State of Ohio Environmental Protection Agency

RE: PERMIT TO INSTALL DIRECT FINAL **CERTIFIED MAIL**
MONTGOMERY COUNTY

Street Address: Mailing Address: Lazarus Gov. Center
Lazarus Gov. Center **TELE:** (614) 644-3020 **FAX:** (614) 644-2329

Application No: 08-3967

DATE: April 14, 1999

American Aggregates Corp.-Portable #3
Patricia L Bradley
780 North Valley Road
Xenia, OH 45385

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.

The Ohio EPA is urging companies to investigate pollution prevention and energy conservation. Not only will this reduce pollution and energy consumption, buy it can also save you money. If you would like to learn ways you can save money while protecting the environment, please contact our Office of Pollution Prevention at (614) 644-3469.

You are hereby notified that this action by the Director is final and may be appealed to the Ohio Environmental Review Appeals Commission 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 within thirty (30) days after the notice of the Directors action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street, Room 300
Columbus, Ohio 43215

Very truly yours,

Thomas G. Rigo

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

cc: USEPA Regional Air Pollution Control Agency

STATE OF OHIO ENVIRONMENTAL PROTECTION AGENCY

Application Number: 08-3967

Pe
T

APS Premise Number: 0857042050

Permit Fee: **$1400.00**

Name of Facility: American Aggregates Corp.-Portable #3

Person to Contact: Patricia L Bradley

Address: 780 North Valley Road
Xenia, OH 45385

Location of proposed air contaminant source(s) [emissions unit(s)]:
6450 Sand Lake Road
Dayton, **OHIO**

Description of proposed emissions unit(s):
42" X 800' FIELD CONVEYOR #2 (700 TPH) AND 42" X 90' SURGE STACKER (700 TPH).

Date of Issuance: April 14, 1999

Effective Date: April 14, 1999

The above named entity is hereby granted a Permit to Install for the above described emissions unit(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 emissions unit(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 emissions unit(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

Part I - GENERAL TERMS AND CONDITIONS

A. Permit to Install General Terms and Conditions

1. Compliance Requirements

The emissions unit(s) identified in this Permit to Install shall remain in full compliance with all applicable State laws and regulations and the terms and conditions of this permit.

2. Reporting Requirements Related to Monitoring and Recordkeeping Requirements

The permittee shall submit required reports in the following manner:

a. Reports of any required monitoring and/or recordkeeping information shall be submitted to the appropriate Ohio EPA District Office or local air agency.

b. Except as otherwise may be provided in the terms and conditions for a specific emissions unit, quarterly written reports of (a) any deviations (excursions) from emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring, and recordkeeping requirements specified in this permit, (b) the probable cause of such deviations, and (c) any corrective actions or preventive measures which have been or will be taken, shall be submitted to the appropriate Ohio EPA District Office or local air agency. If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted quarterly, i.e., by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters. (These quarterly reports shall exclude deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06.)

3. Records Retention Requirements

Each record of any monitoring data, testing data, and support information required pursuant to this permit shall be retained for a period of five years from the date the record was created. Support information shall include, but not be limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Such records may be maintained in computerized form.

4. Inspections and Information Requests

The Director of the Ohio EPA, or an authorized representative of the Director, may, subject to the safety requirements of the permittee and without undue delay, enter upon

the premises of this source at any reasonable time for purposes of making inspections, conducting tests, examining records or reports pertaining to any emission of air contaminants, and determining compliance with any applicable State air pollution laws and regulations and the terms and conditions of this permit. The permittee shall furnish to the Director of the Ohio EPA, or an authorized representative of the Director, upon receipt of a written request and within a reasonable time, any information that may be requested to determine whether cause exists for modifying, reopening or revoking this permit or to determine compliance with this permit. Upon verbal or written request, the permittee shall also furnish to the Director of the Ohio EPA, or an authorized representative of the Director, copies of records required to be kept by this permit.

5. Scheduled Maintenance/Malfunction Reporting

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of OAC rule 3745-15-06. The malfunction of any emissions units or any associated air pollution control system(s) shall be reported to the appropriate Ohio EPA District Office or local air agency in accordance with paragraph (B) of OAC rule 3745-15-06. Except as provided in that rule, any scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emissions unit(s) that is (are) served by such control system(s).

6. Permit Transfers

Any transferee of this permit shall assume the responsibilities of the prior permit holder. The appropriate Ohio EPA District Office or local air agency must be notified in writing of any transfer of this permit.

7. Air Pollution Nuisance

The air contaminants emitted by the emissions units covered by this permit shall not cause a public nuisance, in violation of OAC rule 3745-15-07.

8. Termination of Permit to Install

This Permit to Install shall terminate within eighteen months of the effective date of the Permit to Install if the owner or operator has not undertaken a continuing program of installation or modification or has not entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation or modification. This deadline may be extended by up to 12 months if application is made to the Director within a reasonable time before the termination date and the party shows good cause for any such extension.

9. Construction of New Sources(s)

The proposed emissions unit(s) shall be constructed in strict accordance with the plans and application submitted for this permit to the Director of the Ohio Environmental Protection Agency. There may be no deviation from the approved plans without the express, written approval of the Agency. Any deviations from the approved plans or the above conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed sources are inadequate or cannot meet applicable standards.

If the construction of the proposed emissions unit(s) has already begun or has been completed prior to the date the Director of the 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.

10. 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.

11. Applicability

This Permit to Install is applicable only to the emissions unit(s) identified in the Permit to Install. Separate application must be made to the Director for the installation or modification of any other emissions unit(s).

12. Best Available Technology

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.

13. Source Operation and Operating Permit Requirements After Completion of

Construction

This facility is permitted to operate each source described by this Permit to Install for a period of up to one year from the date the source commenced operation. This permission to operate is granted only if the facility complies with all requirements contained in this permit and all applicable air pollution laws, regulations, and policies. Pursuant to OAC Chapter 3745-35, the permittee shall submit a complete operating permit application within thirty (30) days after commencing operation of the emissions unit(s) covered by this permit.

14. Construction Compliance Certification

The applicant shall provide Ohio EPA with a written certification (see enclosed form) that the facility has been constructed in accordance with the Permit to Install application and the terms and conditions of the Permit to Install. The certification shall be provided to Ohio EPA upon completion of construction but prior to startup of the source.

15. Fees

The permittee shall pay fees to the Director of the Ohio EPA in accordance with ORC section 3745.11 and OAC Chapter 3745-78. The permittee shall pay all applicable Permit to Install fees within 30 days after the issuance of this Permit to Install.

B. Permit to Install Summary of Allowable Emissions

The following information summarizes the total allowable emissions, by pollutant, based on the individual allowable emissions of each air contaminant source identified in this permit.

SUMMARY (for informational purposes only)
TOTAL PERMIT TO INSTALL ALLOWABLE EMISSIONS

Pollutant	Tons Per Year
Particulates	0.15

Emissions Unit ID: **F006**

PART II - SPECIAL TERMS AND CONDITIONS FOR SPECIFIC EMISSIONS UNIT(S)

A. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
700 TPH; 42" x 800' Field Conveyor #2; Portable Emissions Unit	OAC rule 3745-31-05	0.071 lb/hr and 0.076 TPY particulates
	NSPS 40 CFR Part 60, Subpart OOO	10% opacity, from any transfer point, as a 6-minute average
	OAC rule 3745-17-11 (B)	The limit based on this rule is less stringent than the particulate limit established above as BAT under 3745-31-05.
	OAC rule 3745-17-07 (B)(1) (See Section A.2.b.)	The visible emissions of fugitive dust shall not exceed 20% opacity, as a 3-minute average (See Sections A.2.b. and A.2.c.)
	OAC rule 3745-17-08 (B) (See Section A.2.b.)	Reasonably available control measures (RACM). (See Sections A.2.b. and A.2.c.)

2. **Additional Terms and Conditions**

a. The hourly emission limitation was established to reflect the potential to emit for this emissions unit. Therefore, it is not necessary to develop recordkeeping and/or reporting requirements to ensure compliance with this limit.

b. These OAC rules, the stated visible emission opacity requirement, and the application of RACM are applicable only when the emissions unit is located in an Appendix A area as specified in OAC rule 3745-17-08.

c. The aggregate materials processed through this conveyor shall have a moisture content sufficient to minimize or eliminate visible emissions of fugitive dust from the conveyor and transfer points, so that compliance with the opacity requirement(s) specified above is continuously maintained.

B. Operational Restrictions

1. The maximum annual production rate for this facility shall not exceed 1,500,000 tons.

C. Monitoring and/or Recordkeeping Requirements

1. The permittee shall maintain monthly records of the total aggregate materials produced in this facility.

D. Reporting Requirements

1. The permittee shall submit annual reports that identify any exceedances of the annual production rate limitation for this facility, as well as the corrective actions that were taken to achieve compliance. These reports shall be submitted by January 31 of each year.

E. Testing Requirements

1. Within 60 days of reaching maximum production, this facility shall conduct, or have conducted, an opacity test for F006 in order to demonstrate compliance with the specified allowable opacity limitation. The opacity test shall be conducted in accordance with the test method specified in 40 CFR Part 60 Subpart OOO, [reference section 60.675].

   Not later than 30 days prior to the proposed test date(s), this facility shall submit an Intent to Test notification to the Regional Air Pollution Control Agency (RAPCA). The Intent to Test notification shall describe in detail the proposed test methods and procedures, the source operating parameters, the time(s) and the date(s) of the test(s). Failure to submit such notification for review and approval prior to the test(s) may result in RAPCA's refusal to accept the results of the opacity test(s).

   Personnel from RAPCA shall be permitted to witness the test(s). Personnel from this facility shall

acquire data and information regarding the source operating parameters (including but not limited to, water flow rates and pressure employed for particulate emission and opacity control at this plant). Data reduction of opacity readings (to determine compliance with opacity limitations) shall be based upon 6-minute averages, and if applicable, 3-minute averages.

A comprehensive written report on the results of the opacity test(s) (including opacity levels and the source operating parameters) shall be submitted to RAPCA within 30 days following completion of the test(s).

2. Compliance with the emission limitations in this permit for emissions unit F006 shall be determined in accordance with the following method(s):

   a. Emission Limitation

      0.071 lb/hr particulates

      Applicable Compliance Method

      Compliance shall be determined by multiplying the maximum hourly production rate of the conveyor (700 TPH) by the emission factor of 1.008 E-4 lb/ton, as specified in USEPA reference document AP-42, Table 11.19.2-2.

   b. Emission Limitation

      0.076 TPY particulates

      Applicable Compliance Method

      Compliance shall be based upon the recordkeeping specified in section C.1., summing the 12 monthly production records for the calendar year, and then multiplying the result by the emission factor of 1.008 E-4 lb/ton, as specified in AP-42, Table 11.19.2-2, and dividing by 2,000 pounds per ton.

   c. Emission Limitation

      10% opacity, as a 6-minute average

      Applicable Compliance Method

      Compliance shall be determined by visible emission evaluations performed using the methods and procedures specified in USEPA Reference Method 9 and 40 CFR 60.675 Subpart OOO.

   d. Emission Limitation

      20% opacity, as a 3-minute average

      Applicable Compliance Method

      Compliance shall be determined by visible emission evaluations performed in accordance

with OAC rule 3745-17-03(B)(3) using the methods and procedures specified in USEPA Reference Method 9.

F. Miscellaneous Requirements

Notice to Relocate a Portable or Mobile Source

1. Pursuant to Ohio Administrative Code (OAC) rule 3745-31-03(A)(1)(p)(i), the permittee of a portable or mobile emissions unit may relocate within the State of Ohio without first obtaining a PTI providing the following criteria are met:

   i. the portable emissions unit is equipped with the best available control technology for such portable emissions unit;

   ii. the portable emissions unit is operating pursuant to a currently effective permit to operate (PTO);

   iii. the applicant has provided proper notice of intent to relocate the portable emissions unit to the RAPCA and the appropriate field office having jurisdiction over the new site within a minimum of thirty days prior to the scheduled relocation; and,

   iv. in RAPCA's and the appropriate field office's judgement, the proposed site is acceptable under the rule 3745-15-07 of the Administrative Code.

2. In the alternative, pursuant to OAC rule 3745-31-03(A)(1)(p)(ii), the permittee of a portable or mobile emissions unit may relocate within the State of Ohio without first obtaining a PTI providing the following criteria of OAC rule 3745-31-05(F) are met:

   i. the portable emissions unit permittee possesses an Ohio EPA PTI, PTO or registration status;

   ii. the portable emissions unit is equipped with best available technology;

   iii. the portable emission unit owner has identified the proposed site to Ohio EPA;

   iv. Ohio EPA has determined that the portable emissions unit, at the proposed site, will have an acceptable environmental impact;

   v. a public notice, consistent with Chapter 3745-47 of the Administrative Code, is published in the county where the proposed site is located;

   vi. the owner of the proposed site has provided the portable emissions unit owner with approval or equivalent declaration that it is acceptable to the site owner to move the

portable emissions unit to this proposed site; and ,

vii. the portable emissions unit owner has provided Ohio EPA with fifteen days written notice of the relocation.

3. Any site approvals issued by the Ohio EPA, pursuant to F.1. or F.2. above, shall be valid for no longer than three years and are subject to renewal.

   In order for the RAPCA and the appropriate field office having jurisdiction over the new site to determine compliance with all of the above criteria, the owner or operator of the portable or mobile emissions unit must file a "Notice of Intent to Relocate", within the specified time frame (30 or 15 days) prior to the relocation of the emissions unit with the RAPCA (451 W. Third Street, Dayton, OH 45422) and the appropriate field office having jurisdiction over the new site. Upon receipt of the notice, the RAPCA and/or appropriate field office having jurisdiction over the new site, will evaluate the request in accordance with the above criteria.

   Failure to submit said notification and to receive Ohio EPA approval prior to relocation of the emissions unit may result in fines and civil penalties.

PART II - SPECIAL TERMS AND CONDITIONS FOR SPECIFIC EMISSIONS UNIT(S) [Continued]

A. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
700 TPH, 42" x 90' Surge Stacker; Portable Emissions Unit	OAC rule 3745-31-05	0.071 lb/hr and 0.076 TPY particulates
	NSPS 40 CFR Part 60, Subpart OOO	10% opacity, from any transfer point, as a 6-minute average
	OAC rule 3745-17-11 (B)	The limit based on this rule is less stringent than the particulate limit established above as BAT under 3745-31-05.
	OAC rule 3745-17-07 (B)(1) (See Section A.2.b.)	The visible emissions of fugitive dust shall not exceed 20% opacity, as a 3-minute average (See Sections A.2.b. and A.2.c.)
	OAC rule 3745-17-08 (B) (See Section A.2.b.)	Reasonably available control measures (RACM). (See Sections A.2.b. and A.2.c.)

2. **Additional Terms and Conditions**

a. The hourly emission limitation was established to reflect the potential to emit for this emissions unit. Therefore, it is not necessary to develop recordkeeping and/or reporting requirements to ensure compliance with this limit.

b. These OAC rules, the stated visible emission opacity requirement, and the application of RACM are applicable only when the emissions unit is located in an Appendix A area as specified in OAC rule 3745-17-08.

c. The aggregate materials processed through this conveyor shall have a moisture content sufficient to minimize or eliminate visible emissions of fugitive dust from the conveyor and transfer points, so that compliance with the opacity requirement(s) specified above is continuously maintained.

B. Operational Restrictions

1. The maximum annual production rate for this facility shall not exceed 1,500,000 tons.

C. Monitoring and/or Recordkeeping Requirements

1. The permittee shall maintain monthly records of the total aggregate materials produced in this facility.

D. Reporting Requirements

1. The permittee shall submit annual reports that identify any exceedances of the annual production rate limitation for this facility, as well as the corrective actions that were taken to achieve compliance. These reports shall be submitted by January 31 of each year.

E. Testing Requirements

1. Within 60 days of reaching maximum production, this facility shall conduct, or have conducted, an opacity test for F007 in order to demonstrate compliance with the specified allowable opacity limitation. The opacity test shall be conducted in accordance with the test method specified in 40 CFR Part 60 Subpart OOO, [reference section 60.675].

   Not later than 30 days prior to the proposed test date(s), this facility shall submit an Intent to Test notification to the Regional Air Pollution Control Agency (RAPCA). The Intent to Test notification shall describe in detail the proposed test methods and procedures, the source operating parameters, the time(s) and the date(s) of the test(s). Failure to submit such notification for review and approval prior to the test(s) may result in RAPCA's refusal to accept the results of the opacity test(s).

   Personnel from RAPCA shall be permitted to witness the test(s). Personnel from this facility shall

acquire data and information regarding the source operating parameters (including but not limited to, water flow rates and pressure employed for particulate emission and opacity control at this plant). Data reduction of opacity readings (to determine compliance with opacity limitations) shall be based upon 6-minute averages, and if applicable, 3-minute averages.

A comprehensive written report on the results of the opacity test(s) (including opacity levels and the source operating parameters) shall be submitted to RAPCA within 30 days following completion of the test(s).

2. Compliance with the emission limitations in this permit for emissions unit F007 shall be determined in accordance with the following method(s):

   a. Emission Limitation

      0.071 lb/hr particulates

      Applicable Compliance Method

      Compliance shall be determined by multiplying the maximum hourly production rate of the conveyor (700 TPH) by the emission factor of 1.008 E-4 lb/ton, as specified in USEPA reference document AP-42, Table 11.19.2-2.

   b. Emission Limitation

      0.076 TPY particulates

      Applicable Compliance Method

      Compliance shall be based upon the recordkeeping specified in section C.1., summing the 12 monthly production records for the calendar year, and then multiplying the result by the emission factor of 1.008 E-4 lb/ton, as specified in AP-42, Table 11.19.2-2, and dividing by 2,000 pounds per ton.

   c. Emission Limitation

      10% opacity, as a 6-minute average

      Applicable Compliance Method

      Compliance shall be determined by visible emission evaluations performed using the methods and procedures specified in USEPA Reference Method 9 and 40 CFR 60.675 Subpart OOO.

   d. Emission Limitation

      20% opacity, as a 3-minute average

      Applicable Compliance Method

      Compliance shall be determined by visible emission evaluations performed in accordance

with OAC rule 3745-17-03(B)(3) using the methods and procedures specified in USEPA Reference Method 9.

F. Miscellaneous Requirements

Notice to Relocate a Portable or Mobile Source

1. Pursuant to Ohio Administrative Code (OAC) rule 3745-31-03(A)(1)(p)(i), the permittee of a portable or mobile emissions unit may relocate within the State of Ohio without first obtaining a PTI providing the following criteria are met:

   i. the portable emissions unit is equipped with the best available control technology for such portable emissions unit;

   ii. the portable emissions unit is operating pursuant to a currently effective permit to operate (PTO);

   iii. the applicant has provided proper notice of intent to relocate the portable emissions unit to the RAPCA and the appropriate field office having jurisdiction over the new site within a minimum of thirty days prior to the scheduled relocation; and,

   iv. in RAPCA's and the appropriate field office's judgement, the proposed site is acceptable under the rule 3745-15-07 of the Administrative Code.

2. In the alternative, pursuant to OAC rule 3745-31-03(A)(1)(p)(ii), the permittee of a portable or mobile emissions unit may relocate within the State of Ohio without first obtaining a PTI providing the following criteria of OAC rule 3745-31-05(F) are met:

   i. the portable emissions unit permittee possesses an Ohio EPA PTI, PTO or registration status;

   ii. the portable emissions unit is equipped with best available technology;

   iii. the portable emission unit owner has identified the proposed site to Ohio EPA;

   iv. Ohio EPA has determined that the portable emissions unit, at the proposed site, will have an acceptable environmental impact;

   v. a public notice, consistent with Chapter 3745-47 of the Administrative Code, is published in the county where the proposed site is located;

   vi. the owner of the proposed site has provided the portable emissions unit owner with approval or equivalent declaration that it is acceptable to the site owner to move the

portable emissions unit to this proposed site; and,

vii. the portable emissions unit owner has provided Ohio EPA with fifteen days written notice of the relocation.

3. Any site approvals issued by the Ohio EPA, pursuant to F.1. or F.2. above, shall be valid for no longer than three years and are subject to renewal.

In order for the RAPCA and the appropriate field office having jurisdiction over the new site to determine compliance with all of the above criteria, the owner or operator of the portable or mobile emissions unit must file a "Notice of Intent to Relocate", within the specified time frame (30 or 15 days) prior to the relocation of the emissions unit with the RAPCA (451 W. Third Street, Dayton, OH 45422) and the appropriate field office having jurisdiction over the new site. Upon receipt of the notice, the RAPCA and/or appropriate field office having jurisdiction over the new site, will evaluate the request in accordance with the above criteria.

Failure to submit said notification and to receive Ohio EPA approval prior to relocation of the emissions unit may result in fines and civil penalties.