



Environmental  
Protection Agency

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

7/19/2010

DANIEL CRAGO  
VALLEY ASPHALT PLANT # 13  
11641 MOSTELLER RD  
CINCINNATI, OH 45241

RE: FINAL AIR POLLUTION PERMIT-TO-INSTALL AND OPERATE

Facility ID: 1409000029

Permit Number: P0096160

Permit Type: Renewal

County: Butler

Certified Mail

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

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](http://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](http://www.epa.ohio.gov/dapc), by clicking the "Issued Air Pollution Control Permits" link.

Sincerely,

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

Cc: HCDOES





## Response to Comments

Response to comments for: Permit-To-Install and Operate

Facility ID:	1409000029
Facility Name:	VALLEY ASPHALT PLANT # 13
Facility Description:	Hot mix asphalt batch plant
Facility Address:	3910 KRAUS LANE Ross Twp., OH 45061 Butler County
Permit #:	P0096160, Renewal
A public notice for the draft permit issuance was published in the Ohio EPA Weekly Review and appeared in the Journal News on 05/19/2010. The comment period ended on 06/18/2010.	
Hearing date (if held)	NA
Hearing Public Notice Date (if different from draft public notice)	NA

The following comments were received by Hamilton County Department of Environmental Services (HCDOES) via documented phone conversation of 6/24/2010 from Valley Asphalt Corporation regarding the draft FEPTIO renewal issued 5/18/2010 and are summarized below. No other public comments were received.

1. Topic: **Use of manufacturer off-spec asphalt shingles in raw material feed mix**
  - a. Comment: **Valley Asphalt commented that they routinely use off-spec asphalt shingles that are quality control rejects directly from the manufacturer in the asphalt material mix at Plant #13. Valley Asphalt requested that term c)(6) on page 16 of 26 be amended to allow use of off-spec shingles. Valley Asphalt also commented on the term "rubber" in term c)(6), requesting clarification that this term meant solid rubber materials, such as tires, and would exclude liquid rubber additives to the liquid asphalt cement.**
  - b. Response: HCDOES agreed to revise term c)(6) to allow use of non-asbestos containing asphalt shingles in the aggregate raw material feed mix. In addition, HCDOES agrees that any solid rubber material, as a substitute for virgin aggregate material, would require prior approval from OhioEPA and such materials are prohibited by the revised term c)(6). Liquid rubber additives to the liquid asphalt cement are not subject to this restriction.
2. Topic: **Daily visible emission checks for abnormal conditions**
  - a. Comment: **Valley Asphalt commented that term d)(6) suggests that all occurrences of visible emissions, normal and abnormal, are investigation and corrective action incidents and permit deviations. Valley Asphalt requested that the daily checks specifically identify and investigate abnormal visible emissions events pursuant to the record keeping language found in term d)(6), Valley Asphalt Plant #19 FEPTIO P0104642, issued 12/10/2009.**
  - b. Response: HCDOES agreed to revise term d)(6) using the language found in term d)(6) of Valley Asphalt FEPTIO P0104642 to clarify record keeping and corrective actions for abnormal



visible emissions events.

3. Topic: **Submission of used oil records**

- a. Comment: **Valley Asphalt commented that reporting term e)(3) was excessive regarding submission of used oil records and analytical reports. Valley Asphalt commented that OhioEPA should not need copies since terms b)(2)a. and d)(3) require that copies of all analyses and rebuttals be kept on file by the permittee for review by OhioEPA during inspections and such language for retention of records is found in the used oil rules.**
- b. Response: HCDOES reviewed the OAC rules for used oil, the "*Used Oil Burners - New Guidance for Rebuttable Presumption*", published April 2008 by DHWM, as well as FEPTIO P0104642 for Valley Asphalt Plant #19 and FEPTIO P0106166 for Shelley Materials Plant #25, issued 7/1/2010. The OAC rules and rebuttal policy do not contain such language for submission of rebuttal analyses as found in term e)(3). The most recent FEPTIO P0106166 issued by OhioEPA to Shelly Materials did not contain this additional reporting requirement, nor did the FEPTIO issued to Valley Asphalt Plant #19. Therefore, HCDOES has agree to remove term e)(3) regarding submission of rebuttal records. The permittee is still required to comply with quarterly deviation reporting regarding used oil pursuant to term e)(2) and must maintain rebuttal records pursuant to terms d)(3) and b)(2)a.

No other changes were made to this permit action by HCDOES. Issuance of the final FEPTIO is recommended.

Bonnie Pray, ECS 7/7/2010

**Ohio**

**Environmental  
Protection Agency**

**FINAL**

**Division of Air Pollution Control  
Permit-to-Install and Operate  
for  
VALLEY ASPHALT PLANT # 13**

Facility ID: 1409000029  
Permit Number: P0096160  
Permit Type: Renewal  
Issued: 7/19/2010  
Effective: 7/19/2010  
Expiration: 7/19/2015





Division of Air Pollution Control
Permit-to-Install and Operate
for
VALLEY ASPHALT PLANT # 13

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## Authorization

Facility ID: 1409000029  
Application Number(s): A0027761  
Permit Number: P0096160  
Permit Description: FEPTIO for Hot Mix Asphalt Batch Plant  
Permit Type: Renewal  
Permit Fee: \$0.00  
Issue Date: 7/19/2010  
Effective Date: 7/19/2010  
Expiration Date: 7/19/2015  
Permit Evaluation Report (PER) Annual Date: Jan 1 - Dec 31, Due Feb 15

This document constitutes issuance to:

VALLEY ASPHALT PLANT # 13  
3910 KRAUS LANE  
Ross Twp., OH 45061

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: P0096160  
Permit Description: FEPTIO for Hot Mix Asphalt Batch Plant

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

<b>Emissions Unit ID:</b>	<b>P902</b>
Company Equipment ID:	Asphalt Plant
Superseded Permit Number:	P0096159
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<sup>1</sup> 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

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<sup>1</sup> 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).

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.

**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. **P902, Asphalt Plant #13**

**Operations, Property and/or Equipment Description:**

300 TPH Hot Mix Asphalt Batch Plant, equipped with cyclone and fabric filter baghouse

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. b)(1)b., b)(1)f., b)(1)h., c)(1), d)(1), e)(2), and f)(1)b.

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
<b>Batch Mix Hot Mix Asphalt</b>		
a.	OAC rule 3745-31-05(A)(3)	Stack Emissions:  Particulate emissions (PE) shall not exceed 12.6 pounds per hour, when burning any approved fuel;  Particulate matter 10 microns and less in diameter (PM10) shall not exceed 8.1 pounds per hour, when burning any approved fuel;  Volatile organic compound (VOC) emissions shall not exceed 9.9 pounds per hour, when burning any approved fuel;  Sulfur dioxide (SO2) emissions shall not



	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
		<p>exceed 1.4 pounds per hour, when burning natural gas;</p> <p>Sulfur dioxide (SO<sub>2</sub>) emissions shall not exceed 26.4 pounds per hour, when burning oil;</p> <p>Nitrogen oxides (NO<sub>x</sub>) emissions shall not exceed 7.5 pounds per hour, when burning natural gas;</p> <p>Nitrogen oxides (NO<sub>x</sub>) emissions shall not exceed 36.0 pounds per hour, when burning oil; and</p> <p>Carbon monoxide (CO) emissions shall not exceed 120.0 pounds per hour, when burning any approved fuel.</p> <p>See b)(2)a. and c)(1).</p> <p>The requirements of this rule also include compliance with the requirements of OAC rule 3745-31-05(D), and OAC rule 3745-17-07(A).</p>
b.	<p>OAC rule 3745-31-05(D)</p> <p>Federally Enforceable Restrictions on Potential to Emit to Avoid Title V</p>	<p>Stack Emissions:</p> <p>PE shall not exceed 10.5 tons per year (TPY);*</p> <p>PM<sub>10</sub> shall not exceed 6.75 TPY;*</p> <p>VOC emissions shall not exceed 8.25 TPY;*</p> <p>SO<sub>2</sub> emissions shall not exceed 22.0 TPY;*</p> <p>NO<sub>x</sub> emissions shall not exceed 30.0 TPY;* and</p> <p>CO emissions shall not exceed 99.0 TPY.*</p> <p>*The TPY emissions limitations are based on a rolling, 12-month period, when</p>



	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
		burning any combination of approved fuels.  See c)(1).
c.	OAC rule 3745-17-07(A)(1)	Visible particulate emissions from any stack serving this emissions unit shall not exceed 20% opacity, as a six-minute average, except as specified by rule.
d.	OAC rule 3745-17-11(B)	The emission limitation established by this rule is less stringent than the emission limitations established pursuant to OAC rule 3745-31-05(A)(3).
e.	OAC rule 3745-18-06(E)	The emission limitation established by this rule is less stringent than the emission limitations established pursuant to OAC rule 3745-31-05(A)(3).
<b>Hot Mix Asphalt Truck Load-Out</b>		
a.	OAC rule 3745-31-05(D)  Federally Enforceable Restrictions on Potential to Emit to Avoid Title V	CO emissions shall not exceed 0.35 TPY per rolling, 12-month period;  VOC emissions shall not exceed 1.0 TPY per rolling, 12-month period;  PE shall not exceed 0.13 TPY per rolling, 12-month period; and  PM10 emissions shall not exceed 0.13 TPY per rolling, 12-month period.  See c)(1).
b.	OAC rule 3745-17-07(B)(1)	Visible particulate emissions from fugitive dust shall not exceed 20% opacity as a three-minute average.
<b>Cold End – Sand, Aggregate, and RAP Material Transfer and Bin Loading</b>		
a.	OAC rule 3745-31-05(D)  Federally Enforceable Restrictions on Potential to Emit to Avoid Title V	PE shall not exceed 2.6 TPY per rolling, 12-month period; and  PM10 emissions shall not exceed 1.23 TPY per rolling, 12-month period.  See c)(1).
b.	OAC rule 3745-17-07(B)(1)	Visible particulate emissions from fugitive dust shall not exceed 20% opacity as a three-minute average.

(2) Additional Terms and Conditions

- a. Each shipment of used oil burned in this emissions unit shall be “on-specification” (on-spec) oil and shall meet the used oil specifications contained in OAC rule 3745-279-11. The permittee shall determine that the used fuel oil meets these specifications by performing analyses or obtaining copies of analyses or other information from the supplier documenting that the used fuel oil does not exceed (except for flash point which shall not fall below) the following limitations:

<b>Contaminant/Property</b>	<b>Allowable Specifications</b>
arsenic	5 ppm, maximum
cadmium	2 ppm, maximum
chromium	10 ppm, maximum
total halogens	less than 1,000 ppm; or 4,000 ppm maximum if the presumption that the used oil contains hazardous waste is rebutted, as described below
lead	100 ppm, maximum
flash point	100°F, minimum

and shall also not exceed the following maximum PCB and mercury limitations nor fall below the following heating value:

heat content	135,000 Btu/gallon, minimum
PCB's	less than 50 ppm
mercury	1 ppm, maximum

Used oil containing 1,000 ppm or greater total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under paragraph (B)(1) of rule 3745-279-10 of the Administrative Code. The permittee may receive and burn used oil equaling or exceeding 1,000 ppm total halogens, but less than 4,000 ppm, only if the permittee has successfully demonstrated, pursuant to OAC rule 3745-279-63, that the used oil does not contain a listed hazardous waste, by either acquiring and maintaining source process information which demonstrates that the used oil was contaminated by halogenated constituents that would not be listed hazardous waste or by demonstrating that the used oil does not contain significant concentrations of halogens by acquiring and maintaining representative analytical data. Acceptable analytical test protocols that can be used to analyze used oil for halogenated hazardous constituents include SW-846 Test Methods 9075, 9076, and 9077.\*

If analytical results demonstrate that used oil containing 1,000 ppm or more total halogens, but less than 4,000 total halogens, does not contain greater than 100 ppm of any individual halogenated hazardous constituent found in the F001 and F002 listings in OAC rule 3745-51-31 and there is no information suggesting that any other halogenated hazardous constituent (e.g., chlorinated pesticides) has come in contact with the oil, then the presumption that the oil contains hazardous waste has been successfully rebutted.\*\* The rebuttable presumption does not apply to either metal working oils/fluids containing chlorinated paraffins, if processed through a tolling arrangement as described in OAC rule 3745-279-24(C), or used oils contaminated with chlorofluorocarbons removed from refrigeration units.

The burning of used oil not meeting the above limitations is prohibited in this emissions unit and the fuel oil analyses shall document compliance with each limitation before it is burned. The management and burning of used oil is subject to the Standards for the Management of Used Oil, OAC Chapter 3745-279, and the permittee shall document and assure that used oils burned in this emissions unit meet all of the applicable requirements of this Chapter. If the used oil analyses shows total halogens of 1,000 ppm or greater, the permittee shall obtain and maintain all the necessary records to successfully rebut the presumption that the used oil contains or has been mixed with a listed hazardous waste in accordance with this permit.

\*EPA publication SW-846, 3<sup>rd</sup> (or most current) edition, is available from the Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954; 202/512-1800, document number 955-001-00000-1.

\*\*DHWM policy documented in "Used Oil Burners - New Guidance for Rebuttable Presumption", published April 2008 or most current policy.

- b. Compliance with OAC rule 3745-31-05(A)(3) shall be demonstrated by the use of a baghouse controlling PE from the batch mix plant, compliance with the emission limitations, compliance with the rolling, 12-month operational restriction, and compliance with the operational restrictions regarding used oil, RAP, and fuel restrictions.
- c) Operational Restrictions
  - (1) The total amount of asphalt produced using any approved fuel is limited to 300 tons per hour and 500,000 tons per rolling 12-month period. The permittee has existing records to document compliance with this requirement upon permit issuance. The hourly production rate limitation is based upon the emission unit's maximum design capacity; therefore, no records are required to demonstrate compliance with the hourly limitation.
  - (2) The permittee shall only burn natural gas, fuel oil, and/or on-spec used oil in this emissions unit. In order to utilize a fuel on an ongoing basis, the permittee shall complete the emissions testing for that fuel as specified in f)(1)a.
  - (3) All fuel oil and on-spec used oil burned in this emissions unit shall have a sulfur content equal to or less than 0.5 percent by weight.

- (4) The permittee may not receive or burn any used oil which does not meet the specifications listed in b)(2)a. of this permit without first obtaining a permit-to-install that authorizes the burning of such off-specification used oil. The burning of off-specification used oil for energy recovery subject to OAC rule 3745-279-60 through 67 is prohibited.
- (5) The emissions from this emissions unit shall be vented to a baghouse at all times the emissions unit is in operation.
- (6) The permittee shall only use virgin aggregate, asphalt shingles and reclaimed asphalt pavement (RAP) in the raw material feed mix. For the purposes of this permit, virgin aggregate shall be clean, uncontaminated, quarried material.

The permittee may substitute reclaimed asphalt pavement (RAP) and/or asphalt shingles in amounts not to exceed 50 percent of all aggregate materials in the raw material feed mix.

Asphalt shingles removed from buildings (tear-off material) may be used but only if it has been determined that they do not contain asbestos. No asbestos containing asphalt shingles may be used as part of the feed mix. Verification that the shingles do not contain asbestos can either be done by actual testing of a representative sample of the shingles, or by verification from the shingle manufacturer that the shingles do not contain asbestos. Records shall be kept documenting the asbestos verification of any shingles used in the feed mix. These records shall be maintained pursuant to Section A.3. of this permit.

d) Monitoring and/or Recordkeeping Requirements

- (1) The permittee shall maintain monthly records of the following information:
  - a. the total asphalt production, in tons for each month;
  - b. the total asphalt produced, in tons, for each fuel type for each month;
  - c. the rolling, 12-month summation of the total asphalt production, and asphalt production by fuel type, calculated by adding the current month's asphalt production to the asphalt production for the preceding eleven calendar months;
  - d. the rolling, 12-month summation of the PE, PM10, SO<sub>2</sub>, NO<sub>x</sub>, VOC and CO emissions; and
  - e. the maximum percentage of RAP and asphalt shingles used for any mix type.
- (2) For each shipment of fuel oil and on-spec used oil received for burning in this emissions unit, the permittee shall maintain records of the total quantity of oil received and the permittees or oil supplier's analyses for sulfur content and heat content.
- (3) The permittee shall receive and maintain the chemical analyses from the supplier/marketer for each shipment of used oil burned in this emissions unit (or if the oil is generated on site, the permittee shall conduct the chemical analyses), which shall contain the following information:

- a. the date the used oil was received at the facility and the amount received;
- b. the name, address, and U.S. EPA identification number (if applicable) of the generator, transporter, processor/refiner, supplier, and/or marketer;
- c. the results of the following chemical analyses, demonstrating that the used oil meets the standards in OAC rule 3745-279-11:
  - i. arsenic content, in ppm;
  - ii. the cadmium content, in ppm;
  - iii. the chromium content, in ppm;
  - iv. the lead content, in ppm;
  - v. total halogens, in ppm; and
  - vi. the flash point;
- d. where the chemical analysis shows a total halogen content between 1,000 ppm, and below 4,000 ppm, the successful demonstration for the rebuttal of the presumption that the used oil contains or has been mixed with a listed hazardous waste, as described in OAC rule 3745-279-63(C); and
- e. the results of the analyses demonstrating that the used oil meets the heating value and the mercury and PCB limitations contained in this permit.

Each analysis shall be kept in a readily accessible location for a period of not less than 5 years\* following the receipt of each shipment of used oil and shall be made available to the Ohio EPA Division of Hazardous Waste Management and/or the Division of Air Pollution Control (the appropriate Ohio EPA District Office or local air agency) upon verbal or written request. Any authorized representative of the Ohio EPA may sample or require sampling of any used oil shipments received, stored, or burned by/at this facility for periodic detailed chemical analyses through an independent laboratory.

\*The Division of Air Pollution Control requires these records to be maintained for 5 years.

- (4) The permittee shall properly install, operate, and maintain equipment to continuously monitor the pressure drop, in inches of water, across the baghouse when the controlled emissions unit(s) is/are in operation, including periods of startup and shutdown. The monitoring equipment shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's recommendations, instructions, and operating manual(s), with any modifications deemed necessary by the permittee. The permittee shall record the pressure drop across the baghouse on a daily basis.
- (5) Whenever the monitored value for the pressure drop deviates from the limit or range specified below, the permittee shall promptly investigate the cause of the deviation. The permittee shall maintain records of the following information for each investigation:

- a. the date and time the deviation began;
- b. the magnitude of the deviation at that time;
- c. the date the investigation was conducted;
- d. the name(s) of the personnel who conducted the investigation; and
- e. the findings and recommendations.

In response to each required investigation to determine the cause of a deviation, the permittee shall take prompt corrective action to bring the operation of the control equipment within the acceptable range specified in this permit, unless the permittee determines that corrective action is not necessary and documents the reasons for that determination and the date and time the deviation ended. The permittee shall maintain records of the following information for each corrective action taken:

- a. a description of the corrective action;
- b. the date corrective action was completed;
- c. the date and time the deviation ended;
- d. the total period of time (in minutes) during which there was a deviation;
- e. the pressure drop readings immediately after the corrective action was implemented; and
- f. the name(s) of the personnel who performed the work.

Investigation and records required by this paragraph do not eliminate the need to comply with the requirements of OAC rule 3745-15-06 if it is determined that a malfunction has occurred.

In order to maintain compliance with the applicable emission limitation(s) contained in this permit, the acceptable range established for the pressure drop across the baghouse is between 1.0 to 6.0 inches of water.

This range or limit on the pressure drop across the baghouse is effective for the duration of this permit, unless revisions are requested by the permittee and approved in writing by the appropriate Ohio EPA District Office or local air agency. The permittee may request revisions to the permitted limit or range for the pressure drop based upon information obtained during future testing that demonstrate compliance with the allowable particulate emission rate for the controlled emissions unit(s). In addition, approved revisions to the range or limit will not constitute a relaxation of the monitoring requirements of this permit and may be incorporated into this permit by means of an administrative modification.

- (6) The permittee shall perform daily visible emission checks, when the emissions unit is in operation and when the weather conditions allow, for any abnormal visible particulate emissions from the stack serving this emissions unit. The daily visible emissions checks

shall be noted in an operations log. If abnormal visible emissions are observed, the permittee shall note the following in the operation log:

- a. the color of the abnormal visible particulate emissions;
- b. the cause of the abnormal visible particulate emissions;
- c. the total duration of any abnormal visible particulate emissions incident; and
- d. any corrective actions taken to eliminate the abnormal visible particulate emissions.

The permittee may, upon receipt of written approval from the appropriate Ohio EPA District Office or local air agency, modify the above-mentioned visible particulate emissions check frequency if operating experience indicates that less frequent checks would be sufficient to ensure compliance with the visible particulate emissions requirements.

- (7) For each material processing, load-out, and handling operation that is not adequately enclosed, the permittee shall perform inspections of such material processing and handling operations in accordance with the following minimum frequencies in order to determine if control measures need to be implemented:

<u>Material Handling Operation(s)</u>	<u>Minimum Inspection Frequency</u>
Cold End – Transfer and Bin Loading	Once During Each Day of Operation
Hot End – Truck Load-Out	Once During Each Day of Operation

Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance. The inspections shall be performed during representative, normal operating conditions.

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 in “d” shall be kept separately for each material handling operation identified above, and shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

e) Reporting Requirements

- (1) Unless other arrangements have been approved by the Director, all notifications and reports shall be submitted through the Ohio EPA's eBusiness Center: Air Services online web portal.
- (2) The permittee shall submit quarterly deviation (excursion) reports that identify:
  - a. all deviations (excursions) of the following emission limitations, operational restrictions and/or control device operating parameter limitations that restrict the potential to emit (PTE) of any regulated air pollutant and have been detected by the monitoring, record keeping and/or testing requirements in this permit:
    - i. all exceedances of the rolling 12-month asphalt production limitation;
    - ii. all exceedances of the rolling 12-month total PE, PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>x</sub>, VOC and CO emission limitations;
    - iii. all exceedances of the sulfur content limitation in c)(3);
    - iv. any exceedance of the used oil standards in OAC rule 3745-279-11;
    - v. any occasion where used oil containing 1,000 ppm or more total halogens was burned prior to receiving information demonstrating a successful rebuttal of the presumption that the used oil contains or has been mixed with a listed hazardous waste;
    - vi. any exceedance of the limitations for mercury and/or PCBs;
    - vii. any deviation from the minimum heat content of 135,000 Btu/gallon;
    - viii. each period of time (start time and date, and end time and date) when the pressure drop across the baghouse was outside of the acceptable range; and
    - ix. any period of time (start time and date, and end time and date) when the emissions unit was in operation and the process emissions were not vented to the baghouse.
  - b. the probable cause of each deviation (excursion);
  - c. any corrective actions that were taken to remedy the deviations (excursions) or prevent future deviations (excursions); and
  - d. the magnitude and duration of each deviation (excursion).

If no deviations (excursions) occurred during a calendar quarter, the permittee shall submit a report that states that no deviations (excursions) occurred during the quarter.

The quarterly reports shall be submitted (postmarked) each year by the thirty-first of January (covering October to December), the thirtieth of April (covering January to

March), the thirty-first of July (covering April to June), and the thirty-first of October (covering July to September), unless an alternative schedule has been established and approved by the Director (the appropriate district office or local air agency).

- (3) 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 emission limitations in b)(1) and b)(2) of these terms and conditions shall be determined in accordance with the following methods:

a. Emission Limitations:

PE shall not exceed 12.6 pounds per hour, when burning any approved fuel;

PM10 shall not exceed 8.1 pounds per hour, when burning any approved fuel;

VOC emissions shall not exceed 9.9 pounds per hour, when burning any approved fuel;

SO<sub>2</sub> emissions shall not exceed 1.4 pounds per hour, when burning natural gas;

SO<sub>2</sub> emissions shall not exceed 26.4 pounds per hour, when burning oil;

NO<sub>x</sub> emissions shall not exceed 7.5 pounds per hour, when burning natural gas;

NO<sub>x</sub> emissions shall not exceed 36.0 pounds per hour, when burning oil; and

CO emissions shall not exceed 120.0 pounds per hour, when burning any approved fuel.

Applicable Compliance Method:

The permittee shall conduct, or have conducted, emission testing for this emissions unit in accordance with the following requirements:

- i. The emission testing shall be conducted 6 months prior to permit renewal for the primary fuel. Emission testing for secondary fuels shall be conducted within 60 days after the switch to the secondary fuel.
- ii. The emission testing shall be conducted to demonstrate compliance with the allowable mass emission rates for PE, VOC, CO, NO<sub>x</sub> and SO<sub>2</sub> for the primary fuel. Prior to secondary fuel emissions testing, the permittee shall consult the appropriate Ohio EPA District Office or local air agency to determine which pollutants should be tested.

- iii. The following test method(s) shall be employed to demonstrate compliance with the allowable mass emission rate(s) for:

PE, Methods 1-5 of 40 CFR Part 60, Appendix A;

NO<sub>x</sub>, Methods 1-4 and 7 or 7E of 40 CFR Part 60, Appendix A;

SO<sub>2</sub>, Methods 1-4 and 6 or 6C of 40 CFR Part 60, Appendix A;

CO, Methods 1-4 and 10 of 40 CFR Part 60, Appendix A; and

VOC, Methods 1-4 and 25, 25A, and/or 18 of 40 CFR Part 60, Appendix A.

The VOC pounds per hour emission rate observed during the emissions test shall be calculated in accordance with OAC paragraph 3745-21-10(C)(7). In lieu of this the permittee shall convert the mass emission value from VOC as carbon to VOC using the molecular weight of propane, i.e., the VOC as carbon emission rate observed during testing shall be converted to the appropriate units by multiplying the VOC emission rate observed during testing (in lbs./hr) by 44 (propane) and dividing by 36 (3 atoms of carbon).

Alternative U.S. EPA approved test methods may be used with prior approval from the Ohio EPA.

- iv. The test(s) shall be conducted while this emissions unit is operating at or near its maximum capacity and burning natural gas, fuel oil, or on-spec used oil for PE, VOC, CO, NO<sub>x</sub> and SO<sub>2</sub> and employing RAP to verify VOC emissions, unless otherwise specified or approved by the appropriate Ohio EPA District Office or local air agency.
- v. 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 appropriate Ohio EPA District Office or local air agency's refusal to accept the results of the emission test(s).

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.

A comprehensive written report on the results of the emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the appropriate Ohio EPA District Office or local air agency within 30 days following completion of the test(s). The permittee may request additional time for the submittal of the written report, where warranted, with prior approval from the appropriate Ohio EPA District Office or local air agency.

b. Emission Limitations:

Rolling, 12-month emissions shall not exceed the following:

PE shall not exceed 10.5 TPY;

PM10 shall not exceed 6.75 TPY;

VOC emissions shall not exceed 8.25 TPY;

SO<sub>2</sub> emissions shall not exceed 22.0 TPY;

NO<sub>x</sub> emissions shall not exceed 30.0 TPY; and

CO emissions shall not exceed 99.0 TPY.

Applicable Compliance Method:

Compliance shall be determined by multiplying the observed emission rate from the most recent emission testing, in pounds of pollutant per ton of asphalt produced for each fuel, by the actual rolling 12-month summation of asphalt produced for each fuel, in tons per rolling 12-month period, (as derived from the records required by d)(1)), summing the results for all fuels, and dividing by 2000.

c. Emission Limitation:

Visible particulate emissions from any stack serving this emissions unit shall not exceed 20 percent opacity as a six-minute average, except as specified by rule.

Applicable Compliance Method:

If required, compliance shall be determined through visible emission observations performed in accordance with U.S. EPA Method 9.

d. Emission Limitation:

Visible emissions of fugitive dust shall not exceed 20 percent opacity as a three-minute average.

Applicable Compliance Method:

If required, compliance shall be determined through visible emission observations performed in accordance U.S. EPA Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3).

e. Emission Limitations:

Fugitive PE/PM10 emissions associated with the cold end sand, aggregate, and RAP material transfer and bin loading operations shall not exceed:

2.6 TPY PE per rolling, 12-month period; and

1.23 TPY PM10 per rolling, 12-month period.

Applicable Compliance Method:

Compliance shall be demonstrated from the following worst case calculations based upon emission factors from AP-42, 5<sup>th</sup> Edition, Table 11.12-2, 10/2001:

Bin loading:

500,000 tons material/year X 0.0051 lb of PE/ton of material X 1 ton/2000 lbs = 1.27 TPY of PE; and 500,000 tons of material/year X 0.0024 lb of PM10/ton of material = 0.6 TPY of PM10.

Aggregate/RAP transfer:

335,000 tons of aggregate/year X 0.0069 lb of PE/ton of aggregate X 1 ton/2000 lbs = 1.16 TPY of PE; and 335,000 tons of aggregate/year X 0.0033 lb of PM10/ton of aggregate X 1 ton/2000 lbs = 0.55 TPY of PM10.

Sand transfer:

165,000 tons of sand/year X 0.0021 lb of PE/ton of sand X 1 ton/2000 lbs = 0.17 TPY of PE; and 165,000 tons of sand/year X 0.00099 lb of PM10/ton of sand X 1 ton/2000 lbs = 0.08 TPY of PM10.

The sum of the above for PE is 1.27 TPY + 1.16 TPY + 0.17 TPY = 2.6 TPY of fugitive PE from cold end operations; and

The sum of the above for PM10 emissions is 0.6 TPY + 0.55 TPY + 0.08 TPY = 1.23 TPY of fugitive PM10 from cold end operations.

f. Emission Limitations:

Fugitive CO, VOC, PE, PM10 emissions associated with the hot end truck load-out operation shall not exceed:

0.35 TPY CO per rolling, 12-month period;

- 1.0 TPY VOC per rolling, 12-month period;
- 0.13 TPY PE per rolling, 12-month period; and
- 0.13 TPY PM10 per rolling, 12-month period.

Applicable Compliance Method:

Compliance shall be demonstrated from the following calculations based upon emission factors from AP-42, 5<sup>th</sup> Edition, Tables 11.1-14 and 11.1-16, 3/2004:

Activity	Pollutant	Predictive Emission Factor Equation, lb/ton
Load out	PE	$EF=0.000181+0.00141(-V)e^{((0.0251)(T+460)-20.43)}$
Load out	VOC	$EF= [0.0172(-V)e^{((0.0251)(T+460)-20.43)}] \times (1-0.073)$
Load out	CO	$EF=0.00558(-V)e^{((0.0251)(T+460)-20.43)}$

Where,

V = -0.5 asphalt volatility factor (default);

T = 325 degrees Fahrenheit, HMA mix temperature (default);

7.3 percent of total organic compound (TOC) emissions are not VOC; and

PM10 emissions are assumed equivalent to the PE.

Based on the above information, the emission factors and calculated emissions from the hot end truck load-out are as follows:

Activity	Pollutant	Emission Factor, lb/ton	TPY (at 500,000 TPY production)
Load out	PE	0.00053	0.13
Load out	VOC	0.004	1.00
Load out	CO	0.0014	0.35

g. Emission Limitations:

Arsenic, cadmium, chromium, lead, mercury, PCB, and total halogen emissions are limited by the fuel specifications in b)(2)a.

Applicable Compliance Method:

Compliance with the emission limitations for arsenic, cadmium, chromium, lead, mercury, PCB, and total halogens shall be demonstrated by the monitoring and record keeping in d)(3) of this permit.

The concentrations of contaminants (arsenic, cadmium, chromium, lead, mercury, PCBs, and total halogens) in the used oil shall be analyzed using a "total constituent analysis" method, as specified in U.S. EPA publication SW-846,

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods." The applicable test methods that should be used are as follows:

Arsenic, cadmium, chromium, and lead: SW-846, Method 3031 or 3051 (digestion procedures) followed by analysis using Method 6010B or 6020;  
Mercury: SW-846, Method 7471A;

PCBs: SW-846, Method 8270C or 8082; and

Total halogens: SW-846, Method 9075, 9076, or 9077.

The permittee shall submit a written request and receive approval from Ohio EPA Division of Hazardous Waste Management and/or the Division of Air Pollution Control, of Central Office, before an alternative test method, not listed above, can be used for the total constituent analysis of the above-mentioned used oil contaminants.

g) **Miscellaneous Requirements**

- (1) The terms and conditions of this Permit to Install and Operate (PTIO) shall supersede the terms and conditions of Permit to Install (PTI) 14-883, issued on August 5, 1987.