



State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.  
Columbus, Ohio 43266-0149

RECEIVED SWO AIR  
POLLUTION CONTROL

OCT 26 1987



Richard F. Celeste  
Governor

October 21, 1987

Re: Modification to Permit to  
Install No. 14-890

Hamilton County

Valley Asphalt Corp.  
1901 Dryden Rd.  
Dayton, Ohio 45439

Attention: Melvin Levy

CERTIFIED MAIL

Dear Sir:

Enclosed please find a modification to the Ohio EPA Permit to  
Install referenced above which will modify the terms and  
conditions.

You are hereby notified that this action of the Director is final  
and may be appealed to the Environmental Board of Review pursuant  
to Section 3745.04 of the Ohio Revised Code. The appeal must be  
in writing and set forth the action complained of and the grounds  
upon which the appeal is based. It must be filed with the  
Environmental Board of Review within thirty (30) days after notice  
of the Director's action. A copy of the appeal must be served on  
the Director of the Ohio Environmental Protection Agency and the  
Environmental Law Division of the Office of the Attorney General  
within three (3) days of filing with the Board. An appeal may be  
filed with the Environmental Board of Review at the following  
address: Environmental Board of Review, 236 East Town Street,  
Room 300, Columbus, Ohio 43215.

Very truly yours,

Thomas G. Rigo, Manager  
Field Operations Section  
Division of Air Pollution Control

Enclosure

cc: US EPA  
Southwestern Ohio Air Pollution Control Agency  
Kathleen Shannon  
Tony Sasson - DSHWM

Issuance Date: October 21, 1987

Effective Date: Oct. 21, 1987

OHIO ENVIRONMENTAL PROTECTION AGENCY

MODIFICATION TO PERMIT TO INSTALL NO. 14-890

Name of Applicant: Valley Asphalt Corp.  
Address: 1901 Dryden Rd.  
City: Dayton, Ohio 45439  
Telephone: (513) 293-4119

The Ohio EPA has received a request for a modification for the Ohio EPA Permit to Install referenced above.

The Permit to Install issued to Valley Asphalt Corp. (PTI No. 14-890) is hereby modified in the following manner: Page 5 special terms and conditions.

The reason for this modification is: During the public comment period, Ohio EPA's Division of Solid & Hazardous Waste Management informed Ohio EPA's Division of Air Pollution Control that a halogen content of 11,500 ppm maximum would make the used oil to be burned a hazardous waste. The draft permit to install was not corrected and subsequently Ohio EPA issued a final PTI with a limit of 11,500 ppm. This limit is inconsistent with the allowable limit established in 40 CFR Part 266.40 and OAC Rule 3745-58-50. Therefore, Ohio EPA is modifying this limit to 4000 ppm of total halogens.

The above named entity is hereby granted a modification to the permit to install described above pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this modification does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, in compliance with applicable State and Federal laws and regulations, and does not constitute expressed or implied assurance that if constructed or modified in accordance with those plans included in the application, the above described source(s) of pollutants will be granted the necessary operating permits.

Ohio Environmental Protection Agency



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Director

PERMIT TO OPERATE APPLICATION

A Permit to Operate Application and a \$15 application fee must be submitted to the appropriate field office for each source in this Permit to Install. In accordance with OAC rule 3745-35-02, the application shall be made at least ninety days prior to start-up of the source.

PUBLIC DISCLOSURE

The facility is hereby notified that this permit, and all agency records concerning the operation of this permitted source are subject to public disclosure in accordance with OAC Rule 3745-49-03.

MALFUNCTION/ABATEMENT

This source and its associated air pollution control system(s) shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers in order to minimize air contaminant emissions.

In accordance with OAC Rule 3745-15-06, any malfunction of the source(s) or associated air pollution control system(s) shall be reported immediately to the Regional Air Pollution Control Agency. Except as provided by OAC Rule 3745-15-06(A)(3), scheduled maintenance of air pollution control equipment, that requires the shutdown or bypassing of said equipment, must be accompanied by the shutdown of the associated air pollution sources.

SPECIAL TERMS AND CONDITIONS FOR USE OF  
OFF-SPECIFICATION USED OIL IN ASPHALT PLANT DRYERS

- ✓ 1. In accordance with Ohio Administrative Code (OAC) Rule 3745-31-05(A)(2), this facility shall comply with all applicable laws as defined in OAC Rule 3745-31-01(F). Therefore, this air permit to install can not exempt Valley Asphalt, Plant #17 from any current or future regulations regarding the disposal or recycling of used oil.
- ✓ 2. All recycled used oil burned at Valley Asphalt, Plant #17 shall meet the following specifications:

<u>Contaminant/Property</u>	<u>Permit Allowable Concentrations*</u>
Arsenic	5 ppm, maximum
Cadmium	3.28 ppm, maximum
Chromium	25 ppm, maximum
Lead	291 ppm, maximum
PCB's	50 ppm, maximum
Total Halogens	4000 ppm, maximum
Mercury	1 ppm, maximum
Flash Point	100°F, minimum
Heat Content	135,000 Btu's/gallon, minimum



State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.  
Columbus, Ohio 43266-0149

RECEIVED - S.W.O AIR  
POLLUTION CONTROL

AUG 10 1987



Re: Permit to Install  
HAMILTON County  
Application No.14-890

CERTIFIED MAIL

Richard F. Celeste  
Governor

AUGUST 5, 1987

VALLEY ASPHALT CORP  
1901 DRYDEN RD  
DAYTON, OHIO 45439

Attention: MELVIN LEVY

Dear Sir:

Enclosed please find an Ohio EPA Permit to Install which will allow you to install the described source(s) in a manner indicated in the permit. Because this permit contains several conditions and restrictions I urge you to read it carefully.

You are hereby notified that this action by the Director is final and may be appealed to the Ohio Environmental Board of Review pursuant to Chapter 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Environmental Board of Review within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency and the Environmental Law Division of the Office of the Attorney General within three (3) days of filing with the Board. An appeal may be filed with the Environmental Board of Review at the following address:

Environmental Board of Review  
236 East Town Street, Room 300  
Columbus, Ohio 43215

Very truly yours,

Thomas G. Rigo, Manager  
Field Operations Section  
Division of Air Pollution Control

TGR/gs

cc: US EPA  
SOUTHWESTERN OHIO AIR POLLUTION CONTROL AGENCY  
KATHLEEN SHANNON - DAPC  
TONY SASSON - DSHWM



## Permit to Install Terms and Conditions

Application No. 14-898  
APS Premise No. 1431488148  
Permit Fee: \$1888.

Name of Facility: VALLEY ASPHALT CORP

Person to Contact: MELVIN LEVY

Address: 1981 DRYDEN RD  
DAYTON, OHIO 45439

Location of proposed source(s): 8645 N PIQUA-LOCKINGTON RD  
SPRINGCREEK TWP, OHIO

Description of proposed source(s): 358 TPH PORTABLE DRUM MIX ASPHALT  
PLANT.

Date of Issuance: AUGUST 5, 1987

Effective Date: AUGUST 5, 1987

The above named entity is hereby granted a permit to install for the above described source(s) pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source(s) of environmental pollutants will operate in compliance with applicable State and Federal laws and regulations, and does not constitute expressed or implied assurance that if constructed or modified in accordance with those plans and specifications, the above described source(s) of pollutants will be granted the necessary permits to operate (air) or NPDES permits as applicable.

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

Director

EPA 3156

<u>Ohio EPA Source No.</u>	<u>Source Identification</u>	<u>BAT Determination</u>	<u>Applicable Ohio EPA rule</u>	<u>Allowable Emissions (lb/hr, lb/MMBTU, gr/DSCF, etc.)</u>
P903	Asphalt batch plant #17-mobile	Fabric filter	3745-31-05 3745-17-07	.04 gr/dscf part.
		Waste oil specifications	3745-31-05	.02 lb/hr arsenic .014 lb/hr cadmium 1.26 lb/hr lead 49.60 lbs/hr total halogens .112 lb/hr chromium

SUMMARY  
 TOTAL NEW SOURCE EMISSIONS

<u>Pollutant</u>	<u>Tons/Year</u>
Arsenic	.016
Cadmium	.010
Lead	.90
Total halogens	35.69
Chromium	.080
Particulate	8.62

This condition in no way limits the applicability of any other state or federal regulation.

APPLICABILITY

This Permit to Install is applicable only to the air contaminant sources listed and does not include the installation or modification of wastewater disposal systems or solid waste disposal facilities. Separate application must be made to the Director for the installation or modification of any such wastewater disposal systems or solid waste disposal facilities.

NSPS REQUIREMENTS

The following sources are subject to the applicable provisions of the New Source Performance Standards (NSPS) as promulgated by the United States Environmental Protection Agency, 40 CFR Part 60.

<u>Source No.</u>	<u>Source Description</u>	<u>NSPS Regulation (Subpart)</u>
P903	Asphalt batch plant #17	Subpart I

The application and enforcement of these standards are delegated to the Ohio EPA. The requirements of 40 CFR Part 60 are also federally enforceable.

Pursuant to the NSPS, the source owner/operator is hereby advised of the requirement to report the following at the appropriate times:

1. Construction date (no later than 30 days after such date);
2. Anticipated start-up date (not more than 60 days or less than 30 prior to such date);
3. Actual start-up date (within 15 days after such date); and
4. Date of performance testing (at least 30 days prior to testing).

Reports are to be sent to:

Ohio Environmental Protection Agency  
Authorization and Compliance Unit  
P.O. Box 1049  
Columbus, Ohio 43215-1049

and Regional Air Pollution Control Agency  
451 W. Third St.  
Dayton, Ohio 45402

#### PERFORMANCE TEST REQUIREMENTS

The permittee shall conduct, or have conducted, performance testing on the air contaminant source(s) in accordance with procedures approved by the Agency. Two copies of the written report shall be submitted and signed by the person responsible for the test, describing the test procedures followed and the results of such tests. The Director or an Ohio EPA representative shall be allowed to witness the tests, examine testing equipment and require the acquisition or submission of data and information necessary to assure that the source operation and testing procedures provide a valid characterization of the emissions from the source and/or the performance of the control equipment.

- A. A completed Intent to Test form shall be submitted to the appropriate Ohio EPA District Office or Local Air Pollution Control Agency where the original permit application was filed. This notice shall be made thirty (30) days in advance and shall specify the source operating parameters, the proposed test procedures and the time, date, place and person(s) conducting such tests.
- B. Two copies of the test results shall be submitted within thirty (30) days after the completion of the performance test.

Substantial construction for installation must take place within eighteen months of the effective date of this permit. This deadline may be extended by up to twelve months, if application is made to the Director no less than sixty days before the expiration of this permit and the party shows good cause for any such extension.

The Director of the Ohio Environmental Protection Agency, or his authorized representatives, may enter upon the premises of the above-named applicant during construction and operation at any reasonable time for the purpose of making inspections, conducting tests, examining records or reports pertaining to the construction, modification or installation of the above described source of environmental pollutants.

As specified in OAC Rule 3745-31-05, all new sources must employ Best Available Technology (BAT). Compliance with the terms and conditions of this permit will fulfill this requirement.

The specified permit fee must be remitted within 15 days of the effective date of this permit to install.

If the construction of the proposed source has already begun or has been completed prior to the date the Director of the Ohio Environmental Protection Agency approves the permit application and plans, the approval does not constitute expressed or implied assurance that the proposed facility has been constructed in accordance with the approved plans. The action of beginning and/or completing construction prior to obtaining the Director's approval constitutes a violation of OAC Rule 3745-31-02.

Furthermore, issuance of the Permit to Install does not constitute an assurance that the proposed source will operate in compliance with all Ohio laws and regulations. Approval of the plans in any case is not to be construed as an approval of the facility as constructed and/or completed. Moreover, issuance of the Permit to Install is not to be construed as a waiver of any rights that the Ohio Environmental Protection Agency (or other persons) may have against the applicant for starting construction prior to the effective date of the permit. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed facilities prove to be inadequate or cannot meet applicable standards.

#### EMISSION SUMMARY

The air contaminant sources listed below comprise the Permit to Install for Valley Asphalt Corp. located in Hamilton County. The sources listed below shall not exceed the emission limits/control requirements contained in the following table:

3745279

PERMIT TO OPERATE APPLICATION

A Permit to Operate Application and a \$15 application fee must be submitted to the appropriate field office for each source in this Permit to Install. In accordance with OAC rule 3745-35-02, the application shall be made at least ninety days prior to start-up of the source.

PUBLIC DISCLOSURE

The facility is hereby notified that this permit, and all agency records concerning the operation of this permitted source are subject to public disclosure in accordance with OAC Rule 3745-49-03.

MALFUNCTION/ABATEMENT

This source and its associated air pollution control system(s) shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers in order to minimize air contaminant emissions.

In accordance with OAC Rule 3745-15-06, any malfunction of the source(s) or associated air pollution control system(s) shall be reported immediately to the Regional Air Pollution Control Agency. Except as provided by OAC Rule 3745-15-06(A)(3), scheduled maintenance of air pollution control equipment, that requires the shutdown or bypassing of said equipment, must be accompanied by the shutdown of the associated air pollution sources.

SPECIAL TERMS AND CONDITIONS FOR USE OF  
OFF-SPECIFICATION USED OIL IN ASPHALT PLANT DRYERS

1. In accordance with Ohio Administrative Code (OAC) Rule 3745-31-05(A)(2), this facility shall comply with all applicable laws as defined in OAC Rule 3745-31-01(F). Therefore, this air permit to install can not exempt Valley Asphalt, Plant #17 from any current or future regulations regarding the disposal or recycling of used oil.
- ✓ 2. All recycled used oil burned at Valley Asphalt, Plant #17 shall meet the following specifications:

<u>Contaminant/Property</u>	<u>Permit Allowable Concentrations*</u>
Arsenic	5 ppm, maximum
-Cadmium	3.28 ppm, maximum
-Chromium	25 ppm, maximum
-Lead	291 ppm, maximum
-PCB's	50 ppm, maximum
-Total Halogens	11500 ppm, maximum
Mercury	1 ppm, maximum
Flash Point	100°F, minimum
Heat Content	135,000 Btu's/gallon, minimum

\*Some or all of these used oil concentrations exceed the RCRA Standards of 40 CFR Part 266.40 and OAC rule 3745-58-50, thereby making the used oil off-specification.

- ✓3. Used oil containing more than 1000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under 40 CFR 266.40(c) and OAC Rule 3745-58-50. Therefore, Valley Asphalt, Plant #17 may receive used oil exceeding 1000 ppm of total halogens (but less than 11500 ppm, maximum) if the supplier ("marketer" in 40 CFR 266.43(a)) has demonstrated to Ohio EPA's Division of Solid and Hazardous Waste Management that the used oil does not contain any hazardous waste.
4. The emissions of lead shall not exceed 1.26 pounds per hour.
5. The facility shall notify U.S. EPA that the used oil being burned exceeds U.S. EPA's and Ohio EPA's used oil specifications. An Identification Number from U.S. EPA shall be obtained prior to the combustion of any used oil.

Before Valley Asphalt, Plant #17 accepts the first shipment of off-specification used oil fuel from a marketer, the company must provide the marketer a one-time written and signed notice certifying that:

- a. the company has notified U.S. EPA of their used oil management activities and that the notice included the location and description of those activities; and
- b. the company will burn the used oil only in an industrial furnace or boiler identified in 40 CFR 266.41(b) and OAC Rule 3745-58-42.

A copy of each certification notice that the company sends to a marketer must be kept on file for a minimum of three (3) years from the date the company last receives off-specification used oil from that marketer.

6. Valley Asphalt, Plant #17 shall receive a chemical analysis with each shipment of used oil from the supplier. The analysis shall identify the name and address of the supplier, the supplier's U.S. EPA identification number and, at a minimum, include:
  - a. date of shipment or delivery
  - b. quantity of used oil received
  - c. the Btu value of the used oil
  - d. the flash point of the used oil
  - e. the arsenic content
  - f. the cadmium content
  - g. the chromium content
  - h. the lead content
  - i. the PCB content
  - j. the total halogen content
  - k. the mercury content

Each analysis shall be kept for a minimum of three (3) years and shall be made available to any representative of the Ohio EPA upon their request.

7. Any representative of the Ohio EPA may require or may conduct periodic, detailed chemical analyses through an independent laboratory of any used oil shipment received by this facility of any used oil storage tank located on the company's site, or of any sample drawn at the process employing used oil as fuel.
- ✓ 8. Valley Asphalt, Plant #17 may not receive or burn any used oil which does not meet the specifications of special term and condition No. 2 without first obtaining a permit to install that authorizes the burning of used oil with specifications different than those listed in special term and condition No. 2.
- ✓ 9. The production from this plant shall not exceed 350 tons per hour and 500,000 tons per year.
10. The particulate mass emission rate from the discharge of the dryer shall not exceed 0.04 grains per dry standard cubic foot of exhaust gases.
- ✓ 11. This facility shall not cause or allow the discharge into the ambient air from any stack associated with this source, any air contaminant of a shade or density greater than twenty (20%) percent opacity.
12. A fabric filter used to control particulate emissions and waste oil specification for toxics emissions satisfies the BAT requirement for this source.