Ohio Environmental Protection Agency

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

Certified Mail

9/17/2010

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

KATHLEEN CHANDLER
NEWTOWN FILL LTD.
700 West Peter Rose Way
CINCINNATI, OH 45203

RE: FINAL AIR POLLUTION PERMIT-TO-INSTALL AND OPERATE
Facility ID: 1431343956
Permit Number: P0099734
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

614 | 644 3020
614 | 644 3184 (fax)
www.epa.ohio.gov

Ohio | Environmental Protection Agency

FINAL

Division of Air Pollution Control
Permit-to-Install and Operate
for
NEWTOWN FILL LTD.

Facility ID:	1431343956
Permit Number:	P0099734
Permit Type:	Renewal
Issued:	9/17/2010
Effective:	9/17/2010
Expiration:	9/17/2020

Ohio Environmental Protection Agency

Division of Air Pollution Control
Permit-to-Install and Operate
for
NEWTOWN FILL LTD.

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Authorization

Facility ID: 1431343956
Application Number(s): A0031441
Permit Number: P0099734
Permit Description: Renewal PTIO for a material handling process that was originally permitted under PTI 14-05365 issued 11/12/02.
Permit Type: Renewal
Permit Fee: $0.00
Issue Date: 9/17/2010
Effective Date: 9/17/2010
Expiration Date: 9/17/2020
Permit Evaluation Report (PER) Annual Date: Apr 1 - Mar 31, Due May 15

This document constitutes issuance to:

NEWTOWN FILL LTD.
7960 MAIN ST., S.R. 32
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: P0099734
Permit Description: Renewal PTIO for a material handling process that was originally permitted under PTI 14-05365 issued 11/12/02.

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

Emissions Unit ID:	**F002**
Company Equipment ID:	Material Handling
Superseded Permit Number:	P0099733
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. F002, Material Handling

Operations, Property and/or Equipment Description:

Material Handling

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 5.61 pounds per hour and 2.24 TPY. Particulate Emissions 10 microns and less in diameter (PM10) shall not exceed 2.65 pounds per hour and 1.06 TPY. See b)(2)c. through h. and c)(1) through (8).
b.	OAC rule 3745-17-07(B)(1)	This emissions unit is exempt from the visible emissions limitations for fugitive dust, specified in OAC rule 3745-17-07(B), pursuant to OAC rule 3745-17-07(B)(11)(e), because the emissions unit is not located within areas identified in "Appendix A" of OAC rule 3745-17-08. See b)(2)(c) for visible emission limitation regulated under Best Available Technology (BAT).

	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
c.	OAC rule 3745-17-08(B)	This emissions unit is not located within areas identified in "Appendix A" of OAC rule 3745-17-08, therefore, the requirements of OAC rule 3745-17-08(B), which requires the installation of reasonably available control measures to prevent fugitive dust, do not apply to this emissions unit pursuant to OAC rule 3745-17-08(A)(1). See b)(2)d. through b)(2)h. for reasonably available control measures to prevent fugitive dust regulated under Best Available Technology (BAT).

(2) Additional Terms and Conditions

a. Compliance with OAC rule 3745-31-05(A)(3) shall be demonstrated by the covering of open bodied vehicles, watering, minimizing the drop height for material handling and the material throughput limitation.

b. The hourly emission limitations outlined in this permit are based upon the emission unit's Potential to Emit (PTE). Therefore, no hourly records are required to demonstrate compliance with these limitations.

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

d. All vehicles hauling construction and demolition (C&D) material shall be closed, covered or tarped coming to and leaving the facility in order to minimize visible emissions of fugitive dust and to eliminate load loss.

e. The permittee shall ensure C&D materials are deposited, spread and compacted in such a manner as to minimize or prevent visible particulate emissions of fugitive dust.

f. When dumping C&D materials, the permittee shall implement the following procedures:

i. Any loads which appear to contain dusty materials or are suspected to contain dusty materials shall be watered prior to being dumped. Watering shall be conducted in such a matter as to avoid the pooling of liquids and runoff.

ii. No dusty material shall be dumped during periods of high wind speed unless the material has been treated to prevent it from becoming airborne.

iii. The permittee shall ensure that all truckloads of C&D material are unloaded in a manner which will minimize the drop height of the C&D material and be dumped as near to the point of final placement as possible.

iv. During the dumping of any load in which dusty materials become airborne, the materials shall be watered as necessary.

g. When handling and stockpiling the C&D and cover material, the permittee shall implement the following procedures:

i. Any dusty materials to be stored prior to disposal shall be watered, as necessary or have a temporary soil cover. All exposed C&D materials shall be covered with cover material by the end of each week's operation. To minimize handling of the C&D material, spreading and compacting shall occur in one operation.

ii. The permittee shall minimize the handling and stockpiling of cover material, except for topsoil. The volume of cover material stockpiled at the facility shall be minimized to reduce handling and visible emissions of fugitive dust. Unvegetated cover material and soil in the waste disposal area must be periodically wetted with water and shall be handled in such a manner as to minimize or eliminate visible particulate emissions of fugitive dust. The frequency and amounts of this water application will depend on weather conditions, cover material conditions and soil conditions.

h. The above-mentioned control measure(s) shall be employed for each load-in and load-out operation of each storage pile if the permittee determines, as a result of the inspection conducted pursuant to the monitoring section of this permit, that the control measures are necessary to ensure compliance with the above-mentioned applicable requirements. Any required implementation of the control measures shall continue during any such operation until further observation confirms that use of the measures is unnecessary.

c) Operational Restrictions

(1) The permittee shall ensure C&D materials are deposited, spread and compacted in such a manner as to minimize or prevent visible particulate emissions of fugitive dust.

(2) The permittee shall not accept for disposal any NESHAP Regulated Asbestos Containing Material (RACM) as defined in the NESHAP for asbestos, 40 CFR Part 61 Subpart M, Section 141 amended 11/201990 or any subsequent revisions. This regulation defines RACM as "(a) Friable asbestos material, (b) Category I nonfriable asbestos containing material that has become friable, (c) Category I nonfriable asbestos containing material that will be or has been subjected to sanding, grinding, cutting or abrading, or (d) Category II nonfriable asbestos containing material that has a high probability of becoming or has become crumbled, pulverized or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart."

(3) The permittee shall not accept for disposal any Category II nonfriable asbestos containing material.

(4) For asbestos materials, the permittee shall be limited to accepting Category I nonfriable asbestos containing material that has not or will not be subjected to sanding, grinding, cutting or abrading.

(5) The permittee shall ensure that any Category I nonfriable asbestos containing material which has not or will not be subjected to sanding, grinding, cutting or abrading shall not become friable during processing at the landfill. Any asbestos contraining material that is or becomes friable is subject to the NESHAP regulation cited in c)(1).

(6) All terms stated in c)(2), c)(3) and c)(4) are defined in 40 CFR 61.141 amended 11/20/90 or any subsequent revisions.

(7) There shall be no open burning in violation of OAC rule 3745-19 at this facility.

(8) The permittee shall be limited to accepting only C&D material as defined in Ohio Revised Code 3714.01(C), and consistent with ORC 3714.06, exempt waste in accordance with DSW Policy 0400.007 and solid waste pursuant to OAC rule 3745-400-11(F)(3).

(9) The maximum amount of material received at this facility shall not exceed 400,000 tons.

d) Monitoring and/or Recordkeeping Requirements

(1) The permittee shall maintain monthly records of the volume of material received for disposal.

(2) The permittee shall maintain records of the dates and times of water application required in the above terms and conditions for material handling.

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 emission limitations in b) shall be determined in accordance with the following method(s) identified below:

a. Emission Limitations:

PE emissions shall not exceed 5.61 pounds per hour and 2.24 TPY.

PM10 emissions shall not exceed 2.65 pounds per hour and 1.06 TPY.

Applicable Compliance Method:

Compliance with the PE/PM10 emission limitations shall be determined using the emission factor calculated using equations found in AP 42 13.2.4 titled Aggregate Handling and Storage Piles and using control efficiencies found in Ohio EPA reference document RACM dated September 1980.

Emission Limitations:

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

Applicable Compliance Method:

Compliance with the visible emissions limitation for fugitive dust from material handling operations shall be determined through visible emissions observations performed in accordance U.S. EPA Method 9 and the procedures specified in OAC rule 3745-17-03(B)(3).

g) Miscellaneous Requirements

(1) None.