Ohio Environmental Protection Agency

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

Certified Mail

6/23/2010

No	TOXIC REVIEW
No	PSD
No	SYNTHETIC MINOR TO AVOID MAJOR NSR
No	CEMS
No	MACT
Yes	NSPS
No	NESHAPS
No	NETTING
No	MAJOR NON-ATTAINMENT
No	MODELING SUBMITTED
No	SYNTHETIC MINOR TO AVOID TITLE V
No	FEDERALLY ENFORCABLE PTIO (FEPTIO)

Mr. Tony Muto
Evans Landscaping, Inc. (1412 Trackpacktor Crusher)
4229 Round Bottom Road
Cincinnati, OH 45244

RE: FINAL AIR POLLUTION PERMIT-TO-INSTALL AND OPERATE
Facility ID: 1431004371
Permit Number: P0106481
Permit Type: Renewal
County: Hamilton

Dear Permit Holder:

Enclosed please find a final Air Pollution Permit-to-Install and Operate (PTIO) which will allow you to install, modify, and/or operate the described emissions unit(s) in the manner indicated in the permit. Because this permit contains conditions and restrictions, please read it very carefully. Please complete a survey at www.epa.ohio.gov/dapc/permitsurvey.aspx and give us feedback on your permitting experience. We value your opinion.

The issuance of this PTI is a final action of the Director and may be appealed to the Environmental Review Appeals Commission 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. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of $70.00, made payable to "Ohio Treasurer Kevin Boyce," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

If you have any questions, please contact Hamilton County Dept. of Environmental Services at (513)946-7777 or the Office of Compliance Assistance and Pollution Prevention at (614) 644-3469. This permit can be accessed electronically on the DAPC Web page, www.epa.ohio.gov/dapc, by clicking the "Issued Air Pollution Control Permits" link.

Sincerely,

Michael W. Ahern

Michael W. Ahern, Manager
Permit Issuance and Data Management Section, DAPC

Cc: HCDOES

50 West Town Street, Suite 700
P.O. Box 1049
Columbus, OH 43216-1049

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Ohio | Environmental Protection Agency

FINAL

Division of Air Pollution Control
Permit-to-Install and Operate
for
Evans Landscaping, Inc. (1412 Trackpacktor Crusher)

Facility ID: 1431004371
Permit Number: P0106481
Permit Type: Renewal
Issued: 6/23/2010
Effective: 6/23/2010
Expiration: 6/23/2020

Ohio Environmental Protection Agency

Division of Air Pollution Control
Permit-to-Install and Operate
for
Evans Landscaping, Inc. (1412 Trackpacktor Crusher)

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Authorization

Facility ID: 1431004371
Application Number(s): A0039757
Permit Number: P0106481
Permit Description: P005 was originally permitted under 1431344222 along with another portable crusher (P006); now that P005 has its own facility ID - 1431004371, the original PTIO under 1431344222 is being split up so that P005 has its own PTIO associated with it.
Permit Type: Renewal
Permit Fee: $0.00
Issue Date: 6/23/2010
Effective Date: 6/23/2010
Expiration Date: 6/23/2020
Permit Evaluation Report (PER) Annual Date: Jan 1 - Dec 31, Due Feb 15

This document constitutes issuance to:

Evans Landscaping, Inc. (1412 Trackpacktor Crusher)
4229 Round Bottom Road
Newtown, OH 45244

of a Permit-to-Install and Operate for the emissions unit(s) identified on the following page.

Ohio EPA District Office or local air agency responsible for processing and administering your permit:

Hamilton County Dept. of Environmental Services
250 William Howard Taft Pkwy.
Cincinnati, OH 45219-2660
(513)946-7777

The above named entity is hereby granted this Permit-to-Install and Operate for the air contaminant source(s) (emissions unit(s)) listed in this section 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 described emissions unit(s) will operate in compliance with applicable State and federal laws and regulations.

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

Chris Korleski
Director

Authorization (continued)

Permit Number: P0106481
Permit Description: P005 was originally permitted under 1431344222 along with another portable crusher (P006); now that P005 has its own facility ID - 1431004371, the original PTIO under 1431344222 is being split up so that P005 has its own PTIO associated with it.

Permits for the following Emissions Unit(s) or groups of Emissions Units are in this document as indicated below:

Emissions Unit ID:	**P005**
Company Equipment ID:	1412 Trackpactor Portable Crusher
Superseded Permit Number:	
General Permit Category and Type:	Not Applicable

A. Standard Terms and Conditions

1. What does this permit-to-install and operate ("PTIO") allow me to do?

This permit allows you to install and operate the emissions unit(s) identified in this PTIO. You must install and operate the unit(s) in accordance with the application you submitted and all the terms and conditions contained in this PTIO, including emission limits and those terms that ensure compliance with the emission limits (for example, operating, recordkeeping and monitoring requirements).

2. Who is responsible for complying with this permit?

The person identified on the "Authorization" page, above, is responsible for complying with this permit until the permit is revoked, terminated, or transferred. "Person" means a person, firm, corporation, association, or partnership. The words "you," "your," or "permittee" refer to the "person" identified on the "Authorization" page above.
The permit applies only to the emissions unit(s) identified in the permit. If you install or modify any other equipment that requires an air permit, you must apply for an additional PTIO(s) for these sources.

3. What records must I keep under this permit?

You must keep all records required by this permit, including monitoring data, test results, strip-chart recordings, calibration data, maintenance records, and any other record required by this permit for five years from the date the record was created. You can keep these records electronically, provided they can be made available to Ohio EPA during an inspection at the facility. Failure to make requested records available to Ohio EPA upon request is a violation of this permit requirement.

4. What are my permit fees and when do I pay them?

There are two fees associated with permitted air contaminant sources in Ohio:

- PTIO fee. This one-time fee is based on a fee schedule in accordance with Ohio Revised Code (ORC) section 3745.11, or based on a time and materials charge for permit application review and permit processing if required by the Director.

  You will be sent an invoice for this fee after you receive this PTIO and payment is due within 30 days of the invoice date. You are required to pay the fee for this PTIO even if you do not install or modify your operations as authorized by this permit.

- Annual emissions fee. Ohio EPA will assess a separate fee based on the total annual emissions from your facility. You self-report your emissions in accordance with Ohio Administrative Code (OAC) Chapter 3745-78. This fee assessed is based on a fee schedule in ORC section 3745.11 and funds Ohio EPA's permit compliance oversight activities. Unless otherwise specified, facilities subject to one or more synthetic minor restrictions must use Ohio EPA's "Air Services" to submit annual emissions associated with this permit requirement. Ohio EPA will notify you when it is time to report your emissions and to pay your annual emission fees.

5. When does my PTIO expire, and when do I need to submit my renewal application?

This permit expires on the date identified at the beginning of this permit document (see "Authorization" page above) and you must submit a renewal application to renew the permit. Ohio EPA will send a renewal notice to you approximately six months prior to the expiration date of this permit. However, it is very important that you submit a complete renewal permit application (postmarked prior to expiration of this permit) even if you do not receive the renewal notice.
If a complete renewal application is submitted before the expiration date, Ohio EPA considers this a

timely application for purposes of ORC section 119.06, and you are authorized to continue operating the emissions unit(s) covered by this permit beyond the expiration date of this permit until final action is taken by Ohio EPA on the renewal application.

6. What happens to this permit if my project is delayed or I do not install or modify my source?

This PTIO expires 18 months after the issue date identified on the "Authorization" page above unless otherwise specified if you have not (1) started constructing the new or modified emission sources identified in this permit, or (2) entered into a binding contract to undertake such construction. This deadline can be extended by up to 12 months, provided you apply to Ohio EPA for this extension within a reasonable time before the 18-month period has ended and you can show good cause for any such extension.

7. What reports must I submit under this permit?

An annual permit evaluation report (PER) is required in addition to any malfunction reporting required by OAC rule 3745-15-06 or other specific rule-based reporting requirement identified in this permit. Your PER due date is identified in the Authorization section of this permit.

8. If I am required to obtain a Title V operating permit in the future, what happens to the operating provisions and PER obligations under this permit?

If you are required to obtain a Title V permit under OAC Chapter 3745-77 in the future, the permit-to-operate portion of this permit will be superseded by the issued Title V permit. From the effective date of the Title V permit forward, this PTIO will effectively become a PTI (permit-to-install) in accordance with OAC rule 3745-31-02(B). The following terms and conditions will no longer be applicable after issuance of the Title V permit: Section B, Term 1.b) and Section C, for each emissions unit, Term a)(2).
The PER requirements in this permit remain effective until the date the Title V permit is issued and is effective, and cease to apply after the effective date of the Title V permit. The final PER obligation will cover operations up to the effective date of the Title V permit and must be submitted on or before the submission deadline identified in this permit on the last day prior to the effective date of the Title V permit.

9. What are my obligations when I perform scheduled maintenance on air pollution control equipment?

You must perform scheduled maintenance of air pollution control equipment in accordance with OAC rule 3745-15-06(A). If scheduled maintenance requires shutting down or bypassing any air pollution control equipment, you must also shut down the emissions unit(s) served by the air pollution control equipment during maintenance, unless the conditions of OAC rule 3745-15-06(A)(3) are met. Any emissions that exceed permitted amount(s) under this permit (unless specifically exempted by rule) must be reported as deviations in the annual permit evaluation report (PER), including nonexempt excess emissions that occur during approved scheduled maintenance.

10. Do I have to report malfunctions of emissions units or air pollution control equipment? If so, how must I report?

If you have a reportable malfunction of any emissions unit(s) or any associated air pollution control system, you must report this to the Hamilton County Dept. of Environmental Services in accordance with OAC rule 3745-15-06(B). Malfunctions that must be reported are those that result in emissions that exceed permitted emission levels. It is your responsibility to evaluate control equipment breakdowns and operational upsets to determine if a reportable malfunction has occurred.

If you have a malfunction, but determine that it is not a reportable malfunction under OAC rule 3745-15-06(B), it is recommended that you maintain records associated with control equipment breakdown or process upsets. Although it is not a requirement of this permit, Ohio EPA recommends that you maintain records for non-reportable malfunctions.

11. Can Ohio EPA or my local air agency inspect the facility where the emission unit(s) is/are located?

Yes. Under Ohio law, the Director or his authorized representative may inspect the facility, conduct tests, examine records or reports to determine compliance with air pollution laws and regulations and the terms and conditions of this permit. You must provide, within a reasonable time, any information Ohio EPA requests either verbally or in writing.

12. What happens if one or more emissions units operated under this permit is/are shut down permanently?

Ohio EPA can terminate the permit terms associated with any permanently shut down emissions unit. "Shut down" means the emissions unit has been physically removed from service or has been altered in such a way that it can no longer operate without a subsequent "modification" or "installation" as defined in OAC Chapter 3745-31.
You should notify Ohio EPA of any emissions unit that is permanently shut down by submitting[1] a certification that identifies the date on which the emissions unit was permanently shut down. The certification must be submitted by an authorized official from the facility. You cannot continue to operate an emissions unit once the certification has been submitted to Ohio EPA by the authorized official.
You must comply with all recordkeeping and reporting for any permanently shut down emissions unit in accordance with the provisions of the permit, regulations or laws that were enforceable during the period of operation, such as the requirement to submit a PER, air fee emission report, or malfunction report. You must also keep all records relating to any permanently shutdown emissions unit, generated while the emissions unit was in operation, for at least five years from the date the record was generated.
Again, you cannot resume operation of any emissions unit certified by the authorized official as being permanently shut down without first applying for and obtaining a permit pursuant to OAC Chapter 3745-31.

13. Can I transfer this permit to a new owner or operator?

You can transfer this permit to a new owner or operator. If you transfer the permit, you must follow the procedures in OAC Chapter 3745-31, including notifying Ohio EPA or the local air agency of the change in ownership or operator. Any transferee of this permit must assume the responsibilities of the transferor permit holder.

14. Does compliance with this permit constitute compliance with OAC rule 3745-15-07, "air pollution nuisance"?

This permit and OAC rule 3745-15-07 prohibit operation of the air contaminant source(s) regulated under this permit in a manner that causes a nuisance. Ohio EPA can require additional controls or modification of the requirements of this permit through enforcement orders or judicial enforcement action if, upon investigation, Ohio EPA determines existing operations are causing a nuisance.

[1] Permittees that use Ohio EPA's "Air Services" can mark the affected emissions unit(s) as "permanently shutdown" in the facility profile along with the date the emissions unit(s) was permanently removed and/or disabled. Submitting the facility profile update will constitute notifying of the permanent shutdown of the affected emissions unit(s).

15. What happens if a portion of this permit is determined to be invalid?

If a portion of this permit is determined to be invalid, the remainder of the terms and conditions remain valid and enforceable. The exception is where the enforceability of terms and conditions are dependent on the term or condition that was declared invalid.

B. Facility-Wide Terms and Conditions

1. This permit document constitutes a permit-to-install issued in accordance with ORC 3704.03(F) and a permit-to-operate issued in accordance with ORC 3704.03(G).

   a) For the purpose of a permit-to-install document, the facility-wide terms and conditions identified below are federally enforceable with the exception of those listed below which are enforceable under state law only.

      (1) None.

   b) For the purpose of a permit-to-operate document, the facility-wide terms and conditions identified below are enforceable under state law only with the exception of those listed below which are federally enforceable.

      (1) None.

C. Emissions Unit Terms and Conditions

1. P005, 1412 Trackpactor Portable Crusher

Operations, Property and/or Equipment Description:

1412 Trackpactor Portable Crusher

a) This permit document constitutes a permit-to-install issued in accordance with ORC 3704.03(F) and a permit-to-operate issued in accordance with ORC 3704.03(G).

(1) For the purpose of a permit-to-install document, the emissions unit terms and conditions identified below are federally enforceable with the exception of those listed below which are enforceable under state law only.

a. None.

(2) For the purpose of a permit-to-operate document, the emissions unit terms and conditions identified below are enforceable under state law only with the exception of those listed below which are federally enforceable.

a. None.

b) Applicable Emissions Limitations and/or Control Requirements

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

	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
a.	OAC rule 3745-31-05(A)(3)	Particulate emissions (PE) shall not exceed 19.59 pounds per hour and 20.07 tons per year (TPY). Particulate matter emissions 10 microns or less in diameter (PM10) shall not exceed 9.78 pounds per hour and 10.02 tons per year (TPY). See b)(2)b. and c)(1). The requirements of this rule also include compliance with the requirements of OAC rule 3745-17-08(B) and 40 CFR Part 60, Subpart OOO.
b.	40 CFR Part 60, Subpart OOO	See b)(2)c. and b)(2)d.
c.	OAC rule 3745-17-07(B)(1)	The emission limitation specified by this rule is less stringent than the emission limitations established pursuant to 40 CFR Part 60, Subpart OOO.

	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
d.	OAC rule 3745-17-08(B)	When this emissions unit is located in Appendix A areas, as defined in OAC rule 3745-17-08, the requirements specified by this rule are equivalent to or less stringent than the requirements established pursuant to OAC rule 3745-31-05(A)(3).

(2) Additional Terms and Conditions

a. The material handling operations that are covered by this permit and subject to the above-mentioned requirements are listed below:

550 tons per hour portable crusher

b. The permittee shall employ best available control measures for the purpose of ensuring compliance with the applicable requirements identified below for crushing, transfer points, screening, and conveying operations. In accordance with the application, the permittee has committed to the use of water sprays operating at the points specified, as necessary, to ensure compliance.

c. Fugitive particulate emissions from any transfer point on belt conveyors and from any other emissions point (excluding crushers and truck dumping) where process materials are not saturated, shall not exceed 10 percent opacity, except as provided by rule 40 CFR 60.672.

d. Fugitive particulate emissions from any crusher shall not exceed 15 percent opacity.

e. The application and enforcement of the provisions of the New Source Performance Standards (NSPS), as promulgated by the United States Environmental Protection Agency, 40 CFR Part 60, are delegated to the Ohio Environmental Protection Agency. The requirements of 40 CFR Part 60 are also federally enforceable.

f. Implementation of the above-mentioned control measures in accordance with the terms and conditions of this permit, visible emissions limitations and compliance with specified emission limits is appropriate and sufficient to satisfy the best available technology requirements of OAC rule 3745-31-05(A)(3).

c) Operational Restrictions

(1) The maximum annual material throughput rate for this emissions unit shall not exceed 1,126,800 tons per year.

d) Monitoring and/or Recordkeeping Requirements

(1) Except as otherwise provided in this section, the permittee shall perform inspections of the material handling operations in accordance with the following frequencies:

material handling operation	minimum inspection frequency
1412 Trackpactor Portable Crusher	once daily during operation

(2) The purpose of the inspections is to determine the need for implementing the control measures specified in this permit for the crusher and associated transfer points. The inspections shall be performed during representative, normal operating conditions. No inspection shall be necessary for this material handling operation if the material used in this operation is covered with snow and/or ice, or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements.

(3) The permittee may, upon receipt of written approval from the Hamilton County Department of Environmental Services, modify the above-mentioned inspection frequencies if operating experience indicates that less frequent inspections would be sufficient to ensure compliance with the above-mentioned applicable requirements.

(4) The permittee shall maintain records of the following information:

a. the date and reason any required inspection was not performed;

b. the date of each inspection where it was determined by the permittee that it was necessary to implement the control measures;

c. the dates the control measures were implemented; and

d. on a calendar quarter basis, the total number of days the control measures were implemented.

The information required in d)(4)d. shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

(5) The permittee shall maintain monthly records of the amount of material throughput in this emissions unit.

e) Reporting Requirements

(1) Annual Permit Evaluation Report (PER) forms will be mailed to the permittee at the end of the reporting period specified in the Authorization section of this permit. The permittee shall submit the PER in the form and manner provided by the director by the due date identified in the Authorization section of this permit. The permit evaluation report shall cover a reporting period of no more than twelve-months for each air contaminant source identified in this permit.

f) Testing Requirements

(1) Compliance with the emissions limitations in b)(1) of these terms and conditions shall be determined in accordance with the following methods:

a. Emission Limitation:

PE shall not exceed 20.07 TPY; PM10 emissions shall not exceed 10.02 TPY.

Applicable Compliance Method:

Annual emissions of PE and PM-10 shall be calculated and compliance determined using the following equations:

TPY of PE = $\{(A_1B) + (A_2B)(1 - C\%) + (A_3B) + (A_4B)\}$ (1 ton/2000 lbs)

TPY of PM-10 = $\{(a_1B) + (a_2B)(1 - C\%) + (a_3B) + (a_4B)\}$ (1 ton/2000 lbs)

where:

a_1 = PM-10 emission factor of 1.6×10^{-5} lbs/ton for load-in; as established in AP-42; Table 11.19.2-2 (August 2004)

A_1 = PE emission factor of 4.8×10^{-5} lbs/ton for load-in; modified from the PM-10 emission factor of 1.6×10^{-5} lbs/ton for load-in; as established in AP-42; Table 11.19.2-2 (August 2004) based on the assumption that the ratio of PE to PM-10 is approximately 3 : 1.

a_2 = PM-10 emission factor of 0.059 lbs/ton for primary crushing; modified from PM-10 emission factor of 0.00059 lbs/ton for Primary crusher with fabric filter (control efficiency of 99%); as established in AP-42; Table 11.3-1 (August 1997)

A_2 = PE emission factor of 1.18×10^{-1} lbs/ton for crushing; modified from the PM-10 emission factor of 0.00059 lbs/ton for Primary crusher with fabric filter (control efficiency of 99%); as established in AP-42; Table 11.3-1 (August 1997) based on the assumption that the ratio of PE to PM-10 is approximately 3 : 1.

a_3 = PM-10 emission factor of 4.6×10^{-5} lbs/ton for conveyor transfer; as established in AP-42; Table 11.19.2-2 (August 2004).

A_3 = PE emission factor of 1.40×10^{-4} lbs/ton for conveyor transfer; as established in AP-42; Table 11.19.2-2 (August 2004).

a_4 = PM-10 emission factor of 1.6×10^{-5} lbs/ton for load-out; as established in AP-42; Table 11.19.2-2 (August 2004)

A_4 = PE emission factor of 4.8×10^{-5} lbs/ton for load-out; modified from the PM-10 emission factor of 1.6×10^{-5} lbs/ton for load-out; as established in AP-42; Table 11.19.2-2 (August 2004) based on the assumption that the ratio of PE to PM-10 is approximately 3 : 1.

B = Maximum annual throughput of 1,126,800 tons.

C = Water spray control efficiency of 70% for crushing operation; as referenced from Ohio EPA RACM Document Table 2.18-2

b. Emission Limitation:

PE shall not exceed 19.59 lbs/hr; PM10 emissions shall not exceed 9.78 lbs/hr.

Applicable Compliance Method:

Hourly emissions of PE and PM-10 shall be calculated and compliance determined using the following equations:

Lbs/hr PE = $(A_1B) + (A_2B)(1 - C\%) + (A_3B) + (A_4B)$

Lbs/hr PM-10 = $a_1B + a_2B(1 - C\%) + (a_3B) + (a_4B)$

where:

a_1 = PM-10 emission factor of 1.6×10^{-5} lbs/ton for load-in; as established in AP-42; Table 11.19.2-2 (August 2004)

A_1 = PE emission factor of 4.8×10^{-5} lbs/ton for load-in; modified from the PM-10 emission factor of 1.6×10^{-5} lbs/ton for load-in; as established in AP-42; Table 11.19.2-2 (August 2004) based on the assumption that the ratio of PE to PM-10 is approximately 3 : 1.

a_2 = PM-10 emission factor of 0.059 lbs/ton for primary crushing; modified from PM-10 emission factor of 0.00059 lbs/ton for Primary crusher with fabric filter (control efficiency of 99%); as established in AP-42; Table 11.3-1 (August 1997)

A_2 = PE emission factor of 1.18×10^{-1} lbs/ton for crushing; modified from the PM-10 emission factor of 0.00059 lbs/ton for Primary crusher with fabric filter (control efficiency of 99%); as established in AP-42; Table 11.3-1 (August 1997) based on the assumption that the ratio of PE to PM-10 is approximately 3 : 1.

a_3 = PM-10 emission factor of 4.6×10^{-5} lbs/ton for conveyor transfer; as established in AP-42; Table 11.19.2-2 (August 2004).

A_3 = PE emission factor of 1.40×10^{-4} lbs/ton for conveyor transfer; as established in AP-42; Table 11.19.2-2 (August 2004).

a_4 = PM-10 emission factor of 1.6×10^{-5} lbs/ton for load-out; as established in AP-42; Table 11.19.2-2 (August 2004)

A_4 = PE emission factor of 4.8×10^{-5} lbs/ton for load-out; modified from the PM-10 emission factor of 1.6×10^{-5} lbs/ton for load-out; as established in AP-42; Table 11.19.2-2 (August 2004) based on the assumption that the ratio of PE to PM-10 is approximately 3 : 1.

B = maximum hourly rated capacity of the crusher in tons per hour (550 TPH)

C = Water spray control efficiency of 70% for crushing operation; as referenced from Ohio EPA RACM Document Table 2.18-2

c. Emission Limitations:

Opacity limitations for fugitive visible particle emissions pursuant to 40 CFR Part 60, Subpart OOO (see b)(2)c. and b)(2)d.).

Applicable Compliance Method:

If not previously conducted and reported, the permittee shall conduct, or have conducted, fugitive visible particulate emission testing for emissions unit P005 in accordance with the following requirements:

i. The emission testing shall be conducted within 60 days after achieving maximum production but no later than 180 days after initial startup.

ii. Compliance with the opacity limits as specified in b)(2)c. and b)(2)d. of this permit shall be determined by using US EPA Reference Test Method 9 (40 CFR Part 60). The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).

iii. The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (Method 9, Section 2.1) must be followed.

iv. For affected facilities using wet dust suppression for particulate matter control, a visible mist is sometimes generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.

The test(s) shall be conducted while the emissions unit is operating at or near its maximum capacity, unless otherwise specified or approved by the appropriate Ohio EPA District Office or local air agency.

Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the appropriate Ohio EPA District Office or local air agency.

The "Intent to Test" notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, the time(s) and date(s) of the test(s), and the person(s) who will be conducting the test(s). Failure to submit such notification for review and approval prior to the test(s) may result in the Ohio EPA District Office's or local air agency's refusal to accept the results of the emission test(s).

(2) Personnel from the appropriate Ohio EPA District Office or local air agency shall be permitted to witness the test(s), examine the testing equipment, and acquire data and

information necessary to ensure that the operation of the emissions unit and the testing procedures provide a valid characterization of the emissions from the emissions unit and/or the performance of the control equipment.

g) Miscellaneous Requirements

(1) The permittee may relocate the portable source within the State of Ohio without first obtaining a permit-to-install and operate (PTIO) or a permit-to-install (PTI), providing the appropriate exemption requirements have been met and following the approval of the Director (the appropriate Ohio EPA District Office or local air agency). The Director may issue a "Notice of Site Approval" if the following criteria is met, pursuant to the permanent exemption for portable sources in OAC rule 3745-31-03(A)(1):

a. the portable source is operated in compliance with any applicable best available technology (BAT) determination issued in a permit and all applicable state and/or federal rules and laws;

b. the portable source is operating pursuant to a currently effective PTIO or PTI and/or permit to operate (PTO) and continues to comply with the requirements of the permit;

c. the permittee has provided a minimum of 30 days notice of the intent to relocate the portable source to the permitting authority (the Ohio EPA District Office or local air agency that has issued the effective current permit) prior to the scheduled relocation;

d. the Ohio EPA district office or local air agency having jurisdiction over the new site has determined that the permitted emissions would not cause a nuisance and would be acceptable under OAC rule 3745-15-07; and

e. the Director has issued a "Notice of Site Approval", stating that the proposed site is acceptable and the relocation of the portable source, along with any supporting permitted emissions (e.g. roadways or storage piles), would not result in the installation of a major stationary source or a modification of an existing major stationary source at the new site.

The portable source can be relocated upon receipt of the Director's "Notice of Site Approval" for the site.

[OAC rule 3745-31-03(A)(1)(p)(i)]

(2) If the relocation of the portable source would result in the installation of a major source or the modification of a major source, as defined in OAC rule 3745-31-01, the permittee shall submit an application and obtain a PTIO or PTI (as applicable) for the new location prior to moving the portable source.

When a portable source is located at a stationary source or at a site with multiple portable sources, the potential emissions of the portable source may be required to be added to that of the facility, in order to determine the potential to emit for Title V and PSD applicability. Relocation of any portable source that results in the creation of a major source, as defined in OAC rule 3745-77-01, must also meet all applicable

requirements under the Title V program contained in OAC rule 3745-77, which may include the requirement to apply for a Title V permit.

The "Notice of Intent to Relocate" shall be submitted to the Ohio EPA District Office or local air agency responsible for issuing the permits for the portable source. Upon receipt of the notice, the permitting office shall notify the appropriate Ohio EPA District Office or local air agency having jurisdiction over the new site. Failure to submit said notification or failure to receive Ohio EPA approval prior to relocation of the portable source may result in fines and civil penalties.

[OAC rule 3745-31-03(A)(1)(p)(i)]