State of Ohio Environmental Protection Agency

RE: FINAL PERMIT TO INSTALL **CERTIFIED MAIL**
ALLEN COUNTY

Street Address: 122 S. Front Street
Lazarus Gov. Center **TELE:** (614) 644-3020 **FAX:** (614) 644-2329
Mailing Address: Lazarus Gov. Center P.O. Box 1049

Application No: 03-13795

DATE: 8/13/2002

Gerken Materials, Inc
Jim Scheub
PO Box 607
Napoleon, OH 43545-0607

Enclosed please find an Ohio EPA Permit to Install which will allow you to install the described source(s) in a manner indicated in the permit. Because this permit contains several conditions and restrictions, I urge you to read it carefully.

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

You are hereby notified that this action by the Director is final and may be appealed to the Ohio Environmental Review Appeals Commission pursuant to Chapter 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed within thirty (30) days after the notice of the Directors action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

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

Very truly yours,
Michael W. Ahern
Michael W. Ahern, Supervisor
Field Operations and Permit Section
Division of Air Pollution Control

CC: USEPA **NWDO**

STATE OF OHIO ENVIRONMENTAL PROTECTION AGENCY

Permit To Install	**Issue Date: 8/13/2002**
Terms and Conditions	**Effective Date: 8/13/2002**

FINAL PERMIT TO INSTALL 03-13795

Application Number:	03-13795
APS Premise Number:	0302000002
Permit Fee:	**$1500**
Name of Facility:	Gerken Materials, Inc
Person to Contact:	Jim Scheub
Address:	PO Box 607 Napoleon, OH 43545-0607

Location of proposed air contaminant source(s) [emissions unit(s)]:
310 Quarry Drive
Bluffton, **Ohio**

Description of proposed emissions unit(s):
1.2 million gallon fixed-roof storage tank for petroleum asphalt.

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

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

Director

Part I - GENERAL TERMS AND CONDITIONS

A. Permit to Install General Terms and Conditions

1. Compliance Requirements

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

2. Reporting Requirements Related to Monitoring and Recordkeeping Requirements

The permittee shall submit required reports in the following manner:

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

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

3. Records Retention Requirements

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

4. Inspections and Information Requests

The Director of the Ohio EPA, or an authorized representative of the Director, may, subject to the safety requirements of the permittee and without undue delay, enter upon the premises of this source at any reasonable time for purposes of making inspections, conducting tests, examining records or reports pertaining to any emission of air contaminants, and determining compliance with any applicable State air pollution laws and regulations and the terms and conditions of this permit. The permittee shall furnish to the Director of the Ohio EPA, or an authorized

representative of the Director, upon receipt of a written request and within a reasonable time, any information that may be requested to determine whether cause exists for modifying, reopening or revoking this permit or to determine compliance with this permit. Upon verbal or written request, the permittee shall also furnish to the Director of the Ohio EPA, or an authorized representative of the Director, copies of records required to be kept by this permit.

5. Scheduled Maintenance/Malfunction Reporting

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

6. Permit Transfers

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

7. Air Pollution Nuisance

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

8. Termination of Permit to Install

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

9. Construction of New Sources(s)

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

Environmental Protection Agency if the proposed sources cannot meet the requirements of this permit or cannot meet applicable standards.

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

10. Public Disclosure

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

11. Applicability

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

12. Best Available Technology

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

13. Source Operation and Operating Permit Requirements After Completion of Construction

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

14. Construction Compliance Certification

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

15. Fees

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

B. Permit to Install Summary of Allowable Emissions

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

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

Pollutant	Tons Per Year
OC	0.34

Emissions Unit ID: **T003**

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

A. Applicable Emissions Limitations and/or Control Requirements

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

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
T003 - 1.2 million gallon fixed-roof storage tank for petroleum asphalt.	OAC rule 3745-31-05 (A)(3)	0.34 ton Organic Carbon (OC)/year See A.2.a
	OAC rule 3745-21-09(L)	Exempt (See B.1)
	40 CFR Part 60, Subpart Kb, section 60.116b (b)	Recordkeeping requirements (See C.3.)

2. Additional Terms and Conditions

2.a The requirements of this rule also include compliance with the requirements of 40 CFR Part 60, Subpart Kb.

B. Operational Restrictions

1. The permittee shall not place, store, or hold in this fixed roof tank any petroleum liquid which, as stored, has a true vapor pressure greater than 1.52 pounds per square inch absolute, unless such tank is designed or equipped in accordance with the requirements of paragraph (L)(1) of OAC rule 3745-21-09.

2. The permittee shall not exceed an annual material throughput rate of 9,995,026 gallons.

C. Monitoring and/or Recordkeeping Requirements

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

   a. The types of petroleum liquids stored in the tank.

   b. The maximum true vapor pressure (in pounds per square inch absolute), as stored, of each liquid that has a maximum true vapor pressure greater than 1.0 pound per square inch

absolute.

2. The permittee shall maintain monthly records of the amount (gallons per month and total gallons, to date for the calendar year) of material throughput for this emissions unit.

3. In accordance with 40 CFR Part 60, Subpart Kb, section 60.116b(b), the owner and operator of emission unit T003 shall keep readily accessible records showing the dimensions of the storage vessel and an analysis showing capacity of the storage vessel for the life of the emissions unit.

D. Reporting Requirements

1. If the permittee places, stores, or holds in the fixed roof tank any petroleum liquid with a true vapor pressure which is greater than 1.52 pounds per square inch absolute, and such tank does not comply with the requirements of paragraph (L)(1) of OAC rule 3745-21-09, the permittee shall notify the Director (the appropriate Ohio EPA District Office or local air agency) within 30 days of becoming aware of the occurrence.

2. The permittee shall submit annual deviation (excursion) reports that identify any and all exceedances of the annual material throughput limitation, as well as the corrective actions taken to achieve compliance. If no deviations occurred during the calendar year, the permittee shall submit an annual report which states that no deviations occurred during the calendar year. These reports shall be submitted by January 31 of each year.

E. Testing Requirements

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

   a. <u>Emission Limitation</u>
   0.34 ton OC/year

   <u>Applicable Compliance Method</u>
   The ton per year emission limitation was established by working and breathing loss calculations as determined by U.S. EPA Tanks 4.0 program with a maximum annual material throughput of 9,995,026 gallons. Therefore provided compliance is shown with the maximum annual throughput, compliance with the ton per year OC emission limitation will be assumed.

F. Miscellaneous Requirements

NSPS Requirements

1. Emissions unit T003 is subject to Subpart Kb of the New Source Performance Standards (NSPS) as promulgated by the United States Environmental Protection Agency, 40 CFR Part 60.

2. The application and enforcement of these standards are delegated to the Ohio EPA. The requirements of 40 CFR Part 60 are also federally enforceable.

3. Pursuant to the NSPS, the source owner/operator is hereby advised of the requirements to report the following at the appropriate times:

   a. construction date (no later than 30 days after such date);
   b. actual start-up date (within 15 days after such date); and
   c. date of performance testing (if required, at least 30 days prior to testing).

   Reports are to be sent to:

   Ohio Environmental Protection Agency
   DAPC - Permit Management Unit
   Lazarus Government Center
   P.O. Box 1049
   Columbus, OH 43216-1049

   and

   Ohio EPA, Northwest District Office
   347 North Dunbridge Road
   Bowling Green, OH 43402