40 weeks a year. We would like to have some clarification on what the operating hours will be.

8. We also found, on the description of the storage and handling of bulk material, they list that their liquid asphalt tank will be 20,000 gallons, and on the drawing it says 30,000 gallons of liquid asphalt.

9. When some of the citizens in the group here took a tour of the Aurora plant, and we talked to Keith Mosier, the president of Paul H. Rohe, he told us that this unit that they are putting in here is state of the art, and it's being refurbished, but the date of manufacture of this equipment is 1985. It does not sound too state of the art to me.

10. We are also unclear about the baghouse and how it will operate. How will they keep the bags clean? I understand there is a jet pulse in it, and my understanding of a jet pulse is it blows compressed air down into each bag and keeps it clean, but over time, that baghouse is going to cake up, and we would like to know what plans and what precautions do they take when they do cake up their baghouse?

11. We are also concerned about the hazards of the fuel oil and the hot asphalt. There is nothing mentioned in here about a hazard plan, like how do you fight a fire if you have an asphalt spill and it catches on fire. Nowhere in this permit does it say they have to even do that.

12. IDEM requires that sections 1, 2, and 3 of an MSDS sheet be submitted, and those sections deal mainly with air and the effect of breathing this stuff. We got a complete MSDS sheet for asphalt from Ashland Oil, and there are a lot of carcinogens in the emissions that they don't actually require them to list, and we're concerned about all of those carcinogens that will be coming out of the stack, for all of our children and all of the people that live around this plant. We would like to know why IDEM does not require them to fully disclose all of the carcinogens.

Response

1. On the drawing included with the application, the properties of Alfred Kersey and Robert

Ringgenberg are shown as the nearest residences. This issue has been discussed on page 21 of this Addendum.

2. On the issue of pond contamination, in August, 1998, BHE Environmental, Inc. (BHE) was contracted by the Paul H. Rohe Company, Inc. to conduct an environmental assessment of this proposed site for their asphalt plant. The assessment involved collecting two water samples and one sediment sample from a ditch draining from the plant site to the Mr. Collins' pond, collecting two water samples and one sediment sample from the pond, analyzing the water and sediment samples for volatile organic compounds (VOCs) and polynuclear aromatic hydrocarbons (PAHs).

   On August 6, 1998, sampling completed by BHE did not identify any VOCs or PAHs being released in surface water from the site to Mr. Collins' pond.

   On that same date acetone was found in both the drainage ditch and the pond sediment samples. The higher concentration was found in the drainage ditch on the Paul H. Rohe property. Acetone is a non-VOC that is not normally expected to be associated with asphalt products. Acetone is an organic solvent, but also is a degradation compound produced during the biodegradation of naturally occurring organics, such as plants, and may reflect natural site conditions.

   Toluene was found in the sediment sample from the drainage ditch. Toluene is an organic solvent and also a common component of petroleum hydrocarbon fuels and may reflect runoff of spilled fuels from the property or neighboring highways. Toluene was not found in the sediment from the pond.

   The sampling completed by BHE does not show a strong correlation that activities occurring on the Paul H. Rohe property were affecting the pond on the date of sampling.

3. These are storage piles of different sizes of aggregates.

4. Pursuant to 326 IAC 7-1.1 (Sulfur Dioxide Emission Limitations), the sulfur dioxide emissions from the 93.0 MMBtu/hr dryer burning distillate oil shall be limited to 0.5 lb/MMBtu heat input. This equates to a fuel oil sulfur content limit of 0.5%. Therefore, the sulfur content of the fuel must be less than or equal to 0.5% in order to comply with this rule. This limit is stated in condition D.1.4 of the permit. Therefore, since the maximum allowable sulfur content is 0.5%, combustion emissions were based on 0.5% sulfur in the fuel oil, even though the Rohe Company listed 0.02% sulfur in their permit application. As stated in condition D.1.9 of the FESOP, the applicant is required to provide verification of the sulfur content of the fuel oil used by providing a vendor analysis of the fuel oil, performing their own analysis of the fuel oil, or conducting a stack test for sulfur dioxide emissions from the aggregate dryer burner.

5. The baghouse controls particulate matter emissions from those units which are directly vented to the baghouse. In this case, the emissions from the aggregate dryer and the dryer burner are vented to the baghouse and stack. Therefore, the baghouse control efficiency was applied to calculate the controlled particulate matter emissions from drying and combustion only. This control efficiency was only used to calculate controlled particulate matter emissions. All other pollutant emissions were limited through a fuel usage limitation.

6. Based on manufacturer information, baghouses typically are designed to have a minimum control efficiency of 99%. Therefore, it is reasonable to assume that the baghouse at this plant will have a 99.13% control efficiency as stated in the application. The Rohe Company is required to perform stack testing for PM and PM-10 emissions within 120 days after start-up. They are also required to perform daily visible emission notations of the baghouse stack exhaust. These requirements will verify the performance of the baghouse.

7. Paul Rohe intends on operating on an 8 hour per day, five day per week schedule. There may be instances, depending upon the workload of the plant, when longer hours may be worked.

8. The liquid asphalt storage tank is a 30,000 gallon tank, as listed on the drawing and Form R-1 for VOC Storage Tanks. A 20,000 gallon capacity tanker truck for transporting the liquid asphalt is what is referred to on Form G for Storage and Handling of Bulk Material.

9. Since 1985 and before, there is not much that has changed in the basic parts of an asphalt plant. The equipment, such as the dryer, burner, or baghouse, will be about as efficient as the same equipment if supplied today. This is what was meant by state of the art.

10. Condition D.1.12, Parametric Monitoring, of the FESOP requires the Rohe Company to monitor the pressure drop across the baghouse on a daily basis. If there is a blockage in the baghouse, the pressure drop will be outside the specified range for normal operation, and this will indicate that there is a problem. This condition also states that the required Compliance Response Plan, which must be prepared within ninety (90) days after the permit is issued and maintained on site, shall contain troubleshooting, contingency and response steps for when the pressure reading is outside of the proper range for any one reading. Condition D.1.13, Broken Bag or Failure Detection, lists steps that must be taken in the event that bag failure is observed.

11. IDEM cannot require a source to have a plan on file on how to deal with a fire at a facility. Most fire departments have mutual aid agreements with neighboring fire departments for assistance with fires that are too large or numerous to handle alone. In addition, Indiana's Office of the State Fire Marshal has a 24 hour toll free number that fire departments throughout the state use when they need assistance with hazardous materials emergencies or large fires. That number is 1-800-669-7362.

12. Indiana presently requests applicants to provide information only 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. All the ingredients are listed in section 2 of the MSDS, including those compounds that are considered HAPs. Emissions of HAPs from asphalt plants are based on emission factors from USEPA's AP-42, Section 11. These EPA accredited emission factors are based on tests that have been done on asphalt plants and represent the worst case emissions from an asphalt plant. In addition to the HAPs, AP-42 supplies emission factors for other emitted organic pollutants from asphalt plants. Thus, it is not that IDEM does not know what organic pollutants are being emitted from the plants; IDEM already has the information on the type and amount of the various organic pollutants emitted from these plants.

Comment

Lynn Cruse was the next speaker at the hearing. A summary of her comments is as follows:

1. The National Institute of Environmental Health and Sciences (NIEHS) has given documentation, in April, 1997, regarding particulate matter 2.5 microns, that basically comes from the combustion of fuel oil, based on research funded by them. The documentation says "it has shown children to be uniquely vulnerable to environmental health effects due to their smaller body mass and developing systems. The EPA has developed new guidelines on ground particulate matter, 2.5 microns and smaller. Unfortunately, my understanding from the conversations I've had with many of the people at IDEM is that those standards are not enforced. Basically, its my understanding that they don't have the technology to do it. What good are these standards? I wish they would hold off putting this plant in until the technology is advanced enough. Ms. Cruse went on to state some of the health effects of particulate matter pollution based on studies that were done.

2. Has any consideration been placed on the attainment versus nonattainment considerations for this area? Has there been a permissible emissions limit model done for this facility? If so, what are the results? Ms. Cruse then stated the carcinogenic effects of several HAPs that are emitted from the asphalt plant.

Response

1. This issue is addressed on page 36 of this Addendum.

2. Pending issuance of this FESOP, this plant would be approved to operate in all areas of the state including attainment and nonattainment counties, except Lake and Porter Counties which are severe nonattainment counties for ozone. Because of this, although Ripley County is attainment for all criteria pollutants (NOx, CO, Ozone (VOC), SO_2, and PM10), the permit was reviewed as if the plant was in a nonattainment area. All applicable rules for nonattainment areas were applied.

   A modeling analysis, using the USEPA's SCREEN3 model, was done to determine the effects of the pollutants that will be emitted from this source. The concentrations of the three (3) air toxics and the three (3) criteria pollutants with the highest emissions from the source were modeled. The predicted concentrations of the air toxics and criteria pollutants were then compared to the Permissible Exposure Limits (PEL) developed by the Occupational Safety and Health Administration (OSHA). The predicted concentrations of the criteria pollutants were also compared to the 3 hour, 24 hour, and annual National Ambient Air Quality Standards (NAAQS) (there are no NAAQS for air toxics). The results of this analysis are shown on page 18. Additionally, this issue was discussed on page 22 of this Addendum.

   The Paul H. Rohe Company submitted to IDEM a memorandum dated August 31, 1998. The memorandum was sent to Dan Crago of Paul H. Rohe Company from Laura Green, Ph.D., D.A.B.T. from Cambridge Environmental, Inc. in Cambridge, Massachusetts. The memo contains information and documents regarding the health effects of exposure to asphalt fumes. Some key points from the memorandum are as follows:

"In the case of emissions of asphalt fumes, as for all emissions to the atmosphere, what matters are the concentrations of pollutants reaching, for example, the nearest neighbors to an asphalt production facility, as well as, of course, the identity of those pollutants. For properly designed, built, and operated asphalt plants, the airborne concentrations of these pollutants will be, in my experience, acceptably small; and in terms of the identities of these pollutants, they are not dissimilar to the pollutants emitted by cars and trucks, for example, in that they derive from the heating of a petroleum product (asphalt cement)."

S "In general, exposures experienced by workers are considerably larger than exposures experienced by the general population - even by the specific population of those living closest to an asphalt plant or other production facility. In that regard, if workers exposed daily to relatively high concentrations of asphalt fumes suffer few or no adverse effects, then even fewer or no adverse effects would (again, in general) be expected among non-occupationally exposed neighbors. Peer-reviewed studies of the health of asphalt workers have in fact found few to no adverse effects associated with occupational exposures to asphalt fumes."

S "In apparent (but not real) contrast, there are two reports of excess morbidity and mortality in a group of Danish workers exposed to mastic asphalt (asphalt manufactured and used in Denmark which differs from the types of asphalt produced in the U.S. in a number of ways). This has been interpreted as evidence that asphalt fumes cause cancer. Recent work by my colleagues and me (Cole, Lash, and Green, submitted for publication to the Scandinavian Journal of Work, Environment & Health) review the underlying data in detail, and finds that they are simply and directly explained in terms of disease caused by smoking, excessive alcohol use, the interaction of the two, and other risk-taking behaviors. Thus, although these Danish mastic asphalt workers were indeed becoming sick and dying at extraordinary rates, they were doing so not because of their on-the-job exposures (which were, in any event, worse than and otherwise different from exposures faced by the average American asphalt paving worker), but instead because they both smoked and drank to considerable excess."

S "Critics of asphalt plants sometimes raise concerns over fugitive emissions during "loadout" of hot asphalt into trucks. One critic in particular, Dr. Ravi Nadkarni, has made some engineering estimates that suggest that loadout emissions could be responsible for relatively high emission rates of organic compounds. As it turns out, though, the physical basis of his calculations is overly simplistic and perhaps seriously flawed. The technical details of these issues have been described by my colleagues, who submitted their analysis to the U.S. EPA in response to a solicitation to comment on Dr. Nadkarni's calculations. .....The most serious shortcoming of Dr. Nadkarni's calculations is the applicability of the model on which they are based. He assumes that hot-mix behaves as a liquid pool of a volatile substance. As wind blows over the hot-mix asphalt, organic compounds are assumed to evaporate. Hot-mix asphalt, however, is not a liquid in which volatile molecules are free to mix vertically to the surface (and hence become available for evaporation). .....Another factor that Dr. Nadkarni fails to consider is the "skin layer" effect, in which the surface of hot-mix asphalt exposed to air cools and hardens relative to its internal temperature and consistency. The cooled surface layer, even though very thin, will likely reduce the level of VOC emissions below that predicted by the simple loadout model. .....Overall, then, Dr. Nadkarni's calculations likely overestimate the true level of loadout emissions, perhaps by a substantial degree. U.S. EPA has evaluated this question, and finds that Nadkarni's estimates are likely to be quite substantial overestimates."

- "Last year, The State of North Carolina Department of Environment and Natural Resources measured fugitive emissions at two hot-mix asphalt plants. .....Only very low levels of pollutants were detected. In particular, the State concluded that 'benzene concentrations encountered during this investigation are more typical of clean air. Therefore, this investigation completes...[this office's] assessment of asphalt plant fugitive emissions...'"

- "Some asphalt operations can be dusty, due to the use of crushed stone and gravel. There are two categories of dust sources at an asphalt plant: (1) ducted, which are conveyed through the plant's stack; and (2) fugitive, which may be released from various points on the plant site (generally away from the asphalt production machinery). Ducted emissions include dust from the aggregate dryer and other points (such as conveyors) that are operated under negative pressure to prevent the escape of dust. These potential dust emissions are well-controlled by the baghouse, which removes more than 99.9% of the particle loading that enters it. Fugitive dust emissions can result from the handling of aggregate material by front-end loaders and trucks, wind erosion from storage piles, and movement of vehicles over unpaved or dusty roads. These sources are typically effectively controlled by wetting on an as-needed basis."

Comment

County Commissioner E. George Ammerman, Jr. was the next speaker. He stated that he was one of the commissioners who voted to rezone the property to store asphalt chips, and that was the intent. He stated that "Had we known that anything like this was going to take place with an asphalt plant, I'll guarantee you my vote would have been no, but I'm only one vote."

Response

Air pollution control rules do not regulate plant location decisions. It is the OAM's understanding that the facility is acceptable under local zoning requirements. Local governments have jurisdiction on zoning issues.

Comment

Jack Luhring, a Sunman resident, was the next speaker. A summary of his comments are as follows:

1. How can IDEM issue a permit to a company that has proved time after time that they will not adhere to your standards? In another plant, they are exceeding their production limits, they have violations against them for failure to record visible emissions, failure to record baghouse static pressure drop, failure to calibrate the baghouse static pressure gauge, failure to have a preventive maintenance plan, failure to perform and record preventive inspections. He goes on to site several other violations by the Rohe Company.

2. What about storm water retention?

Response

1. The intent of the permit program is to regulate an industry's emissions. These reports showing violations show that the permit compliance program does work. IDEM will take appropriate actions related to these violations.

2. This issue is addressed on page 36 of this Addendum.

Comment

State of Indiana Representative Cleo Duncan was the next speaker. Sen. Duncan basically reiterated what was stated in her letter to Mr. Hamilton to delay issuing the permit until the wellhead protection has been delineated in the area.

Response

This issue has been addressed on page 38 of this Addendum.

Comment

The next speaker at the hearing was Melinda Luhring, a resident. A summary of her comments is as follows:

1. The inspectors that we've been talking to about this, say that asphalt plants are a low priority and they don't inspect them regularly like they say they do. They do a lot of inspections based on public complaints. How are we going to know when to ask for an inspection?

2. Whatever goes in the air is going to come down into our streams and land. What will this do to our wildlife? As was stated before, there is a swale in the back of this that runs right into a creek. How are we going to contain the pollution?

3. If the plant does go in, can we request state-of-the-art filtering systems to help protect us, and more frequent inspections?

4. I have a well and I live 300 feet from the proposed site. Is this plant going to contaminate my well and my drinking water for my kids and anybody who comes to my house?

Response

For the issue of when to inspect the plants, OAM compliance should be contacted for any abnormal occurrence. The inspector will come out and inspect the plant, if there are specific citizen complaints. Enforcement actions will be taken against the company for any violations. This plant will be inspected soon after start-up and the particulate matter performance testing is required within 120 days.

The runoff and contamination issues are addressed on page 36 of this Addendum. The state of the art equipment issue was addressed on page 25 of this Addendum.

Comment

The next speaker was Ruth Riehle, a resident. A summary of her comments is as follows:

1. What is the proposed length of time until this permit will be either denied or approved?

2. How long is a violation known about until it is actually dealt with? Are the plants shut down once the violations are noted or are they allowed to continue to operate and continue to pollute?

3. If the plants are only inspected once a year or once a season, how is that time allotted or how do they determine when to inspect them?

Response

The issue related to inspections is addressed in the response to the comment prior to this one.

Comment

Another speaker was Janice Martin, a resident. Her comments are as follows:

1. She expressed concern that there was no vapor recovery system on the asphalt or the fuel oil. She also expressed concern for their cows since she lives on a dairy farm.

2. She also stated "I live a half mile from the Dearborn County line. If you're on the Dearborn County line, you're part of the greater Cincinnati area, where you're measured for emissions. I talked to the Cincinnati people and they said if we get too much air pollution, like they're getting right now, we could be under federal sanctions for violations, and I'm wondering what we can do about this."

3. The asphalt can be hauled and laid on the ground as long as its 50 degrees. Therefore, when there is a 50 degree day, they'll go beyond that eight or ten hour day and work on Saturdays so that means there's going to be days that they're going to be running above the pollution standard.

4. Who owns the Rohe property? Is it their property or is it just leased? Why do we need another plant when there's one in New Point and Aurora?

5. She also wanted to know if this plant is permanently going to be at this site.

Response

There is vapor control for the asphalt storage tank. This is addressed on page 38 of this Addendum.
The issue related to the pollution is addressed on page 35 of this Addendum.
The work schedule is addressed on page 24 of this Addendum.
The Paul Rohe company owns the property. It is the company's decision as to whether the plant is permanently sited there or not. The company's work schedule will depend upon the amount of their business.

Comment

Another speaker was Joe Merk, a resident. He wanted to know what kind of air monitoring equipment can be put in before this plant starts in operation so we know what baseline we are working at with our air quality, so that after it's gone, we know when we're clean again?

Response

A screening model of the emissions expected from the plant is addressed on page 18 of this Addendum.

Comment

Another speaker was Steven Faulkner, a resident. A summary of his comments is as follows:

1. At a nearby paper plant, in a ten-mile radius, you can smell the odors coming off this plant. Can it be guaranteed that that's not going to happen here?

2. He stated that he sprayed asphalt at Batesville Casket. He stated that he came out with dirt all over him, through his paper outfit and everything. Can it be guaranteed that that's not going to be in the air?

Response

The issue of what will be in the air has been addressed on pages 22, 26 and 27 of this Addendum.

Comment

The next speaker was Mike Czerniak, a resident. He stated that he thinks an asphalt plant needs to be put in an area where there's a gravel pit, where it's maintained, controlled, and in an environment that will not affect the residents of the area.

Response

Again, air pollution control rules do not regulate plant location decisions. The OAM does not have jurisdiction over zoning issues.

Comment

Ron Collins was another speaker at the hearing. He is the owner of the pond in back of the property where the asphalt plant would be. He stated that now he has a lot of oil in the pond. He stated that they said they would clean it up in 1997 and he's still waiting.

Response

This issue has been addressed on page 23 of this Addendum.

Comment

The next speaker was Susan Flick, another resident. A summary of her comments is as follows:

1. With all the violations that the Rohe Company has against them, and all of the discrepancies on the application, how can IDEM allow them to expand when their violations prove that they are not going to adhere to what they are supposed to unless they are watched.

2. The 30-day public notice was published in Versailles. Why wasn't the public noticed published in the local papers near Sunman?

Response

1. This issue was addressed on page 29 of this Addendum.

2. This issue was discussed on page 21 of this Addendum.

Comment

The next speaker was Ed Flick, also a resident. He also expressed concern over the runoff from the site and pond contamination.

Response

This issue was addressed on pages 23 and 36 of this Addendum.

Comment

Some unidentified speakers made the following comments:

1. Are the inspections random or does the company know about them beforehand?

2. When IDEM responds to a complaint, is that considered the normal once-a-season inspection or would there still be a once-a-season inspection?

3. What is once a season?

4. Is there any stipulation in the State of Indiana of how close the residents can be to this type of industry?

Response

1. IDEM does inspections of asphalt plants at least once per season. The plant does not know when the inspector is coming out. Complaints are responded to by having the inspector go out to the plant.

2. If the inspector found any cause for concern, they would go out to the plant more often.

3. Once a season refers to once per year while the plant is in operation.

4. This is no stipulation about the distance for the state of Indiana.

Comment

Dennis Richter, a resident, was another speaker at the hearing. He stated that the State of Indiana maintains a garage there for road salt, highway sand, and repeatedly there has been runoff running down the creek which crosses through his property into Pipe Creek. IDEM has been told about this and they still have not responded. He wonders why they should care about the runoff from the proposed asphalt plant if they don't care about the runoff into Pipe Creek.

Response

This issue was addressed on page 36 of this Addendum.

Comment

Lynn Cruse, who had already spoken once, spoke again and added these comments:

1. She reiterated concerns over the lack of inspections of the plant, the effect on the federal mandate that's going to be coming into the Cincinnati area regarding air quality, and storm water runoff.

2. Regarding the opacity limits in the permit, she stated that it was confusing because first it says that they would be limited to a 20% opacity, and later it says they would be limited to a 30% opacity.

3. In the initial part of the permit application, it says that there is going to be a cyclone collector on the dryer. In the permit, the cyclone collector is not listed.

4. Ms. Cruse stated that where she works, when things come out of the stack, they go through a baghouse, and then a cyclone collector, then an electrostatic precipitator. Will an electrostatic precipitator help in this matter to keep our air clean? If so, will the Rohe Company be required to put it in?

5. When the EPA guidelines for PM2.5 and smaller come out and are enforceable, will this plant be made to put in the equipment to meet those standards or will they be grandfathered in?

6. Ms. Cruse expressed concern over the Rohe Company's past violations indicating that they would not adhere to the proposed permit. She believes IDEM should give higher fines to the company for the violations.

7. Regarding the baghouse, the permit says it is 99.13% efficient. At what particle size is it 99.13% efficient? Is it that efficient for PM2.5 which would be the most harmful size?

8. In the permit application, it says that emissions from fugitive dust will be contained to 75%. But in the permit it says that they will be required to keep any dust from leaving that property. How can a system that's 75% efficient at keeping the dust out will stop it from passing over into everyone else's property?

9. One of the Rohe Company's violations at its Aurora plant is for not calibrating their equipment properly. If its not calibrated, one can't say the baghouse is 99.13% efficient.

10. It says in the permit under Asbestos Abatement Project that the Rohe Company must give notification if they're going to rip out any asbestos. Is asbestos contained within the burners or anywhere in the plant?

11. In the permit it says they will be excused from having to do their monitoring if staff qualified to perform the required observations, maintenance procedures or record keeping are temporarily not on the premises. Does this mean that if someone is unexpectedly out for two weeks the plant will be operating producing whatever they want to produce?

Based on their past violations, it doesn't seem they keep records anyway.

Response

1. This issue is discussed on pages 28 and 36 of this Addendum.

2. One of the opacity rules is a federal New Source Performance Standard, 40 CFR 60.92, Subpart I. This requires that the affected facility, which in this case is the asphalt plant dryer, meet an opacity limit of 20%. That's specific to the asphalt plant's stack. The other rule is a state rule, 326 IAC 5-1-2, that covers all industries, regardless of what type they are. Since this plant is a portable plant, it must meet the standards of any county that, under the permit, they would be allowed to move into, including particulate matter nonattainment counties. For nonattainment counties the rule requires that the opacity from fugitive dust and any other particulate emissions coming out of the stacks from the rest of a plant not exceed 30%. The federal rule covers opacity from the dryer stack only, where the state rule covers opacity from the entire source.

3. There is a cyclone collector preceding the baghouse controlling emissions from the aggregate dryer. This was erroneously omitted from the equipment description for the aggregate dryer. Therefore, the equipment description for the dryer in section A.2 and section D.1 of the FESOP, and on page 1 of the TSD is revised to read as follows (new text in bold):

   (1) one (1) aggregate drum mix dryer, with a maximum capacity of 325 tons per hour, equipped with one (1) No. 2 distillate fuel oil fired aggregate dryer burner with a maximum rated capacity of 93.0 million (MM) British thermal units (Btu) per hour, using **one (1) cyclone collector and** one (1) baghouse **in series** for air pollution control, and exhausting at one (1) stack;

4. An electrostatic precipitator may have been one of the options that the company examined in determining the control device to be used with their process. In most cases for asphalt companies, the most efficient and cost effective control device is a baghouse.

5. This issue is addressed on page 36 of this Addendum.

6. This issue was addressed on page 28 of this Addendum.

7. It is that percentage efficient for PM-10 emissions.

8. Condition C.5 of the FESOP states that the Permittee shall not allow fugitive dust to escape beyond the property line in a manner which would violate 326 IAC 6-4. The rule states several criteria that if violated would constitute a violation of the rule. Pursuant to this rule fugitive dust cannot be visible crossing the property line of the source. Therefore, as long as the fugitive dust is not visible, it could cross the property line of the source. Wet suppression is the method of control that will be used to control fugitive dust emissions from storage piles and unpaved roadways. In the emission calculations, wet suppression is conservatively assumed to have a 50% control efficiency instead of 75% as was listed in the permit application.

9. The baghouse control efficiency is based on manufacturer's information. Although the Rohe Company has had past violations for not calibrating their equipment, it cannot be assumed that this will occur in this case. A 99% control efficiency is typical of most baghouses, and, since the source is required to perform stack testing on emissions from the aggregate dryer, this will confirm the ability to comply with the particulate matter emission limits.

10. There is no asbestos at the asphalt plant.

11. Condition C.18 of the permit describes the situation for monitoring whether the operator is there or is not there.

Comment

Several of these residents sent in letters after the public hearing reiterating the issues raised at the public hearing. Some of the other individuals that sent letters in whose names were not previously mentioned are as follows:

Grant A. Kleinhenz, representative for the Ripley County Economic Development Corporation;
Kevin Fischessen, a resident;
Kelly Kopp, a resident;
Robert Harig, a resident; and
Wayne Mundstock of the Mundstock Corporation, a member of the Sunman Area Chamber of Commerce.

Several persons commented with the following concerns:

How will Ripley County benefit from the tax impact of this operation? (RJ Richle)

How will this affect our county roads in this area? What route (road names) will be used? Bridges? What will be the impact on traffic in this area? (RJ Richle, Brenda Werner, Ray Noble)

How would they deal with the need for increased police protection? (Marian Koester)

The plant will be a sore eye for the community and is concerned about health issues. (Liz Stenger)

Concern about health issues (Liz Stenger, Dotti Denni, Ruth Riehle, Dave Spreug, Janice Martin, Brenda Werner)

How many trucks per day? (Ruth Riehle)

How much noise will be generated? (Ruth Riehle)

Medical expenses (Janice Martin, Dotti Denni)

Safety standards (Gary Seg)

What do you think this plant will do for the community? (Sue Porter)

Did the company have other motives when they asked for rezoning? (Sue Porter)

Why is this plant not located at a gravel plant? (Sue Porter)

Property values (Ray Noble, Brian Pickens)

Response

The area of health issues is addressed on pages 26 and 27 of this Addendum.

All other questions raised in this section are outside the jurisdiction of the OAM.

These additional questions were responded to:

1. Several persons asked how the proposed source will affect the need to meet the new standards for ozone and particulate matter, both for the local area and communities downwind from the source.

EPA's revised air quality standards for ozone and fine particulate matter were signed by United States Environmental Protection Agency Administrator Carol M. Browner and implemented by a Memorandum from President Clinton on July 16, 1997. These revisions are the first updates in 20 years for ozone (smog) and the first in ten years for particulate matter (soot).

The New Ozone Standard

Under the new ozone standard, there are seven areas of Indiana that will be areas of concern under the new standard. Two areas have been areas of concern under the previous standard and will continue to work to meet the new standard. One area is composed of Lake and Porter Counties, the other is composed of Floyd and Clark Counties. Five other areas may become transitional areas; that is, they are expected to not meet the new standard. Those five areas are composed of:

1. Laporte, St. Joseph and Elkhart Counties,

2. Allen County,

3. Vigo County,

4. Marion County and the eight counties contiguous to it; Boone, Hamilton, Madison, Hancock, Shelby, Johnson, Morgan, and Hamilton Counties, and,

5. Posey, Vanderburgh and Warrick Counties.

U.S. EPA will be designating nonattainment areas under this new standard in 2000. By 2003, Indiana will submit plans for meeting the standard in nonattainment areas. Ripley County is currently an attainment area under the previous ozone standard. It is expected to meet the new ozone standard. IDEM can not require industries to take any additional steps to limit air pollution emissions under the ozone standard until the area is found to be in nonattainment.

Affect on Downwind Areas

Indiana has been working with U.S. EPA over past two years through the Ozone Transport Assessment Group (OTAG) – a group comprised of the state environmental commissioners from the 37 eastern most states. Based on recent recommendations from OTAG, EPA has proposed a rule requiring states in the OTAG region, including Indiana, that are significantly contributing to nonattainment or interfering with maintenance of attainment in downwind States to submit State Implementation Plans (SIPs) to reduce their interstate pollution.

Reducing interstate pollution will help all areas in the eastern U.S. attain the 1-hour standard and the new 8-hour standard. By using these cost-effective strategies for reducing ozone levels, it will also mean that these areas can avoid traditional nonattainment planning requirements.

The New Particulate Matter Standard

The new particulate matter standard will require the accumulation of new monitoring data. All of the present data in Indiana is based on gauging emissions of particles that are 10 microns or larger in diameter. Indiana is presently deploying a network of new air quality monitors able to measure the smaller particles that are as small as 2.5 microns in diameter.

The plan for implementing the new standards calls for U.S. EPA to complete a 5-year scientific review of the new standards by 2002. U.S. EPA will designate nonattainment areas between 2002 and 2005. Indiana will have a deadline sometime between 2005 and 2008 to submit implementation plans for meeting the new particulate matter standard. Indiana will then have between 2012 and 2017 to meet the new standard.

Ripley County meets the current particulate matter standard, known as "PM^{10}". For the scientific information available, IDEM believes that Ripley County will also meet the new "$PM^{2.5}$". IDEM can not require industries to take any additional steps to limit air pollution emissions under the new particulate matter standard until a source would violate the standard. IDEM believes that the best available information, including air quality modeling, shows that this source will not cause a violation of the current PM_{10} standard or the new $PM_{2.5}$ standard.

2. Several persons were concerned about surface and groundwater contamination from the site of the proposed facility. Persons were concerned about contamination from the presence of asphalt debris currently present at the proposed site as well as the possible effect of future contamination from activities and accidental releases from the proposed asphalt plant.

Asphalt Debris On the Site

In response to a complaint from Ms. Lynn Cruse, IDEM inspectors Jim Evans, from the Office of Solid and Hazardous Waste Management, and Kevin Hotz, from the Office of Water Management, conducted an inspection of the site on July 15, 1998. Also present during the inspection were Mr. Ronald Collins, owner of a pond adjacent to the site, and Gene Allen of Sunman Utilities.

The inspectors found a pile of asphalt debris, greater than one acre in size. The inspectors concluded that the debris was asphalt from the grinding up of road beds. The flow of surface water at the site is generally to the west and into a small pond owned by Mr. Ronald Collins. At the time of the inspection a flow of water about one foot wide was flowing off the site and into the pond. The water was clear with no visible sheen. Mr. Collins stated that his pond had been contaminated by an oily runoff 3 or 4 years ago. Since that time he has had little problems.

Indiana's solid waste regulations specifically exempt the disposal of "road demolition waste materials" from regulation by IDEM. 326 IAC 10-3-1 contains this exclusion and 326 IAC and 10-2-160 defines the term "road demolition waste." IDEM's water regulations do give IDEM the authority to address pollutants moving into surface and groundwater. No water pollution source was noted during the inspection.

Storm Water Runoff from the Proposed Site

The source will have to comply with the storm water runoff rules. IDEM has added a reference to this requirement in the permit. Condition C.23 has been added to the permit:

Pursuant to 327 IAC 15-16-1, Indiana's Storm Water Rule, the permittee shall comply with the applicable requirements of the rule, including the submission of a complete Notice of Intent letter in compliance with the requirements of 327 IAC 15-6-6 one hundred eighty (180) days before completion of construction.

A copy of the Storm Water Rules is attached to this document.

3. Information was submitted about the state of North Carolina. The state had instituted a moratorium on the issuance of air permits to new asphalt plants and modified asphalt plants. This moratorium was based on the toxic emissions being emitted from the loadout of asphalt into trucks at the plant and the emissions from the storage silo.

Response:

The Division of Air Quality (DAQ) of North Carolina recently revised its evaluation of hazardous air pollutant (HAP) emissions to address not only emissions from the stack of asphalt plants, but also to address the fugitive emissions from the two other areas. The areas were the storage silo and the truck loadout. DAQ ran some tests to determine an appropriate emission factor for these fugitive emissions. The emission factor was determined for the HAP benzene, since previous studies indicated that benzene would be the most likely HAP to exceed the Acceptable Ambient Level (AAL) from these facilities. The Acceptable Ambient Level (used by North Carolina) is similar to the OSHA PEL (used by OAM), in that it is used as a comparative number to the actual HAP emission rate.

Page 18 of the Addendum shows the screening performed for this plant. In this analysis, Toluene was screened. The permit application shows that Toluene is expected to be emitted at a rate of 0.00075 pounds per ton. Benzene is expected to be emitted at a rate of 0.00041 pounds per ton. This is only 55% of the emissions compared to Toluene. However, these would be the emissions for the stack. Using the emission factor calculated by North Carolina, the emission increase related to the fugitive emissions from the storage silo and the truck loadout area would be a addition of emissions of less than 0.2 percent.

Toluene, when compared to the OSHA PEL as shown on page 18 of the Addendum, results in emissions less than 0.1 percent of the OSHA PEL. If Benzene had been compared to the OSHA PEL based upon similar screening, and including the additional fugitive emissions, the comparison would show that the benzene emissions are less than 0.1 percent.

Thus, the concerns of the additional emissions related to the fugitive emissions result in no change in the results of the permit screening.

4. Additional steps the company will take

Paul Rohe Company, Inc. is willing to construct secondary containment for the 30,000 gallon asphalt cement tank and the two 10,000 gallon diesel fuel tanks. They will construct an earthen berm for containment of the asphalt cement because of its physical properties that return to a solid at ambient temperatures (i.e.: it will not permeate into the ground).

The secondary containment for the diesel fuel tanks will be constructed of a material that is impervious to the diesel fuel being stored (i.e.: concrete, steel, HDPE).

In an effort to minimize HAP and VOC emissions and their associated potential odors, Paul Rohe will install fume condenser hoods on the vents of the asphalt storage tanks. IDEM has also included the installation and operation of the condenser hoods as a requirement in the permit. This equipment condenses and abates odor when odor emanates as a result of air within the tank being displaced when the tank is filled with asphalt. At the present time, IDEM considers that the installation of the fume condenser hoods and good housekeeping practices will minimize odors.

Paul Rohe has agreed to pave the roads on the plant site that will see the truck traffic. A condition has been added to the permit (C.24) to account for this. This will reduce the fugitive dust emissions at the plant.

5. There were several comments about the wellhead protection program.

Indiana's 1989 Ground Water Protection Act [Indiana Code 13-18-17-6] authorizes the Water Pollution Control Board to establish regulations to protect Community Public Water Supply System (CPWSS) well fields from contamination [IC 13-7-26-7]. These regulations were put into effect on March of 1997. The rules are set out at the end of this response.

Indiana's approach to Wellhead Protection (WHP) consists of a mandatory component for the development of local programs for CPWSSs. Community systems will be required to meet the minimum elements of community planning, delineation of the wellhead protection area(WHPA), source identification, management of potential sources, and contingency planning.

The initial step required to develop a WHP plan is the organization of the appropriate people to plan the system's or community's approach to WHP. A local planning team (LPT) must be organized to provide support to decisions relevant to the various aspects of a local WHP plan.
The local planning team should guide the process for delineation of the WHPA, identification of potential sources of contamination, the determination of specific management measures to be implemented, and the development of a contingency plan to provide for emergencies resulting from contamination events.

Mary Hoover, a geologist with IDEM's Office of Water Management, Drinking Water Branch, has been working with the town of Sunman over the last two years. The local planning team contact is Mr. Wayne Jenner, the town board president. Sunman manages the public water supply utility, Sunman Water. The Sunman LPT has not yet completed the delineation of the wellhead protection are. It has contracted with a consultant to complete the delineation.

Following the delineation step, the system should undertake a program for identifying all potential sources of contamination located within the delineated WHPA. A source inventory (source I.D.) should consist of the information necessary to manage the potential source to prevent contamination. This information should include: a map locating the identified sources, the type of activity performed at the site, chemicals stored or handled on-site, and whether the facility is regulated by local, State, or federal agencies.

Following the delineation and potential source inventory steps, the LPT should determine appropriate measures to manage all potential sources within the WHPA. A plan, with corresponding schedule for implementation, should be developed.

In addition to the above steps, the system must develop a plan to provide for contingencies when there is an emergency resulting in contamination to the well or within the delineated WHPA. This plan generally consists of a list of emergency phone numbers, agreement with local or State emergency response programs to contact the PWSS in case of contamination events, and procedures to follow when contamination occurs. IDEM will develop guidance for developing a comprehensive contingency plan that considers all emergencies that may be encountered by a PWSS.

After review by IDEM, PWSSs which demonstrate an adequate WHP plan will be awarded a formal plan approval. Approval of local WHP plans will be contingent on the system's commitment to implementing the management measures outlined in the management plan.

INDIANA WELLHEAD PROTECTION RULE

327 IAC 8-4.1

Rule 4.1. Wellhead Protection

327 IAC 8-4.1-1 Definitions
Authority: IC 13-18-3; IC 13-14-8; IC 13-18-17-6
Affected: IC 13-11; IC 13-13; IC 13-18; IC 13-11-2-43; IC 15-3-3.5; IC 15-3-3.6; IC 25-39-4

Sec. 1. In addition to the definition in IC 13-11-2-43, the following definitions apply throughout this rule:
(1) "Aquifer" means an underground geological formation that has the ability to receive, store, and transmit water in amounts sufficient for the satisfaction of any beneficial use.
(2) "Best management practices" means schedules of activities, prohibitions of practice, treatment requirements, operation and maintenance procedures, use of containment facilities, and other management practices to prevent or reduce the pollution of waters of the state.
(3) "Calibration" means the process of refining the model representation of the hydrogeologic framework, hydraulic properties, and boundary conditions to achieve a desired degree of correspondence between the model simulation and observations of the ground water flow system.
(4) "Certified Professional Geologist" means a professional geologist certified by the state of Indiana under IC 25-17.5-1.
(5) "Community public water supply system" or "CPWSS" means a public water supply system that serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.
(6) "Conceptual model" means a description of the hydrogeologic system that represents the movement of ground water, for example:
(A) geologic and hydrologic framework;
(B) media type;
(C) physical processes;
(D) hydraulic properties;and

(E) water budget.
(7)"Confined aquifer" means an aquifer in which ground water is confined under pressure that is significantly greater than atmospheric pressure.
(8) "Critical water users" means water users whose immediate health or welfare would be affected in an adverse manner if water use is denied.
(9) "Customers" means number of persons served by the public water supply system.
(10) "Delineation" means a process used to define boundaries of the well head protection area.
(11) "Department" means the department of environmental management created under IC13-13-2.
(12) "Emergency condition" means a condition related to ground water contamination which threatens to disrupt water supply service from a community public water supply system wellfield.
(13) "Hydrogeology" means the study of the geology of ground water, with particular emphasis on the chemistry and movement of water.
(14) "Hydrostratigraphic unit" means a grouping of geologic units of similar hydrogeologic properties, for example, aquifers and confining units.
(15) "Large public water supply system" means a public water supply system serving greater than fifty thousand (50,000) customers.
(16) "Medium public water supply system" means a public water supply system serving from three thousand three hundred one (3,301), up to and including, fifty thousand (50,000) customers.
(17) "Model" means an investigative technique using a mathematical or physical representation of a system or theory that accounts for all or some of its known properties.
(18) "Pesticide review board" means the Indiana pesticide review board created by IC 15-3-3.5 to collect, analyze, and interpret information on matters relating to the use of pesticides.
(19) "Potential source of contamination" means a facility, site, practice, or activity that possesses the ability to contaminate ground water.
(20) "Public water supply system" or "PWSS" means a public water supply for the provision to the public of piped water for human consumption if such a system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.
(21) "Qualified ground water scientist" means an individual who possesses a bachelor's degree or higher in the physical sciences, for example geology, or engineering with a sufficient level of experience to make sound professional judgments regarding site characterization and hydrogeology. This level of experience may be demonstrated by certification or registration as a professional geologist or engineer, either of whom shall have education or professional experience in hydrogeology or ground water hydrology.
(22) "Sanitary setback" means an area established around a CPWSS production well to protect ground water from direct contamination.
(23) "Small public water supply system" means a public water supply system serving up to and including three thousand three hundred (3,300) customers.
(24) "State chemist" means the office of the Indiana state chemist authorized by IC 15-3-3.5 and IC 15-3-3.6 to administer the use, application, storage, mixing, loading, transportation, and disposal of pesticides in Indiana under those chapters.

(25) "Time of travel" or "TOT" means the calculated length of time a particle of water takes to reach a CPWSS production well from a certain point.
(26)"Time of travel (TOT) threshold" means a threshold determined by the community or CPWSS to suit the hydrogeologic conditions and needs of the community; however, a minimum five (5) year TOT for modeled wellhead protection areas and three thousand (3,000) feet for fixed radius wellhead protection area is allowed.
(27) "Wellhead protection area" or "WHPA" means the surface and subsurface area, delineated by fixed radius, hydrogeological mapping, analytical, semianalytical, or numerical flow/solute transport methods, which contributes water to a CPWSS production well or wellfield and through which contaminants are likely to move through and reach the well within a specified period.
(28) "Wellhead protection program" or "WHPP" means a program to sustain drinking water quality in ground waters that supply public water supply wells and wellfields. The program is mandated by the 1986 amendments to the Federal Safe Drinking Water Act, Title II, Section 205, Subsection 1428.
(28) "Well log" means a drilling record that describes the subsurface formations that have been drilled through and gives details of well completion as required by IC 25-39-4 and 310 IAC 16-2-6.
(Water Pollution Control Board; 327 IAC 8-4.1-1)

327 IAC 8-4.1-2 Applicability of rule
Authority: IC 13-18-3; IC 13-14-8; IC 13-18-17-6
Affected: IC 13-11; IC 13-13; IC 13-18

Sec. 2. The WHPP is required for each well or wellfield providing ground water to a CPWSS. (Water Pollution Control Board; 327 IAC 8-4.1-2)

327 IAC 8-4.1-3 Enforcement
Authority: IC 13-18-3; IC 13-14-8; IC 13-18-17-6
Affected: IC 13-11; IC 13-30-3; IC 13-14-12; IC 13-30-4; IC 13-30-6

Sec. 3. This rule may be enforced through administrative or judicial proceedings, under IC 13-30-3 and the penalty provisions of IC 13-14-2; IC 13-30-4; IC 13-30-6. (Water Pollution Control Board; 327 IAC 8-4.1-3)

327 IAC 8-4.1-4 Local planning teams
Authority: IC 13-18-3; IC 13-14-8; IC 13-18-17-6
Affected: IC 13-11; IC 13-13; IC 13-18

Sec. 4. (a) The CPWSS shall coordinate and form or participate in a local planning team (LPT) to guide the development and implementation of the CPWSS's WHPP.

(b) The local planning team must have representation of parties that may be affected by the development and implementation of the WHPP.

(c) The CPWSS must public notice the formation of a local planning team in the newspaper of largest general circulation within the area where the LPT is being formed.
(Water Pollution Control Board; 327 IAC 8-4.1-4)

327 IAC 8-4.1-5 Criteria for selecting the delineation method for determining the wellhead protection area
Authority: IC 13-18-3; IC 13-14-8; IC 13-18-17-6
Affected: IC 13-11; IC 13-13; IC 13-18; IC 14-25-7

Sec. 5. (a) During Phase I of the WHPP, the CPWSS must delineate the WHPA using one (1) of the five (5) accepted methods of delineation.

(b) Any CPWSS may use the following methods:
(1) The analytical method.
(2) The numerical flow/solute transport model methods.
(3) The semianalytical method.

(c) A CPWSS may use the hydrogeologic mapping method as the sole method of delineation only with prior approval from the department.

(d) A CPWSS may use the fixed radius method after receiving prior approval from the department. Approval to use the fixed radius method is based on either of the following criteria:
(1) A CPWSS does not qualify as a significant water withdrawal facility (in accordance with IC 14-25-7).
(2) A CPWSS qualifies as a significant water withdrawal facility, in accordance with IC 14-25-7, and the average daily withdrawal is less than one hundred thousand (100,000) gallons per day demonstrated by:
(A) submittal of annual total pumping data for the previous five (5) years of operation to the department; and
(B) statistical determination by the department of an upper confidence interval of one hundred thousand (100,000) gallons per day or less by the following formula:

$$\_ = t(0.95, n-1)(S/n1/2)$$

_ = Mean of pumping data
S = Standard deviation of pumping data
t(0.95,n-1) = t statistic at 95%, n degrees of freedom
n = Number of observations

(e) Upon selecting and carrying out a delineation method, a CPWSS must submit justifying data in accordance with section 8 of this rule.

(f) All delineation methods available to CPWSSs for defining the WHPA are outlined within

"Guidelines for Delineation of Wellhead Protection Areas" . *

(g) Site characterization and WHPA delineation, using either the modeling methods, described in subsection (b), or hydrogeological mapping methods described in subsection (c), must be performed by a qualified ground water scientist.
(Water Pollution Control Board; 327 IAC 8-4.1-5)

- "Guidelines for Delineation of Wellhead Protection Areas", United States Environmental Protection Agency, Office of Ground Water Protection, Washington, D.C. 20460, May 1993, EPA Publication No. 440/5-93-001. Copies of "Guidelines for Delineation of Wellhead Protection Areas" are available at the
- **Indiana Department of Environmental Management,**

Office of Water Management, Drinking Water Branch,
Ground Water Section,
100 North Senate Avenue,
P.O. Box 6015,
Indianapolis, IN 46206-6015.

327 IAC 8-4.1-6 Map requirements
Authority: IC 13-18-3; IC 13-14-8; IC 13-18-17-6
Affected: IC 13-11; IC 13-13; IC 13-18

Sec. 6. (a) All maps required by this rule, except topographic maps, must be drawn to a scale between 1" = 400' and 1" = 1,000' .

(b) All topographic maps required by this rule must be United States Geological Survey (USGS) seven and one-half (7.5) minute series.
(Water Pollution Control Board 327 IAC 8-4.1-6)

327 IAC 8-4.1-7 Delineation
Authority: IC 13-18-3; IC 13-14-8; IC 13-18-17-6
Affected: IC 13-11; IC 13-13; IC 13-18

Sec. 7. (a) If a CPWSS delineates the WHPA using a model, a report with a narrative description of the regional hydrogeologic setting, the conceptual model, and modeling efforts must be submitted. The report must include the following:
(1) Analysis of hydrogeologic setting and the conceptual model including the following:
(A) Map of the area of interest.
(B) Review of published hydrogeologic and geologic interpretations over the area of interest.
(C) Geologic cross sections showing the following:
(i) Hydrostratigraphic units.
(ii) Water levels.
(iii) Relationship of surface water bodies to the hydrostratigraphic units.

(iv) Pumping wells with screened intervals.
(D) Well logs and records used in cross section development. If the number of well logs used in cross section development is greater than fifty (50), the maximum number of well logs submitted to represent the cross section(s) may be negotiated with the department.
(E) A map that illustrates over the area of interest the following:
(i) Location of CPWSS wells.
(ii) Location of high capacity wells registered as significant water withdrawal facilities as defined in IC 14-25-7.
(iii) Surface water features.
(iv) Thickness and extent of hydrostratigraphic units .
(v) Regional water levels.
(vi) Bedrock topography.
(F) Summary of raw data used in the development of the conceptual model.
(G) Discussion of hydrogeologic parameters.
(H) Discussion of the ground water flow system including the following
(i) Distribution of recharge.
(ii) Current CPWSS pumping rates and planned changes in pumping rates.
(iii) Pumping rates of neighboring high capacity wells.
(2) Presentation and discussion of the modeling effort must include the following:
(A) The rationale for delineation method selection.
(B) A tabulated summary of the model input parameters showing the range over which the parameters were varied.
(C) An example input file.
(D) A map showing the following:
(i) The domain of the modeled area within the area of interest.
(ii) Location of any boundary conditions used.
(iii) Calibration target locations if used.
(iv) Modeled potentiometric surfaces.
(v) Resultant WHPA boundaries.
(E) Discussion of the following:
(i) Assumptions used in the modeling effort.
(ii) Changes made to initial conditions.
(iii) Calibration analysis if used.
(iv) Water budget of the model if available.
(v) Effects of uncertainty in input parameters and boundary conditions on modeled WHPA boundaries.

(b) A CPWSS that, after approval from the department, delineates the WHPA using the fixed radius method must submit the following data to the department:
(1) A map depicting the following:
(A) The wellhead protection area boundary.
(B) The CPWSS pumping well locations.
(C) The location of wells in the area registered as significant water withdrawal facilities as defined in IC 14-25-7.
(2) A topographic map of the area.

(3) Well logs for the CPWSS pumping well.

(c) A CPWSS that delineates the WHPA using the hydrogeologic mapping method must submit data as required and agreed to by the department and the CPWSS.
(Water Pollution Control Board; 327 IAC 8-4.1-7)

327 IAC 8-4.1-8 Phase I submittal requirements
Authority: IC 13-18-3; IC 13-14-8; IC 13-18-17-6
Affected: IC 9-21-2; IC 9-21-3; IC 13-11; IC 13-13; IC 13-18; IC 15-3-3.5; IC 15-3- 3.6; IC 25-31; IC 25-39-4-6

Sec. 8. To have Phase I of a WHPP approved by the department, a CPWSS must submit the following material as prescribed in section 15 of this rule:
(1) The names and affiliations of the members of the local planning team, as well as any subcommittees designated by the local planning team.
(2) A complete WHPA delineation as described in section 7 of this rule. Items submitted in compliance with section 7(a)(1)(C), section 7(a)(1)(E)(iv), section 7(a)(1)(E)(vi) and section 7(c) must be performed by or under the supervision of a Certified Professional Geologist and bear his/her seal. Items submitted in compliance with section 7(a)(1)(C), section 7(a)(1)(E)(iv), section 7(a)(1)(E)(vi) and section 7 (c) are exempt from certification by a Certified Professional Geologist when performed by the following:
(A) an officer or employee of the United States government, state government, or local government while engaged in providing geological services for the officer's or employee's employers.
(B) a person engaged solely in geological research or instruction of geology.
(C) a professional engineer registered under IC 25-31 who applies geology to the practice of engineering.
(3) An inventory of potential sources of contamination containing a complete list of existing facilities, sites, practices, and activities for both regulated and unregulated potential sources of contamination. The inventory of potential sources of contamination must be submitted in the following forms:
(A) A narrative description of land use within the WHPA.
(B) A land use map with potential sources of contamination plotted, showing their locations relative to the WHPA boundaries.
(C) A table containing information describing the potential sources of contamination including the following:
(i) Facility identification number, cross-referenced to clause (B).
(ii) Facility name and location.
(iii) Site description.
(iv) Any environmental permits issued for the site, including number and agency issuing the permit.
(v) Types of contaminants at site.
(vi) Operating status of site.
(4) A management plan that must include the following:
(A) A plan to manage the sanitary setback area that includes the following:

(i) Measures for the management of the area, consistent with the requirements of 327 IAC 8-3.
(ii) Measures to prohibit the storage and mixing of chemicals, other than:
(AA) those used for drinking water treatment; or
(BB) pesticides that are regulated by the pesticide review board through IC 15-3-3.5 and IC 15-3-3.6.
(iii) Provisions to secure the wellhead to prevent unauthorized access.
(iv) Guidelines that employ best management practices for transportation routes within the sanitary setback area.
(B) A plan to manage the WHPA that addresses the following:
(i) Management or monitoring measures for all potential sources of contamination as identified in subdivision (3) to effectively protect the ground water and drinking water supply. The management or monitoring measures must consider the locations and type of potential sources of contamination and hydrogeologic characteristics of the WHPA.
(ii) Compliance of CPWSS production wells with state construction standards and permit requirements under 327 IAC 8-3 and 310 IAC 16.
(iii) Monitoring for contaminants associated with identified potential sources of contamination according to the department's standardized monitoring framework under 327 IAC 8-2.
(iv) Methods or procedures for maintaining and updating records concerning changes to potential sources of contamination within the WHPA.
(v) Identification of abandoned wells not in compliance with IC 25-39-4-6 and 310 IAC 16-10.
(vi) Use, application, storage, mixing, loading, transportation, and disposal of pesticides in accordance with IC 15-3-3.5, IC 15-3-3.6, and the rules and guidance thereunder, developed by the pesticide review board and the state chemist.
(vii) Notification of property owners, mineral owners and leaseholders of record that they are located within a WHPA.
(viii) Provide owners and operators of identified potential sources of contamination access to a copy of the local WHPP.
(ix) The establishment of a public outreach program to educate the public and owners or operators of identified potential sources of contamination about the consequences of ground water contamination, and the methods available for preventing ground water contamination.
(x) The posting of wellhead protection signs along major thoroughfares at the perimeter of the WHPA.
(xi) Other management measures required to comply with this section.
(5) A contingency plan to provide safe drinking water in emergency conditions must include the following:
(A) Description of plan to train local responders.
(B) Description of emergency response to leaks, spills, or illegal discharges.
(C) A list of information to be provided to local responders, including the following:
(i) Location of WHPA boundaries.
(ii) CPWSS operators to contact during an emergency.
(iii) A twenty-four (24) hour telephone number for the following:
(AA) IDEM, office of emergency response.
(BB) State, local, and city/county police.
(CC) State, local, and city/county fire/hazmat team.

(DD) City or county disaster services agency.
(EE) Water supply owner, superintendent, and operator.
(FF) City or county hospital.
(D) Identification and description of potential alternate sources of water.
(E) Identification of procedures and description of methods to notify critical water users of an emergency.
(F) The posting of procedures to follow in an emergency and information on the location and availability of the complete contingency plan.
(Water Pollution Control Board; 327 IAC 8-4.1-8)

327 IAC 8-4.1-9 Phase II submittal requirements
Authority: IC 13-18-3; IC 13-14-8; IC 13-18-17-6
Affected: IC 13-11; IC 13-13; IC 13-18

Sec. 9. To have Phase II of a WHPP approved by the department, a CPWSS must submit the following material within the time frame prescribed in section 15 of this rule:
(1) Phase II delineation must include the following:
(A) An updated Phase I submittal reflecting changes if any.
(B) A discussion describing how the updated WHPA compares with the previously delineated WHPA.
(2) Phase II potential sources of contamination inventory must include an update to the source inventory provided in the Phase I submittal.
(3) Phase II management plan must include the results of the implementation of Phase I management plan.
(4) Phase II contingency plan must include documentation of training given to local responders.
(Water Pollution Control Board; 327 IAC 8-4.1-9)

327 IAC 8-4.1-10 Department review of Phase I and Phase II submittal requirements
Authority: IC 13-18-3; IC 13-14-8; IC 13-18-17-6
Affected: IC 13-11; IC 13-13; IC 13-18

Sec. 10. (a) The department shall review Phase I and Phase II submittals based on the following criteria:
(1) WHPA delineation including the following:
(A) The completeness and accuracy of the data used to determine the hydrogeologic conceptualization as required in section 7 of this rule.
(B) The information provided in the submittal demonstrates that the chosen delineation method properly accounts for site specific hydrogeology.
(2) Potential sources of contamination inventory including the following:
(A) The completeness of the specific data supplied regarding each facility, site, practice, and activity, including the following:
(i) The inventory, identification, and location of all potential sources of contamination according to the data requirements of section 8(3) of this rule.

(ii) Identification of all potential sources of contamination in the WHPA on a map that includes the boundaries of the time of travel.
(iii) Characterization of the potential sources of contamination as specified in section 8(3)(C) of this rule is sufficient to develop a management plan as prescribed by section 8(4)(A) and 8 (4)(B) of this rule.
(B) The department shall evaluate Phase II based on the completeness of the update to adequately characterize the status of all potential sources of contamination identified and inventoried under Phase I, and any new potential sources of contamination that have located within the WHPA.
(C) The department shall evaluate the updates made to the potential sources of contamination inventory every five (5) years, as required by section 9(2) of this rule, for completeness with respect to the status of all potential sources of contamination identified in the Phase I and Phase II submittals.
(3) Management plan including the following:
(A) The Phase I management plan will be considered effective when all management plans and submittal requirements of section 8(4)(A) and 8(4)(B) of this rule and subdivision (1) have been met. The management plan must consider the following:
(i) Site-specific hydrogeology.
(ii) Land use.
(iii) Conditions of potential sources of contamination.
(B) The department will approve Phase II, results of implementation of Phase I, upon finding that the management plan has been implemented as proposed under section 8(4)(B) of this rule.

(b) Under Phase I, the department may require the use of a different delineation method. Under both Phase I and Phase II, the department may require submittal of additional data to support information provided as part of the WHPP.

(c) For a CPWSS using the fixed radius method to delineate a WHPA, the department may require the use of a different delineation method if the CPWSS fails to maintain the qualification for use of the fixed radius method as outlined in section 5(d) of this rule.
(Water Pollution Control Board; 327 IAC 8-4.1-10)

327 IAC 8-4.1-11 Tracking of potential sources of contamination inventory and management plan
Authority: IC 13-18-3; IC 13-14-8; IC 13-18-17-6
Affected: IC 13-11; IC 13-13; IC 13-18

Sec. 11. (a) The department shall track Phase I accomplishments by mailing two (2) surveys to each CPWSS as follows:
(1) The first survey shall be mailed two (2) years, and the second shall be mailed one (1) year, prior to the deadline for Phase I submittal for a large CPWSS.
(2) The first survey shall be mailed two and one-half (2 ½) years, and the second survey shall be mailed one (1) year, prior to the deadline for Phase I submittal, for a medium CPWSS.

(3) The first survey shall be mailed three (3) years, and the second survey shall be mailed one (1) year, prior to the deadline for Phase I submittal, for a small CPWSS.

(b) The department shall track Phase II progress by sending an additional survey, that includes an update of the potential sources of contamination inventory, to each CPWSS two (2) years before the Phase II requirements must be submitted to the department as follows:
(1) The survey shall be mailed three (3) years after the department's approval of the Phase I submittal for a large CPWSS.
(2) The survey shall be mailed five (5) years after the department's approval of the Phase I submittal for a medium CPWSS.
(3) The survey shall be mailed eight (8) years after the department's approval of the Phase I submittal for a small CPWSS.

(c) Continued tracking of management plans will begin five (5) years after the department's approval of the Phase II submittal and will continue in five (5) year cycles as long as the CPWSS is in operation.

(d) Any CPWSS that has not applied for approval of the WHPP within the designated period set forth in section 15 of this rule will be considered in noncompliance.

(e) All surveys must be completed and submitted to the department within forty-five (45) days of receipt.
(Water Pollution Control Board; 327 IAC 8-4.1-11)

327 IAC 8-4.1-12 Submittal requirements for proposed new wells
Authority: IC 13-18-3; IC 13-14-8; IC 13-18-17-6
Affected: IC 13-11; IC 13-13; IC 13-18

Sec. 12. (a) For a proposed well site in a department approved Phase I or Phase II WHPP, with the proposed well included in the WHPA delineation, the CPWSS shall apply for a construction permit, as provided for in 327 IAC 8-3, and shall describe the proposed well site in relation to the approved WHPA.

(b) For a proposed well site in a department approved Phase I or Phase II WHPP, with the proposed well not included in the WHPA delineation, the CPWSS shall apply for a construction permit as provided for in 327 IAC 8-3, and shall submit new well site submittal requirements as described in section 13 of this rule.

(c) For a proposed well site in a wellfield not in a department approved Phase I or Phase II WHPP, the CPWSS must apply for a construction permit as provided for in 327 IAC 8-3, and shall submit new well site submittal requirements as described in section 13 of this rule.
(Water Pollution Control Board; 327 IAC 8-4.1-12)

327 IAC 8-4.1-13 New Well Site Submittal Requirements
Authority: IC 13-18-3; IC 13-14-8; IC 13-18-17-6
Affected: IC 13-11; IC 13-13; IC 13-18

Sec. 13. (a) All CPWSSs subject to this rule must receive approval for a new well site and shall submit the following:
(1) A United States Geological Survey seven and one-half (7.5) minute series topographic map illustrating the area surrounding the well and proposed well site.
(2) A detailed map, drawn to a scale between 1"= 400' and 1"= 1,000', showing the following:
(A) Proposed well site with ownership or easement boundaries.
(B) The location of the proposed well.
(C) The sanitary setback area.
(3) A WHPA delineated using the following:
(A) Fixed radius method, with a radius of three thousand (3,000) feet, regardless of the pumping capacity of the system.
(B) An analytical, semianalytical, or numerical model, executed by a qualified ground water scientist, using input parameters calculated from:
(i) regional data from published reports; or
(ii) site specific data.
(C) Any approved method described in section 5 of this rule.
(4) A potential sources of contamination inventory performed by methods outlined in section 8(3) of this rule.
(5) A summary of geologic and ground water quality information for the aquifer system utilized by a proposed well, where available.
(6) A schedule for the development of a Phase I WHPP.
(b) Approval of a CPWSS proposed well site is dependent on the ability of each CPWSS to provide safe drinking water as determined by the department.

(c) To maintain well site approval status, the CPWSS must meet the following requirements:
(1) Allow no new potential sources of contamination to locate within the sanitary setback area.
(2) The CPWSS is operated in such a manner that it will not violate any sanitary or health regulations or requirements.
(3) Maintenance of additional requirements specified by the CPWSS construction permit.
(Water Pollution Control Board; 327 IAC 8-4.1-13)

327 IAC 8-4.1-14 Well site denial criteria
Authority: IC 13-18-3; IC 13-14-8; IC 13-18-17-6
Affected: IC 13-11; IC 13-13; IC 13-18

Sec. 14. The department may deny a well site if:
(1) A source of chemical or pathogenic contamination is found within the sanitary setback area that is so severe that it cannot be consistently treated or managed to a level considered safe by standards under 327 IAC 8-2; or

(2) a chemical or pathogenic contaminant reported in the ground water quality information submitted under section 13(b)(6) of this rule is so severe that it cannot be consistently treated or managed to a level considered safe by standards under 327 IAC 8-2.
(Water Pollution Control Board; 327 IAC 8-4.1-14)

327 IAC 8-4.1-15 Alternative approaches to WHPP
Authority: IC 13-18-3; IC 13-14-8; IC 13-18-17-6
Affected: IC 13-11; IC 13-13; IC 13-18

Sec. 15. (a) The department may approve alternate approaches to section 8(4)(A) of this rule upon a showing that water from a well or wellfield providing ground water to a CPWSS exceeds the standard for conventional ground water treatment as set forth in 327 IAC 8-2.
(b) In reviewing the alternative management plan under this section, the department shall consider whether the proposed alternative management plan will result in the consistent provision of finished water in compliance with 327 IAC 8-2.
(Water Pollution Control Board; 327 IAC 8-4.1-15)

327 IAC 8-4.1-16 Community public water supply systems submittal deadlines; department approval deadlines
Authority: IC 13-18-3; IC 13-14-8; IC 13-18-17-6
Affected: IC 13-11; IC 13-13; IC 13-18

Sec. 16. (a) Each CPWSS must submit all materials required by this rule as follows: (See Table 1 in subsection (c).)
(1) Phase I submittals are as follows:
(A) All materials must be submitted within three (3) years for large CPWSS.
(B) All materials must be submitted within four (4) years for medium CPWSS.
(C) All materials must be submitted within five (5) years for small CPWSS.
(2) Phase II submittals are as follows:
(A) All materials must be submitted within five (5) years after department approval of Phase I material for large CPWSS.
(B) All materials must be submitted within seven (7) years after department approval of Phase I material for medium CPWSS.
(C) All materials must be submitted within ten (10) years after department approval of Phase I material for small CPWSS.

(b) The department will approve or disapprove the materials submitted within one hundred eighty (180) days after submission.

(c) The wellhead protection overview shall be as follows:

Table 1 - Wellhead Protection Overview

Table 1 - Wellhead Protection Overview

	PHASE I		PHASE II	
Public Water Supply System Size (population served)	Submittal Time (years)	Submittal Requirements	Submittal Time from Phase I Approval (years)	Submittal and Update Requirements
Large >50,001	3	1. Names, roles, and affiliation of the local planning team members. 2. WHPA delineation, including: A. Summary of geologic and hydrologic condition of the WHPA. B. Model input data. C. Justification of model choice. 3. Potential sources of contamination inventory. 4. Management strategy with schedule for implementation. 5. Contingency plan. 6. Description of public participation. 7. Description of public education program.	5	1. Comprehensive WHPP. 2. Updated schedule of implementation. 3. Updated WHPA, considering new data if any. 4. Updated potential sources of contamination inventory. 5. Report of any problems or concerns regarding WHPP. 6. Contingency plan revisions (if needed). 7. Documentation to confirm: A. Sanitary Setback Area meets requirements. B. Abandoned wells are identified. C. Wellhead is secured from unauthorized access. D. All potential sources of contamination within the WHPA are managed. E. Signs are posted at WHPA perimeter. F. Public education is ongoing. G. Any new ground water contamination within the WHPA is reported.
Medium 3,301 to 50,000	4		7	
Small #3,300	5		10	

The Storm Water Rules

327 Indiana Administrative Code
Rule 6. Storm Water Discharge Associated with Industrial Activity

327 IAC 15-6-1 Purpose
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7
Sec. 1. The purpose of this rule is to establish requirements for point source discharges of storm water associated with industrial activity. Storm water discharges associated with construction activity are regulated under rule 5 of this article *[327 IAC 15-5]* only. *&HST.(Water Pollution Control Board; 327 IAC 15-6-1; filed Aug 31, 1992, 5:00 p.m.: 16 IR 26)&EHST.*

.327 IAC 15-6-2 Applicability of the industrial activity general permit rule
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7
Sec. 2. The requirements under this rule apply to all persons who:
(1) are not prohibited from regulation under a NPDES general permit rule under 327 IAC 15-2-6;
(2) meet the NPDES general permit rule applicability requirements under 327 IAC 15-2-3; and
(3) have a new or existing point source discharge composed entirely of storm water associated with industrial activity, except for categories, in effect on February 12, 1992, of facilities that have storm water effluent guidelines for at least one (1) of their subcategories. These categories include:
(A) cement manufacturing (40 CFR 411);
(B) feedlots (40 CFR 412);
(C) fertilizer manufacturing (40 CFR 418);
(D) petroleum refining (40 CFR 419);
(E) phosphate manufacturing (40 CFR 422);
(F) steam electric power generation (40 CFR 423);
(G) coal mining (40 CFR 434);
(H) mineral mining and processing (40 CFR 436);
(I) ore mining and dressing (40 CFR 440); and
(J) asphalt (40 CFR 443).
If a facility is classified in one (1) of the subcategories that have storm water effluent guidelines, an individual storm water permit application must be submitted.
&HST.(Water Pollution Control Board; 327 IAC 15-6-2; filed Aug 31, 1992, 5:00 p.m.: 16 IR 26; errata, 16 IR 751)&EHST.

327 IAC 15-6-3 General permit rule boundary
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3-1.5; IC 13-7-1
Sec. 3. Facilities existing within the boundaries of the state of Indiana affected by this rule are regulated under this rule. *&HST.(Water Pollution Control Board; 327 IAC 15-6-3; filed Aug 31, 1992, 5:00 p.m.: 16 IR 26)&EHST.*

327 IAC 15-6-4 Definitions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3-1.5; IC 13-7-1; IC 13-7-2-15

Sec. 4. In addition to the definitions contained in IC 13-7-1, IC 13-1-3-1.5, 327 IAC 5, and 327 IAC 15-1-2, the following definitions apply throughout this rule:

(1) "Measurable storm event" means a precipitation event which results in a total measured precipitation accumulation equal to, or greater than, one-tenth (0.1) inch of rainfall.

(2) "Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122, in effect on February 12, 1992. For the categories of industries identified in clauses (A) through (I), the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or byproducts used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined at 40 CFR Part 401, in effect on February 12, 1992); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in clause (J), the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, byproduct, or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. The following facility types are considered to be involved in industrial activity:

(A) Facilities subject to storm water effluent limitation guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N as referenced in 327 IAC 5-12-3 (except facilities with toxic pollutant effluent standards which are exempted under clause (J)).

(B) Facilities classified under the following SIC codes:

(i) 24 (lumber and wood products, except 2434-wood kitchen cabinets).
(ii) 26 (paper and allied products, except 265-paperboard containers and boxes and 267).
(iii) 28 (chemicals and allied products, except 283-drugs).
(iv) 29 (petroleum and coal products).
(v) 311 (leather tanning and finishing).
(vi) 32 (stone, clay, and glass products, except 323-products of purchased glass).
(vii) 33 (primary metal industries).
(viii) 3441 (fabricated structural metal).
(ix) 373 (ship and boat building and repairing).

(C) Mining operations classified as SIC codes:
(i) 10 (metal mining);
(ii) 11 (anthracite mining);
(iii) 12 (coal mining);
(iv) 13 (oil and gas extraction); and
(v) 14 (nonmetallic minerals, except fuels).

(D) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA as defined in IC 13-7-2-15.

(E) Landfills, land application sites, and open dumps that receive, or have received, any industrial wastes (waste that is received from any of the facilities described under this subdivision) including those that are subject to requirements under Subtitle D of RCRA as defined in IC 13-7-2-15.

(F) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including, but not limited to, those classified as SIC codes:
(i) 5015 (motor vehicles parts, used); and
(ii) 5093 (scrap and waste materials).

(G) Steam electric power generating facilities, including coal handling sites.

(H) Transportation facilities classified as SIC codes:
(i) 40 (railroad transportation);
(ii) 41 (local and interurban passenger transit);
(iii) 42 (trucking and warehousing, except 4221-25);
(iv) 43 (United States Postal Service);
(v) 44 (water transportation);
(vi) 45 (transportation by air); and
(vii) 5171 (petroleum bulk stations and terminals);

which have vehicle maintenance, solvent based industrial equipment cleaning, or airport de-icing areas. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), solvent based industrial equipment cleaning operations, airport de-icing operations, or which are otherwise identified under this subsection are associated with industrial activity.

(I) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of one (1.0) million gallons per day or more, or that are required to have an approved pretreatment program under 40 CFR 403. Not included is farmland, domestic gardens, or land used for sludge management where sludge is beneficially reused, and which is not physically located in the confines of the facility or areas that are in compliance with the Federal Act.

(J) Facilities classified under the following SIC codes:
(i) 20 (food and kindred products).
(ii) 21 (tobacco products).
(iii) 22 (textile mill products).
(iv) 23 (apparel and other textile products).
(v) 2434 (wood kitchen cabinets).
(vi) 25 (furniture and fixtures).

(vii) 265 (paperboard containers and boxes).
(viii) 267.
(ix) 27 (printing and publishing).
(x) 283 (drugs).
(xi) 285 (paints, varnishes, lacquers, enamels, and allied products).
(xii) 30 (rubber and miscellaneous plastic products).
(xiii) 31 (leather and leather products, except 311).
(xiv) 323 (products of purchased glass).
(xv) 34 (fabricated metal products, except 3441).
(xvi) 35 (industrial machinery and equipment).
(xvii) 36 (electronic and other electric equipment).
(xviii) 37 (transportation equipment, except 373).
(xix) 38 (instruments and related products).
(xx) 39 (miscellaneous manufacturing industries).
(xxi) 4221 (farm product warehousing and storage).
(xxii) 4222 (refrigerated warehousing and storage).
(xxiii) 4223.
(xxiv) 4224 (household goods warehousing and storage).
(xxv) 4225 (general warehousing and storage);

which are not otherwise included under clauses (B) through (I) only need to apply for regulation under this rule when storm water is potentially exposed to industrial activity.

&HST.(Water Pollution Control Board; 327 IAC 15-6-4; filed Aug 31, 1992, 5:00 p.m.: 16 IR 27; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65; errata, 16 IR 751)&EHST.

.327 IAC 15-6-5 Additional NOI letter requirements

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 5. In addition to the NOI letter requirements under 327 IAC 15-3, the following information must be submitted with the NOI letter under this rule:

(1) Name of responsible corporate officer and/or written authorization for an alternate person or position to act as the duly authorized representative for that person, if appropriate, who will be responsible for all signatory responsibilities for the facility under 327 IAC 15-4-3(g).

(2) Identification of the number and location of each point source discharge of storm water associated with industrial activity and the corresponding industrial activity associated with the drainage area of each point source discharge.

(3) Identification of substantially similar point source discharges of storm water on the site, and, if appropriate, the outfall to be monitored as representative of all such discharge points. Also, explain the rationale used to identify why certain point sources are similar.

&HST.(Water Pollution Control Board; 327 IAC 15-6-5; filed Aug 31, 1992, 5:00 p.m.: 16 IR 28)&EHST.

327 IAC 15-6-6 Deadline for submittal of a NOI letter; additional information

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 6. All information required under 327 IAC 15-3 and section 5 of this rule shall be submitted to the commissioner in accordance with 327 IAC 15-3-3, except, for persons that operate under 327 IAC 15-5 and that are affected by this rule, the NOI letter shall be submitted one hundred eighty (180) days before completion of construction. *&HST.(Water Pollution Control Board; 327 IAC 15-6-6; filed Aug 31, 1992, 5:00 p.m.: 16 IR 28)&EHST.*

327 IAC 15-6-7 General conditions for storm water discharges associated with industrial activity

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 7. (a) The person regulated under this rule shall develop a storm water pollution prevention plan which:

(1) identifies potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility;

(2) describes practices to be used in reducing the potential for pollutants to be exposed to storm water; and

(3) assures compliance with the terms and conditions of this rule.

(b) For each area of the plant that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a plan shall contain the following:

(1) A description of potential pollutant sources as follows:

(A) The plan must provide a description of areas on the site reasonably expected to be sources which add significant amounts of pollutants to storm water discharges such as areas used for the following:

(i) Loading or unloading of dry bulk materials or liquids.

(ii) Outdoor storage of raw materials, intermediary products, or final products, or waste products.

(iii) Outdoor process activities.

(iv) Dust or particulate generating processes.

(v) Unauthorized connections or management practices.

(vi) Waste disposal practices.

(vii) Areas upon which pesticides are applied.

(B) To provide such a description, the plan shall include, at a minimum, the following items:

(i) A site map indicating, at a minimum, the following:

(AA) Each drainage and discharge conveyance and outline of the drainage area of each storm water outfall.

(BB) Paved areas and buildings within the drainage area of each discharge point.

(CC) Each past or present area used for outdoor storage or disposal of significant materials.

(DD) Each existing structural control measure to reduce pollutants in storm water run-off.

(EE) Materials loading and access areas.

(FF) Each hazardous waste treatment, storage, or disposal facility, including each area not required to have a RCRA permit which is used for accumulating hazardous waste as defined in 327 IAC 5-1-2 under 40 CFR 262.34 as adopted in 329 IAC 3-14-3 *[329 IAC 3 was repealed filed Jan 24, 1992, 2:00 p.m.: 15 IR 1002.]*.

(GG) Each well where fluids from the facility are injected underground.

(HH) Springs and wetlands.

(II) Other surface water bodies.
(JJ) Soil types.
(KK) Existing and proposed underground storage tanks.
(LL) Snow dumping sites, if any.

(ii) An estimate of the area of impervious surfaces, including paved areas and building roofs, relative to the total area drained by each outfall.

(iii) A topographic map, or other if a topographic map is unavailable, extending one-fourth (1/4) of a mile beyond the property boundaries of the facility, depicting the facility and each of its intake and discharge structures, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area. This item may be included in the site map required under item (i).

(iv) A narrative description of the following:

(AA) Significant materials that in the three (3) years prior to the submittal of the NOI letter have been treated, stored, or disposed on-site in a manner to allow exposure to storm water.
(BB) Method of treatment, storage, or disposal.
(CC) Past and present materials management practices employed to minimize contact of these materials with storm water run-off.
(DD) Materials loading and access areas.
(EE) The location and description of existing structural and nonstructural control measures to reduce pollutants in storm water run-off.
(FF) A description of any treatment the storm water receives, including the ultimate disposal of any solid or fluid wastes other than by discharge.

(v) A list of significant spills and leaks of toxic pollutants or hazardous substances as defined in 327 IAC 5-1-2 that occurred at the facility within three (3) years prior to the submittal of the NOI letter. Such list shall be updated within ninety (90) days from when a significant spill or leak of toxic pollutants or hazardous substances occurs and shall include a description of the materials released, an estimate of the volume of the release, the location of the release, and a description of any remediation or cleanup measures taken.

(vi) For each area of the plant that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which could be present in storm water discharges associated with industrial activity.

(vii) A summary of existing sampling data describing pollutants in storm water discharges.

(2) The facility shall be operated and maintained in such a manner that exposure of storm water to potential sources of significant pollutant material is minimized. To accomplish such an operation and maintenance program, the person shall develop management controls of storm water discharge/run-off appropriate for the facility and implement such controls. The storm water management controls shall include, at a minimum, the following components:

(A) A risk identification/assessment and material inventory which evaluates the potential for various areas of the plant to contribute pollutants to the storm water discharge by exposing the storm water to industrial activity. Such assessment and inventory shall consider factors such as the following:

(i) An inventory of the types of materials handled, the location of material handling activities, and types of material management activities.

(ii) Identification of the toxicity of chemicals utilized at the facility as well as the quantity of such chemicals used, produced, or discharged.

(iii) A history of significant leaks or spills of pollutants known to have occurred.

(B) A preventative maintenance program which includes routine inspection and maintenance of storm water management devices.

(C) A spill prevention and response program which identifies areas where potential spills can occur and their accompanying drainage points, and that minimizes the potential for spills to occur. The program shall include, at a minimum, procedures for the following:

(i) Proper spill response and clean-up.

(ii) Reporting a spill to the appropriate facility personnel and, if appropriate, local/state emergency response personnel.

(iii) Routine maintenance and inspection of spill response/cleanup materials and equipment.

(D) An exposure reduction assessment which identifies the potential to eliminate/reduce storm water exposure in areas identified above as having a risk of exposing the storm water to significant pollutants and appropriate procedures to accomplish such elimination/reduction.

(E) A schedule for implementing procedures as identified under clause (D).

(F) Certify that storm water discharges from the site have been evaluated for the presence of nonstorm water.

(c) General requirements of a storm water pollution prevention plan shall include the following:

(1) The plan shall be certified by a qualified professional.

(2) The plan shall be retained on-site and be available for review by a representative of the commissioner upon request.

(3) A schedule shall be included with the plan which allows for compliance with the terms of the plan on or before three hundred sixty-five (365) days after submission of the NOI letter, or, in the case of new facilities, prior to initiation of operation at the facility. The commissioner may grant an extension of this time frame based on a request by the person showing reasonable cause.

(4) The person regulated under this rule shall report once per quarter its progress in developing and implementing the plan. Once the plan is completed and implemented, the reports may cease. The reports shall be sent to:

Indiana Department of Environmental Management
Permits Section
Office of Water Management
105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015

(5) The person regulated under this rule shall amend the plan whenever there is a change in design, construction, operation, or maintenance at the facility, which may have a significant effect on the potential for the discharge of pollutants to surface waters of the state, or upon written notice by the commissioner that the storm water pollution prevention plan proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity.

(d) Monitoring and reporting requirements shall be as follows:

(1) Each discharge outfall, or representative discharge outfall, composed entirely of storm water run-off, shall be monitored as follows:

Parameter	Units	Sample Type
Oil and grease	mg/l	grab
$CBOD_5$	mg/l	grab and composite
COD	mg/l	grab and composite
TSS	mg/l	grab and composite
TKN	mg/l	grab and composite
T. phosphorous	mg/l	grab and composite
pH	s.u.	grab
Nitrate plus nitrite nitrogen	mg/l	grab and composite

(2) For those facilities subject to Federal Categorical Effluent Guidelines (40 CFR Subchapter N, in effect on February 12, 1992); Sara Title III facilities subject to report releases into the environment of chemicals which are classified as section 313 water priority chemicals used at the plant in the previous reporting year and which are reasonably expected to be in the discharge; or an individual NPDES permit for process discharge, those parameters required under these programs which are not listed in this subsection shall also be monitored and sampled by grab and composite, except cyanide, hexavalent chromium and volatile organic compounds, which shall be sampled by the grab sample method.
(3) Prior to implementation of the storm water pollution prevention plan, the person regulated under this rule shall sample and analyze the discharge from the outfall(s) regulated by this rule. During the second year of regulation under this rule, after implementation of the storm water pollution prevention plan, the person shall sample and analyze the discharge from the outfall(s) regulated under this rule for two (2) precipitation events. No further physical sampling is required unless the facility is notified to perform additional physical sampling by Indiana department of environmental management. During the third through the fifth year of regulation under this rule, visual inspections of each outfall or representative outfall as identified in the NOI letter shall be performed for two (2) storm events each year with results recorded and reported annually to the permits section. Visual inspections shall report the presence of turbidity, color, foam, solids, floatables, and an oil sheen.
(4) A grab sample shall consist of at least one hundred (100) milliliters collected during the first thirty (30) minutes, or as soon thereafter as practicable, of the discharge. The grab sample shall be analyzed separately from the composite sample. A composite sample shall consist of a flow or time-weighted sample, either by the time interval between each aliquot or by the volume of aliquot proportionate to the discharge flow at the time of sampling or the total discharge flow since collection of the previous aliquot. A composite sample shall be taken during a minimum of the first three (3) hours of a storm event.
(5) There shall be a minimum of three (3) months between reported sampling events.
(6) Samples taken in compliance with the monitoring requirements under subdivision (4) shall be taken at a point representative of the discharge but prior to entry into surface waters of the state of Indiana or a municipal separate storm sewer.

(7) Sampling type for discharges from a retention basin with a minimum twenty-four (24) hour detention capacity, or, for coal mines, ten (10) hour detention, shall be a grab sample for all parameters. Such a grab shall be taken within the first thirty (30) minutes of discharge from the pond after initiation of a storm event.

(8) All samples shall be collected from a discharge resulting from a measurable storm event at least seventy-two (72) hours from the previous measurable storm event and, where feasible, where the duration and total precipitation does not exceed fifty percent (50%) from the average or median precipitation event in the area, as determined by the nearest United States National Weather Service Information Center. Documentation of weather conditions that prevent sampling as described in this subsection must be provided to the commissioner.

(9) The analytical and sampling methods used shall conform to the current version of 40 CFR 136 as referenced in 327 IAC 5-2-13(c)(1).

(10) Samples and measurements taken as required under this subsection shall be representative of the volume and nature of the monitored discharge.

(e) Analysis shall be performed in accordance with 40 CFR 136, in effect on February 12, 1992, for quality assurance and quality control.

(f) Reporting requirements shall be as follows:

(1) All samples shall be reported as a value of concentration. Concentration is defined as the mass of any given material present in a unit volume of liquid. Unless otherwise indicated under this rule, concentration values shall be expressed in milligrams per liter.

(2) For each measurement or sample taken pursuant to the requirements of this rule, the facility shall record the following information:

(A) The exact place, date, and time of sampling.

(B) The person who performed the sampling or measurements.

(C) The dates the analyses were performed.

(D) The person who performed the analyses.

(E) The analytical techniques or methods used.

(F) The results of all required analyses and measurements.

(3) All records and information resulting from the monitoring activities required under this rule, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. In cases where the original records are kept at another location, a copy of all such records shall be kept at the facility. The three (3) year period shall be extended:

(A) automatically during the course of any unresolved litigation regarding the discharge of pollutants by the facility or regarding promulgated effluent guidelines applicable to the facility; or

(B) as requested by the regional administrator or the Indiana department of environmental management.

(4) The person regulated under this rule shall submit an annual report to the Indiana department of environmental management containing results obtained during the previous year and shall be postmarked no later than the twenty-eighth day of January each year. The regional administrator may request the person to submit monitoring reports to the EPA if it is deemed necessary to assure compliance with the applicable general permit rule.

(5) Persons regulated under this rule who have a discharge regulated under this rule which enters a municipal separate storm sewer shall also submit a copy of the discharge monitoring report required under subsection (d) to the operator of the municipal system in accordance with the requirements under subsection (d).

(6) If the person regulated under this rule monitors any pollutant at the location designated in this section more frequently than required under this rule, using approved analytical methods as specified in this subsection, the results of such monitoring shall be reported as additional information in the annual report. Such increased frequency shall also be indicated in the report.

&HST.(Water Pollution Control Board; 327 IAC 15-6-7; filed Aug 31, 1992, 5:00 p.m.: 16 IR 28; errata filed Sep 10, 1992, 12:00 p.m.: 16 IR 65; errata, 16 IR 898)&EHST.

327 IAC 15-6-8 Standard conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 8. In addition to the conditions set forth in this rule, the standard conditions for the NPDES general permit rule under 327 IAC 15-4 shall apply also to this rule. *&HST.(Water Pollution Control Board; 327 IAC 15-6-8; filed Aug 31, 1992, 5:00 p.m.: 16 IR 32)&EHST.*

327 IAC 15-6-9 Inspection and enforcement

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 9. (a) The commissioner and/or designated representative may inspect any facility regulated under this rule at any time. The storm water pollution prevention plan and monitoring records must be available on-site for review by the commissioner.

(b) Any person violating any provision of this rule shall be subject to enforcement and penalty as set forth under 327 IAC 15-1-4. *&HST.(Water Pollution Control Board; 327 IAC 15-6-9; filed Aug 31, 1992, 5:00 p.m.: 16 IR 32)&EHST.*

Company Name:	Paul H. Rohe Company, Inc.
Initial Plant Location:	(Portable) 14205 North Rosfeld Road, Suman, Indiana 47041
Initial County:	Ripley
Date Received:	April 9, 1998
Permit Reviewer:	Trish Earls/EVP

**** aggregate dryer burner****

The following calculations determine the amount of emissions created by the combustion of #2 distillate fuel oil @ 0.5 % sulfur, from the aggregate dryer burner, based on 8,760 hours of use and US EPA's AP-42, 5th Edition, Section 1.3 - Fuel Oil Combustion, Tables 1.3-2, 1.3-4, and 1.3-7.

Criteria Pollutant: 93 MMBtu/hr * 8,760 hr/yr / 138,500 Btu/gal * 2,000 lb/ton * Ef (lb/1,000 gal) = (ton/yr)

P M:	2.0 lb/1000 gal =	**5.88**	**ton/yr**
P M-10:	1.0 lb/1000 gal =	**2.94**	**ton/yr**
S O 2:	69.0 lb/1000 gal =	**202.97**	**ton/yr**
N O x:	20.0 lb/1000 gal =	**58.82**	**ton/yr**
V O C:	0.2 lb/1000 gal =	**0.59**	**ton/yr**
C O:	5.0 lb/1000 gal =	**14.71**	**ton/yr**

*** * aggregate drying: Drum-mix plant * ***

The following calculations determine the amount of worst case emissions created by aggregate drying before controls, based on 8,760 hours of use and USEPA's AP-42, 5th Edition, Section 11.1 - Hot Mix Asphalt Plants, Tables 11.1-5 and 11.1 for an oil fired drum mix dryer:

Pollutant: Ef lb/ton x 325 / 2,000 ton/hr x 8,760 hr/yr

Criteria Pollutant:

P M:	19 lb/ton =	**27,046.50**	**ton/yr**
P M-10:	4.3 lb/ton =	**6,121.05**	**ton/yr**
VOC:	0.006 lb/ton =	**8.99**	**ton/yr**

The VOC emission factor for aggregate drying includes HAP emissions which are assumed to be VOC.

*** * conveying / handling * ***

The following calculations determine the amount of emissions created by wet (>1.5% moisture) material handling, based on 8,760 hours of use and AP-42, Section 11.19.2, Table 11.19.2-2. Emission factors for process operations are as follows:

PM-10 Emissions Per Operation:

$$\frac{325 \text{ ton/hr} * 8{,}760 \text{ hrs/yr} * \text{Ef (lb/ton of material)} * \text{Number of Similar Operations}}{2{,}000 \text{ lb/ton}} = \text{(ton/yr)}$$

Operation						
Truck Loading:	1	operation(s) x	1.0E-04	lb/ton of material =	0.14	ton/yr
Conveyor Transfers:	4	operation(s) x	4.8E-05	lb/ton of material =	0.27	ton/yr
Screening:	1	operation(s) x	4.2E-04	lb/ton of material =	0.60	ton/yr

Total PM-10 Emissions: 1.01 ton/yr
Total PM Emissions: 2.13 ton/yr

Total PM Emissions (tons/yr) = 2.1 * Total PM-10 Emissions (tons/yr) based on US EPA's AP-42, 5th Edition, Section 11.19.2, Table 11.19.2-2, footnote c.

*** * unpaved roads * ***

The following calculations determine the amount of emissions created by vehicle traffic on unpaved roads, based on 8,760 hours of use and AP-42, Ch 11.2.1.

18 trip/hr x
0.25 mile/trip x
2 (round trip) x
8,760 hr/yr = 78,840.00 miles per year

Ef = k*5.9*(s/12)*(S/30)*(W/3)^0.7*(w/4)^0.5*((365-p)/365)
= 0.99 lb/mile

where k =	0.8	(particle size multiplier)
s =	2	% silt content of roads
p =	125	days of rain greater than or equal to 0.01 inches
S =	10	miles/hr vehicle speed
W =	19	tons average vehicle weight
w =	10	wheels

$$\frac{0.99 \text{ lb/mi} \times 78840 \text{ mi/yr}}{2000 \text{ lb/ton}} = 39.12 \text{ tons/yr}$$

P M-10: 35% of PM = 13.69 tons/yr

Total PM Emissions From Unpaved Roads = 39.12 tons/yr

Total PM-10 Emissions From Unpaved Roads = 13.69 tons/yr

*** * storage * ***

The following calculations determine the amount of emissions created by wind erosion of storage stockpiles, based on 8,760 hours of use and USEPA's AP-42 (Pre 1983 Edition), Section 11.2.3.

Material	Silt Content (wt %)	Pile Size (acres)	Storage Capacity (tons)	P M Emissions tons/yr	P M-10 Emissions tons/yr
Coarse Aggregate	1.0	1.50	10,000	0.32	0.11
Fine Aggregate	2.0	1.50	10,000	0.63	0.22
Recycled Asphalt	0.5	1.50	10,000	0.16	0.06
Total				**1.11**	**0.39**

Sample Calculation:

Ef = 1.7*(s/1.5)*(365-p)/235*(f/15)
= 1.16 lb/acre/day
where s = 1 % silt
p = 125 days of rain greater than or equal to 0.01 inches
f = 15 % of wind greater than or equal to 12 mph

$$Ep\ (storage) = \frac{Ef * (Pile\ Size\ in\ acres) * (365\ day/yr)}{(2{,}000\ lb/ton)}$$

PM = 0.32 tons/yr P M-10: 35% of PM = 0.11 tons/yr

*** * summary of source emissions before controls * ***

Criteria Pollutants:

P M:	**27,094.74 ton/yr**	
P M-10:	**6,139.09 ton/yr**	
S O 2:	**202.97 ton/yr**	
N O x:	**58.82 ton/yr**	
V O C:	**9.58 ton/yr**	(VOCs include HAPs from aggregate drying operation)
C O:	**14.71 ton/yr**	

*** * source emissions after controls * ***

In order to qualify for the FESOP program, this facility must limit SO2 and PM-10 emissions to below 100 tons per year. Consequently, SO2 emissions from the aggregate dryer must be limited to 99 tons per year.
* Emissions of PM and PM-10 from aggregate drying operations are controlled with a 99.9 % control efficiency.

The following calculations determine the amount of emissions created by No.2 distillate fuel oil @ 0.5 % sulfur based on a fuel usage limitation of 2,869,066 gal/yr:

No. 2 Distillate Oil: 2,869,066 gal/yr / 2,000 lb/ton * Ef (lb/1,000 gal) = (ton/yr)

Criteria Pollutant:

P M:	2.0 lb/1000 gal =	**3.7E-03 ton/yr ***
P M-10:	1.0 lb/1000 gal =	**1.9E-03 ton/yr ***
S O 2:	69.0 lb/1000 gal =	**99.00 ton/yr**
N O x:	20.0 lb/1000 gal =	**28.69 ton/yr**
V O C:	0.2 lb/1000 gal =	**0.29 ton/yr**
C O:	5.0 lb/1000 gal =	**7.17 ton/yr**

Primary Fuel Usage Limitations

Fuel Oil: No. 2 distillate fuel oil

99.00 tons SO2/year limited / 202.97 tons SO2/year potential * 5882.17 Kgals / year potential = 2869.07 Kgals / year limited

*** * source emissions after controls * ***

aggregate drying:		nonfugitive		
P M:	27,047 ton/yr x	0.13%	emitted after controls =	**35.16 ton/yr**
P M-10:	6,121 ton/yr x	0.13%	emitted after controls =	**7.96 ton/yr**
VOC:	8.99 ton/yr x	100.00%	emitted after controls =	**8.99 ton/yr**
bin loading & conveying:		fugitive		
P M:	2.13 ton/yr x	50%	emitted after controls =	**1.06 ton/yr**
P M-10:	1.01 ton/yr x	50%	emitted after controls =	**0.51 ton/yr**
unpaved roads:		fugitive		
P M:	39.12 ton/yr x	50%	emitted after controls =	**19.56 ton/yr**
P M-10:	13.69 ton/yr x	50%	emitted after controls =	**6.85 ton/yr**
storage piles:		fugitive		
P M:	1.11 ton/yr x	50%	emitted after controls =	**0.55 ton/yr**
P M-10:	0.39 ton/yr x	50%	emitted after controls =	**0.19 ton/yr**

*** * summary of source emissions after controls * ***

Criteria Pollutant:	**Non-Fugitive**	**Fugitive**	**Total**
PM:	**35.16 ton/yr**	**21.18 ton/yr**	**56.34 ton/yr**
PM-10:	**7.96 ton/yr**	**7.55 ton/yr**	**15.51 ton/yr**
S O 2:	**99.00 ton/yr**	**0.00 ton/yr**	**99.00 ton/yr**
N O x:	**28.69 ton/yr**	**0.00 ton/yr**	**28.69 ton/yr**
V O C:	**9.28 ton/yr**	**0.00 ton/yr**	**9.28 ton/yr**
C O:	**7.17 ton/yr**	**0.00 ton/yr**	**7.17 ton/yr**

*** * miscellaneous * ***

Compliance with NSPS (326 IAC 12; 40 CFR 60.90 to 60.93, Subpart I) and 326 IAC 6-1-2

The following calculations determine compliance with 326 IAC 6-1-2 (for counties listed in 326 IAC 6-1-7) and NSPS, which limits stack emissions from asphalt plants to 0.03 gr/dscf (when in counties listed in 326 IAC 6-1-7), and 0.04 gr/dscf (when not located in those counties):

35.16	ton/yr *	2000	lb/ton *	7000	gr/lb =	0.029	gr/dscf (will comply)
525,600	min/yr *	31,965	dscf/min				

Allowable particulate emissions under 326 IAC 6-1-2 equate to 36.00 tons per year, or 8.22 lbs/hr.
Allowable particulate emissions under NSPS equate to 48.00 tons per year, or 10.96 lbs/hr.

Note:

SCFM = 56,000 acfm * (460 + 68) * (1.0 - 0.2) / (460 + 280)
= 31,965 scfm

Assumes exhaust gas temperature of 280F, exhaust gas moisture content of 20% and exhaust gas flow of 56,000 acfm.

326 IAC 6-3-2 Compliance Calculations:

The following calculations determine compliance with 326 IAC 6-3-2 for process weight rates in excess of 30 tons per hour:

limit = 55 * (325 ^ 0.11) - 40 = 63.91 lb/hr or
279.94 ton/yr

Since this emission limit exceeds the PSD source definition of 250 tons/yr and the 326 IAC 6-1-2 allowable emission limit of 36.0 tons per year, compliance with the PM limit pursuant to 326 IAC 6-1-2 will satisfy the requirements of 326 IAC 6-3-2 and will exempt the source from the requirements of 326 IAC 2-2 (PSD).

PM-10 Emission Limit for aggregate drying:

(99.0 tons PM-10/yr - 21.17 tons PM-10/yr from other souces)
= 77.83 tons PM-10/yr = 17.77 lbs/hr
PM-10 emissions from the aggregate dryer are controlled to 7.96 tons/yr < 77.83 tons/yr (Will comply)

326 IAC 7 Compliance Calculations:

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

0.5 lb/MMBtu x 138,500 Btu/gal= 69.25 lb/1000gal

69.25 lb/1000gal / 142 lb/1000 gal = 0.5 %

Sulfur content must be less than or equal tc 0.5% to comply with 326 IAC 7.

Hazardous Air Pollutants (HAPs)

** aggregate dryer burner**

The following calculations determine the amount of HAP emissions created by the combustion of distillate fuel oil before & after controls @ 0.5 % sulfur, from the aggregate dryer burner, based on 8,760 hours of use and US EPA's AP-42, 5th Edition, Section 1.3 - Fuel Oil Combustion, Table 1.3-11.

Hazardous Air Pollutants (HAPs): 93 MMBtu/hr * 8760 hr/yr / 2,000 lb/ton * Ef (lb/10^12 Btu) = (ton/yr)

			Potential To Emit	Limited Emissions
Arsenic	4.2	lb/10^12 Btu =	1.71E-03 ton/yr	2.22E-06 ton/yr
Beryllium:	2.5	lb/10^12 Btu =	1.02E-03 ton/yr	1.32E-06 ton/yr
Cadmium:	11	lb/10^12 Btu =	4.48E-03 ton/yr	5.82E-06 ton/yr
Chromium:	67	lb/10^12 Btu =	2.73E-02 ton/yr	3.55E-05 ton/yr
Lead:	8.9	lb/10^12 Btu =	3.63E-03 ton/yr	4.71E-06 ton/yr
Manganese:	14	lb/10^12 Btu =	5.70E-03 ton/yr	7.41E-06 ton/yr
Mercury:	3	lb/10^12 Btu =	1.22E-03 ton/yr	1.59E-06 ton/yr
Nickel:	18	lb/10^12 Btu =	7.33E-03 ton/yr	9.53E-06 ton/yr
		Total HAPs =	5.24E-02 ton/yr	6.81E-05 ton/yr

* * aggregate drying: Drum-mix plant * *

The following calculations determine the amount of HAP emissions created by aggregate drying before & after controls, based on 8,760 hours of use and USEPA's AP-42, 5th Edition, Section 11.1 - Hot Mix Asphalt Plants, Table 11.1-10 for an oil fired drum mix dryer.

Pollutant: Ef lb/ton x 325 / 2000 ton/hr x 8760 hr/yr / lb/ton

Hazardous Air Pollutants (HAPs) from fuel oil combustion:			PTE	Limited Emissions
Acetaldehyde:	1.30E-03	lb/ton =	1.85 ton/yr	**1.85** ton/yr
Acrolein:	2.60E-05	lb/ton =	0.04 ton/yr	**0.04** ton/yr
Benzene:	4.10E-04	lb/ton =	0.58 ton/yr	**0.58** ton/yr
Ethylbenzene:	3.80E-04	lb/ton =	0.54 ton/yr	**0.54** ton/yr
Formaldehyde:	2.40E-03	lb/ton =	3.42 ton/yr	**3.42** ton/yr
Methyl Ethyl Ketone:	2.00E-05	lb/ton =	0.03 ton/yr	**0.03** ton/yr
Propionaldehyde:	1.30E-04	lb/ton =	0.19 ton/yr	**0.19** ton/yr
Quinone:	1.60E-04	lb/ton =	0.23 ton/yr	**0.23** ton/yr
Toluene:	7.50E-04	lb/ton =	1.07 ton/yr	**1.07** ton/yr
Xylene:	1.60E-04	lb/ton =	0.23 ton/yr	**0.23** ton/yr
****Total Polycyclic Organic Matter (POM):**	5.80E-04	lb/ton =	0.83 ton/yr	**0.83** ton/yr
		Total HAPs :	**8.99** ton/yr	**8.99** ton/yr

** total POM includes 2-Methylnapthalene, Acenaphthylene, Anthracene, Fluorene, Naphthalene, Phenanthrene, and Pyrene.

*** * summary of source HAP emissions potential to emit * ***

Arsenic:	**0.002** ton/yr
Acetaldehyde:	**1.851** ton/yr
Acrolein:	**0.037** ton/yr
Benzene:	**0.584** ton/yr
Beryllium:	**0.001** ton/yr
Cadmium:	**0.004** ton/yr
Chromium:	**0.027** ton/yr
Ethylbenzene:	**0.541** ton/yr
Formaldehyde:	**3.416** ton/yr
Lead:	**0.004** ton/yr
Manganese:	**0.006** ton/yr
Mercury:	**0.001** ton/yr
Methyl Ethyl Ketone:	**0.028** ton/yr
Nickel:	**0.007** ton/yr
Propionaldehyde:	**0.185** ton/yr
Quinone:	**0.228** ton/yr
Toluene:	**1.068** ton/yr
Total POM:	**0.826** ton/yr
Xylene:	**0.228** ton/yr
Total:	**9.043 ton/yr**

*** * summary of source HAP limited emissions * ***

Hazardous Air Pollutants (HAPs):

Arsenic:	**0.000** ton/yr
Acetaldehyde:	**1.851** ton/yr
Acrolein:	**0.037** ton/yr
Benzene:	**0.584** ton/yr
Beryllium:	**0.000** ton/yr
Cadmium:	**0.000** ton/yr
Chromium:	**0.000** ton/yr
Ethylbenzene:	**0.541** ton/yr
Formaldehyde:	**3.416** ton/yr
Lead:	**0.000** ton/yr
Manganese:	**0.000** ton/yr
Mercury:	**0.000** ton/yr
Methyl Ethyl Ketone:	**0.028** ton/yr
Nickel:	**0.000** ton/yr
Propionaldehyde:	**0.185** ton/yr
Quinone:	**0.228** ton/yr
Toluene:	**1.068** ton/yr
Total POM:	**0.826** ton/yr
Xylene:	**0.228** ton/yr
Total:	**8.991 ton/yr**