State of Ohio Environmental Protection Agency

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Lazarus Gov. Center
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Lazarus Gov. Center
P.O. Box 1049
Columbus, OH 43216-1049

**CERTIFIED MAIL**

**RE: FINAL GENERAL PERMIT TO INSTALL**
**STARK COUNTY**
**Application No: 15-01716**

**DATE: 5/29/2008**

JandD Mining Inc
James Demuth
PO Box 405
Magnolia, OH 44643

Enclosed Please find an Ohio EPA Permit To Install referenced above.

You are hereby notified that this action of the Director is final 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 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

Sincerely,

Michael W. Ahern
Permit Issuance and Data Management Section
Ohio EPA, Division of Air Pollution Control

CC: **USEPA** **Canton LAA**

STATE OF OHIO ENVIRONMENTAL PROTECTION AGENCY

**Permit To Install**
**Terms and**
**Conditions**

**Issue Date: 5/29/2008**
**Effective Date: 5/29/2008**

FINAL GENERAL PERMIT TO INSTALL 15-01716

Application Number: 15-01716

Facility ID: 1576001809

Permit Fee: **$200**

Name of Facility: JandD Mining Inc

Person to Contact: James Demuth

Address: PO Box 405
Magnolia, OH 44643

Location of proposed air contaminant source(s) [emissions unit(s)]:
**7340 Willowdale Ave SE**
**Sandy Twp**, **Ohio**

| Emissions Unit ID | Permittee Description | Applicable General Permit Terms (see attached) | Fee |
|---|---|---|---|
| F001 | Roadways and Parking areas | General_Permit_26 áááá Unpaved roadways & parking areas <= 120,000 miles/yr | $200 |

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

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

Chris Korleski
Director

## Part I - GENERAL TERMS AND CONDITIONS

### A. State and Federally Enforceable Permit-To-Install General Terms and Conditions

#### 1. Monitoring and Related Recordkeeping and Reporting Requirements

a. Except as may otherwise be provided in the terms and conditions for a specific emissions unit, the permittee shall maintain records that include the following, where applicable, for any required monitoring under this permit:

i. The date, place (as defined in the permit), and time of sampling or measurements.

ii. The date(s) analyses were performed.

iii. The company or entity that performed the analyses.

iv. The analytical techniques or methods used.

v. The results of such analyses.

vi. The operating conditions existing at the time of sampling or measurement.

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

c. Except as may otherwise be provided in the terms and conditions for a specific emissions unit, the permittee shall submit required reports in the following manner:

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

ii. Quarterly written reports of (i) any deviations from federally enforceable emission limitations, operational restrictions, and control device operating parameter limitations, excluding deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06, that have been detected by the testing, monitoring and recordkeeping requirements

specified in this permit, (ii) the probable cause of such deviations, and (iii) any corrective actions or preventive measures taken, shall be made to the appropriate Ohio EPA District Office or local air agency. The written reports shall be submitted (i.e., postmarked) quarterly, by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters. See B.9 below if no deviations occurred during the quarter.

iii. Written reports, which identify any deviations from the federally enforceable monitoring, recordkeeping, and reporting requirements contained in this permit shall be submitted (i.e., postmarked) to the appropriate Ohio EPA District Office or local air agency every six months, by January 31 and July 31 of each year for the previous six calendar months. If no deviations occurred during a six-month period, the permittee shall submit a semi-annual report, which states that no deviations occurred during that period.

iv. If this permit is for an emissions unit located at a Title V facility, then each written report shall be signed by a responsible official certifying that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate, and complete.

d. The permittee shall report actual emissions pursuant to OAC Chapter 3745-78 for the purpose of collecting Air Pollution Control Fees.

**2. Scheduled Maintenance/Malfunction Reporting**

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of OAC rule 3745-15-06. The malfunction, i.e., upset, of any emissions units or any associated air pollution control system(s) shall be reported to the appropriate Ohio EPA District Office or local air agency in accordance with paragraph (B) of OAC rule 3745-15-06. (The definition of an upset condition shall be the same as that used in OAC rule 3745-15-06(B)(1) for a malfunction.) The verbal and written reports shall be submitted pursuant to OAC rule 3745-15-06.

Except as provided in that rule, any scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emission unit(s) that is (are) served by such control system(s).

**3. Risk Management Plans**

If the permittee is required to develop and register a risk management plan pursuant to

section 112(r) of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq. ("Act"), the permittee shall comply with the requirement to register such a plan.

**4. Title IV Provisions**

If the permittee is subject to the requirements of 40 CFR Part 72 concerning acid rain, the permittee shall ensure that any affected emissions unit complies with those requirements. Emissions exceeding any allowances that are lawfully held under Title IV of the Act, or any regulations adopted thereunder, are prohibited.

**5. Severability Clause**

A determination that any term or condition of this permit is invalid shall not invalidate the force or effect of any other term or condition thereof, except to the extent that any other term or condition depends in whole or in part for its operation or implementation upon the term or condition declared invalid.

**6. General Requirements**

a. The permittee must comply with all terms and conditions of this permit. Any noncompliance with the federally enforceable terms and conditions of this permit constitutes a violation of the Act, and is grounds for enforcement action or for permit revocation, revocation and re-issuance, or modification

b. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the federally enforceable terms and conditions of this permit.

c. This permit may be modified, revoked, or revoked and reissued, for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or revocation, or of a notification of planned changes or anticipated noncompliance does not stay any term and condition of this permit.

d. This permit does not convey any property rights of any sort, or any exclusive privilege.

e. The permittee shall furnish to the Director of the Ohio EPA, or an authorized representative of the Director, upon receipt of a written request and within a reasonable time, any information that may be requested to determine whether cause exists for modifying or revoking this permit or to determine compliance with this permit. Upon request, the permittee shall also furnish to the Director or an authorized representative of the Director, copies of records required to be kept by this permit. For information claimed to be confidential in the submittal to the Director, if the Administrator of the U.S. EPA requests such information, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.

**7. Fees**

The permittee shall pay fees to the Director of the Ohio EPA in accordance with ORC section 3745.11 and OAC Chapter 3745-78. The permittee shall pay all applicable permit-to-install fees within 30 days after the issuance of any permit-to-install. The permittee shall pay all applicable permit-to-operate fees within thirty days of the issuance of the invoice.

**8. Federal and State Enforceability**

Only those terms and conditions designated in this permit as federally enforceable, that are required under the Act, or any its applicable requirements, including relevant provisions designed to limit the potential to emit of a source, are enforceable by the Administrator of the U.S. EPA and the State and by citizens (to the extent allowed by section 304 of the Act) under the Act. All other terms and conditions of this permit shall not be federally enforceable and shall be enforceable under State law only.

**9. Compliance Requirements**

a. Any document (including reports) required to be submitted and required by a federally applicable requirement in this permit shall include a certification by a responsible official that, based on information and belief formed after reasonable inquiry, the statements in the document are true, accurate, and complete.

b. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Director of the Ohio EPA or an authorized representative of the Director to:

i. At reasonable times, enter upon the permittee's premises where a source is located or the emissions-related activity is conducted, or where records must be kept under the conditions of this permit.

ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit, subject to the protection from disclosure to the public of confidential information consistent with ORC section 3704.08.

iii. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit.

iv. As authorized by the Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the

permit and applicable requirements.

c. The permittee shall submit progress reports to the appropriate Ohio EPA District Office or local air agency concerning any schedule of compliance for meeting an applicable requirement. Progress reports shall be submitted semiannually, or more frequently if specified in the applicable requirement or by the Director of the Ohio EPA. Progress reports shall contain the following:

i. Dates for achieving the activities, milestones, or compliance required in any schedule of compliance, and dates when such activities, milestones, or compliance were achieved.

ii. An explanation of why any dates in any schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

**10. Permit-To-Operate Application**

a. If the permittee is required to apply for a Title V permit pursuant to OAC Chapter 3745-77, the permittee shall submit a complete Title V permit application or a complete Title V permit modification application within twelve (12) months after commencing operation of the emissions units covered by this permit. However, if the proposed new or modified source(s) would be prohibited by the terms and conditions of an existing Title V permit, a Title V permit modification must be obtained before the operation of such new or modified source(s) pursuant to OAC rule 3745-77-04(D) and OAC rule 3745-77-08(C)(3)(d).

b. If the permittee is required to apply for permit(s) pursuant to OAC Chapter 3745-35, the source(s) identified in this permit is (are) permitted to operate for a period of up to one year from the date the source(s) commenced operation. Permission to operate is granted only if the facility complies with all requirements contained in this permit and all applicable air pollution laws, regulations, and policies. Pursuant to OAC Chapter 3745-35, the permittee shall submit a complete operating permit application within ninety (90) days after commencing operation of the source(s) covered by this permit.

**11. Best Available Technology**

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

**12. Air Pollution Nuisance**

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

**13. Permit-To-Install**

A permit-to-install must be obtained pursuant to OAC Chapter 3745-31 prior to "installation" of "any air contaminant source" as defined in OAC rule 3745-31-01, or "modification", as defined in OAC rule 3745-31-01, of any emissions unit included in this permit.

## B. State Only Enforceable Permit-To-Install General Terms and Conditions

**1. Compliance Requirements**

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

**2. Reporting Requirements**

The permittee shall submit required reports in the following manner:

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

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

**3. Permit Transfers**

Any transferee of this permit shall assume the responsibilities of the prior permit holder.

The appropriate Ohio EPA District Office or local air agency must be notified in writing of any transfer of this permit.

### 4. Authorization To Install or Modify

If applicable, authorization to install or modify any new or existing emissions unit included in this permit shall terminate within eighteen months of the effective date of the permit if the owner or operator has not undertaken a continuing program of installation or modification or has not entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation or modification. This deadline may be extended by up to 12 months if application is made to the Director within a reasonable time before the termination date and the party shows good cause for any such extension.

### 5. Construction of New Sources(s)

This permit does not constitute an assurance that the proposed source will operate in compliance with all Ohio laws and regulations. This permit does not constitute expressed or implied assurance that the proposed facility has been constructed in accordance with the application and terms and conditions of this permit. The action of beginning and/or completing construction prior to obtaining the Director's approval constitutes a violation of OAC rule 3745-31-02. Furthermore, issuance of this permit does not constitute an assurance that the proposed source will operate in compliance with all Ohio laws and regulations. Issuance of this permit is not to be construed as a waiver of any rights that the Ohio Environmental Protection Agency (or other persons) may have against the applicant for starting construction prior to the effective date of the permit. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed facilities cannot meet the requirements of this permit or cannot meet applicable standards.

### 6. Public Disclosure

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

### 7. Applicability

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

### 8. Construction Compliance Certification

If applicable, the applicant shall provide Ohio EPA with a written certification (see enclosed form if applicable) that the facility has been constructed in accordance with

the permit-to-install application and the terms and conditions of the permit-to-install. The certification shall be provided to Ohio EPA upon completion of construction but prior to startup of the source.

**9. Additional Reporting Requirements When There Are No Deviations of Federally Enforceable Emission Limitations, Operational Restrictions, or Control Device Operating Parameter Limitations (See Section A of This Permit)**

If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted quarterly (i.e., postmarked), by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters.

## C. Permit-To-Install Summary of Allowable Emissions

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

## Part II - FACILITY SPECIFIC TERMS AND CONDITIONS

### A. State and Federally Enforceable Permit To Install Facility Specific Terms and Conditions

None.

### B. State Only Enforceable Permit To Install Facility Specific Terms and Conditions

None.

## PART III - SPECIAL TERMS AND CONDITIONS

### A. State and Federally Enforceable Section

### I. Applicable Emissions Limitations and/or Control Requirements

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

**Operations, Property, and/or Equipment - Unpaved roadways and parking areas, with a maximum of 120,000 vehicle miles traveled per year.**

| Applicable Rules/Requirements | Applicable Emissions Limitations/Control Measures |
|---|---|
| OAC rule 3745-31-05(A)(3) | 7.4 tons/ year of fugitive particulate matter of 10 microns or less (PM10)<br><br>25.2 tons/year of fugitive particulate emissions (PE)<br><br>no visible PE except for 3 minutes during any 60-minute period<br><br>best available control measures that are sufficient to minimize or eliminate visible PE of fugitive dust (See Sections A.I.2.a through A.I.2.f.) |
| OAC rule 3745-17-07(B)(5) (applicable only if this emissions unit is located in an area identified in Appendix A of OAC rule 3745-17-08) | The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3). |
| OAC rule 3745-17-08(B) (applicable only if this emissions unit is located in an area identified in Appendix A of OAC rule 3745-17-08) | (See Sections A.I.2.a through A.I.2.f.) |

**2. Additional Terms and Conditions**

**2.a** The permittee shall employ best available control measures on all unpaved

roadways and parking areas for the purpose of ensuring compliance with the above-mentioned applicable requirements. In accordance with the permittee's application, the permittee has committed to treat the unpaved roadways and parking areas by application of chemical stabilization/dust suppressants and/or watering at sufficient treatment frequencies to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.

**2.b** The needed frequencies of implementation of the control measures shall be determined by the permittee's inspections pursuant to the monitoring section of this permit. Implementation of the control measures shall not be necessary for unpaved roadways and parking areas that are 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. Implementation of any control measure may be suspended if unsafe or hazardous driving conditions would be created by its use.

**2.c** The permittee shall promptly remove, in such a manner as to minimize or prevent resuspension, earth and/or other material from paved streets onto which such material has been deposited by trucking or earth moving equipment or erosion by water or other means.

**2.d** Any unpaved roadway or parking area that is subsequently paved, will require a General Permit for paved roadways and parking areas.

**2.e** Open-bodied vehicles transporting materials likely to become airborne shall have such materials covered at all times if the control measure is necessary for the materials being transported.

**2.f** Implementation of the above-mentioned control measures in accordance with the terms and conditions of this permit is appropriate and sufficient to satisfy the best available technology requirements of OAC rule 3745-31-05.

## II. Operational Restrictions

None

## III. Monitoring and/or Recordkeeping Requirements

1. Except as otherwise provided in this section, the permittee shall perform inspections of each of the roadway segments and parking areas in accordance with the following frequencies:

| unpaved roadways and parking areas | minimum inspection frequency |
|---|---|
| all roads and parking areas | daily |

2. The purpose of the inspections is to determine the need for implementing the above-mentioned control measures. The inspections shall be performed during representative, normal traffic conditions. No inspection shall be necessary for a roadway or parking area that 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. Any required inspection that is not performed due to any of the above-identified events shall be performed as soon as such event(s) has (have) ended, except if the next required inspection is within one week.

3. The permittee shall maintain records of the following information:

   a. the date and reason any required inspection was not performed, including those inspections that were not performed due to snow and/or ice cover or precipitation;

   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 and the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measures.

   The information required in 3.d. shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

## IV. Reporting Requirements

1. The permittee shall submit deviation reports that identify any of the following occurrences:

   a. each day during which an inspection was not performed by the required frequency, excluding an inspection which was not performed due to an exemption for snow and/or ice cover or precipitation; and

   b. each instance when a control measure, that was to be implemented as a result of an inspection, was not implemented.

2. The deviation reports shall be submitted in accordance with the reporting requirements of the General Terms and Conditions of this permit.

## V. Testing Requirements

1. Compliance with the emission limitations in section A.I.1. of the terms and conditions of this permit shall be determined in accordance with the following methods:

   a. Emission Limitations:
   7.4 tons/year of fugitive PM10
   25.2 tons/year of fugitive PE

   Applicable Compliance Method:
   Compliance with fugitive PE and PM10 limitations shall be determined by using the emission factor equations in Section 13.2.2, in Compilation of Air Pollutant Emission Factors, AP-42, Fifth Edition, Volume 1 (revised 12/03) for unpaved roadways. Should further updates in AP-42 occur, the most current equations for unpaved roads shall be used. These emission limits in the General Permit were based on a maximum of 120,000 vehicle miles traveled per year, and a 95 % control efficiency for PE and PM10.

   b. Emission Limitation:
   No visible PE from unpaved roadways and parking areas except for a period of time not to exceed 3 minutes during any 60-minute observation period.

Applicable Compliance Method:
If required, compliance with the visible PE limitation listed above shall be determined in accordance with Test Method 22 as set forth in "Appendix on Test Methods" in 40 CFR, Part 60 ("Standards of Performance for New Stationary Sources").

## VI. Miscellaneous Requirements

None

## B. State Only Enforceable Section

## I. Applicable Emissions Limitations and/or Control Requirements

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

**Operations, Property, and/or Equipment - Unpaved roadways and parking areas, with a maximum of 120,000 vehicle miles traveled per year.**

| Applicable Rules/Requirements | Applicable Emissions Limitations/Control Measures |
|---|---|
| None | None |

**2. Additional Terms and Conditions**

**2.a** None.

## II. Operational Restrictions

None.

## III. Monitoring and/or Recordkeeping Requirements

None.

## IV. Reporting Requirements

None.

## V. Testing Requirements

None.

## VI. Miscellaneous Requirements

None.