



State of Ohio Environmental Protection Agency

Street Address:

Mailing Address:

Lazarus Gov. Center TELE: (614) 644-3020 FAX: (614) 644-2329

Lazarus Gov.  
Center

RE: **FINAL PERMIT TO INSTALL MODIFICATION** CERTIFIED MAIL  
HENRY COUNTY  
Application No: 03-07827

DATE: 5/13/2003

GERKEN MATERIALS INC.  
Jim Scheub  
PO Box 607 9-051 US 24  
Napoleon, OH 43545

Enclosed Please find a modification to the Ohio EPA Permit To Install referenced above which will modify the terms and conditions.

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, Supervisor  
Field Operations and Permit Section  
Division of Air Pollution Control

CC: USEPA

NWDO



**Permit To Install  
Terms and Conditions**

**Issue Date: 5/13/2003  
Effective Date: 5/13/2003**

**FINAL ADMINISTRATIVE MODIFICATION OF PERMIT TO INSTALL 03-07827**

Application Number: **03-07827**  
APS Premise Number: **0335000044**  
Permit Fee: **\$250**  
Name of Facility: **GERKEN MATERIALS INC.**  
Person to Contact: **Jim Scheub**  
Address: **PO Box 607 9-051 US 24  
Napoleon, OH 43545**

Location of proposed air contaminant source(s) [emissions unit(s)]:  
**9-051 US 24  
Napoleon, OHIO**

Description of modification:  
**250 TPH portable asphalt plant with storage piles, storage tanks, and roadways and parking areas.**

The above named entity is hereby granted a modification to the permit to install described above pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this modification 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

Director

**GERKEN MATERIALS INC.**

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## **GENERAL PERMIT CONDITIONS**

### **TERMINATION OF PERMIT TO INSTALL**

Substantial construction for installation must take place within 18 months of the effective date of this permit. 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.

### **NOTICE OF INSPECTION**

The Director of the Ohio Environmental Protection Agency, or his authorized representatives, may enter upon the premises of the above-named applicant during construction and operation at any reasonable time for the purpose of making inspections, conducting tests, or to examine records or reports pertaining to the construction, modification or installation of the source(s) of environmental pollutants identified within this permit.

### **CONSTRUCTION OF NEW SOURCES**

The proposed source(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 are inadequate or cannot meet applicable standards.

If the construction of the proposed source(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 Ohio Administrative Code (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 applicable standards.

### **PERMIT TO INSTALL FEE**

In accordance with Ohio Revised Code 3745.11, the specified Permit to Install fee must be remitted within 30 days of the effective date of this permit to install.

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### **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.

### **APPLICABILITY**

This Permit to Install is applicable only to the contaminant sources identified. Separate application must be made to the Director for the installation or modification of any other contaminant sources.

### **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.

### **PERMIT TO OPERATE APPLICATION AND OPERATION AFTER COMPLETION OF CONSTRUCTION**

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).

If the permittee is required to apply for permit(s) pursuant to OAC Chapter 3745-35, the source(s) identified in this Permit To Install 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.

### **SOURCE OPERATION 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 and regulations.

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| <u>Ohio EPA Source Number</u> | <u>Source Identification Number</u> | <u>BAT Determination</u> | <u>Applicable Federal &amp; OAC Rules</u> | <u>Permit Allowable Mass Emissions and/or Control/Usage Requirements</u> |
|-------------------------------|-------------------------------------|--------------------------|-------------------------------------------|--------------------------------------------------------------------------|
|-------------------------------|-------------------------------------|--------------------------|-------------------------------------------|--------------------------------------------------------------------------|

**AIR EMISSION SUMMARY**

The air contaminant emissions units listed below comprise the Permit to Install for **GERKEN MATERIALS INC.** located in **HENRY** County. The emissions units listed below shall not exceed the emission limits/control requirements contained in the table. This condition in no way limits the applicability of any other state or federal regulations. Additionally, this condition does not limit the applicability of additional special terms and conditions of this permit.

| <u>Ohio EPA Source Number</u> | <u>Source Identification</u> | <u>Source Identification Description</u>                                                                                                                         | <u>03-07827, previously issued on July 27, 1994 to allow for change in emission unit description)</u>                                                                      | <u>BAT Determination</u>                                                                |
|-------------------------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| P901                          | T003                         | 250 TPH Portable Asphalt Drum Mix Plant                                                                                                                          | Storage Piles, Parking Areas and Roadways (Administrative Modification to PTI 03-07827, Previously issued on July 27, 1994 to allow for increase in facility speed limit). | Use of Baghouse and Compliance w/Applicable Emission Limits and w/Terms of This Permit. |
| T001                          | F001                         | 25,000 gallon AC storage Tank (administrative modification to PTI 03-07827, previously issued on July 27, 1994 to allow for change in emission unit description) |                                                                                                                                                                            | Use of Submerged Fill and Compliance w/Terms of This Permit                             |
|                               |                              | 20,000 gallon #2 Fuel Oil Storage Tank                                                                                                                           |                                                                                                                                                                            |                                                                                         |
| T002                          |                              | 25,000 gallon AC storage Tank (administrative modification to PTI                                                                                                |                                                                                                                                                                            | Use of Submerged Fill                                                                   |

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| Ohio EPA Source Number                                        | Source Identification Number   | BAT Determination | Applicable Federal & OAC Rules                                    | Permit Allowable Mass Emissions and/or Control/Usage Requirements |
|---------------------------------------------------------------|--------------------------------|-------------------|-------------------------------------------------------------------|-------------------------------------------------------------------|
| and Compliance w/ Terms of This Permit.                       |                                | kb 60.116         |                                                                   |                                                                   |
| Use of Submerged Fill and Compliance w/ Terms of This Permit. | Applicable Federal & OAC Rules |                   | Permit Allowable Mass Emissions and/or Control/Usage Requirements |                                                                   |
|                                                               | 3745-31-05                     |                   |                                                                   | 0.04 gr/dscf pm<br>(10.4 lbs/hr PM)                               |
|                                                               | 3745-18-06                     | 3745-31-05        |                                                                   | 17.5 lbs/hr SO <sub>2</sub>                                       |
|                                                               | 3745-17-07                     | 3745-17-07        |                                                                   | (See AST&C's)                                                     |
|                                                               | 3745-17-08                     | 3745-17-08        |                                                                   |                                                                   |
|                                                               | (A) - (D)                      |                   |                                                                   |                                                                   |
|                                                               | 3745-17-11                     |                   |                                                                   |                                                                   |
|                                                               | NSPS Subpart I                 |                   |                                                                   |                                                                   |
|                                                               | 60.90-60.93                    |                   |                                                                   | 0.44 TPY VOC                                                      |
|                                                               | 3745-31-05                     |                   |                                                                   |                                                                   |
|                                                               | 3745-21-07                     |                   |                                                                   |                                                                   |
|                                                               | NSPS Subpart                   |                   |                                                                   |                                                                   |
|                                                               | kb 60.116                      |                   |                                                                   |                                                                   |
| Compliance w/ Terms of this Permit                            |                                |                   |                                                                   |                                                                   |
|                                                               | 3745-31-05                     |                   |                                                                   | 0.44 TPY VOC                                                      |
|                                                               | 3745-21-07                     |                   |                                                                   |                                                                   |
|                                                               | NSPS Subpart                   |                   |                                                                   |                                                                   |
|                                                               | kb 60.116                      |                   |                                                                   |                                                                   |
|                                                               | 3745-31-05                     |                   |                                                                   | 0.44 TPY VOC                                                      |
|                                                               | 3745-21-07                     |                   |                                                                   |                                                                   |
|                                                               | NSPS Subpart                   |                   |                                                                   |                                                                   |

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Opacity  
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**SUMMARY  
 TOTAL PERMIT TO INSTALL ALLOWABLE EMISSIONS**

| <u>Pollutant</u> | <u>Tons/Year</u> |
|------------------|------------------|
| PM               | 7.05             |
| SO <sub>2</sub>  | 11.4             |
| VOC              | <1.32            |

**NSPS REQUIREMENTS**

The following sources are subject to the applicable provisions of the New Source Performance Standards (NSPS) as promulgated by the United States Environmental Protection Agency, 40 CFR Part 60.

| <u>Source<br/>Number</u> | T003 | <u>Source<br/>Description</u>           |
|--------------------------|------|-----------------------------------------|
| P901                     |      | 250 TPH Portable Asphalt Drum mix Plant |
| T001                     |      | 25,000 Gal. AC Storage Tank             |
| T002                     |      | 20,000 Gal. #2 Fuel Oil Storage Tank    |

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25,000 Gal.  
AC Storage Tank **NSPS Regulation (Subpart)**  
I  
Kb  
Kb

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

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

- a. construction date (no later than 30 days after such date);
- b. anticipated start-up date (not more than 60 days or less than 30 days prior to such date);
- c. actual start-up date (within 15 days after such date); and
- d. date of performance testing (If required, at least 30 days prior to testing).

Reports are to be sent to:

Ohio Environmental Protection Agency  
DAPC - Air Quality Modeling and Planning  
P.O. Box 1049  
Columbus, OH 43216-1049

and Northwest District Office - DAPC  
347 North Dunbridge Road, P.O. Box 466  
Bowling Green, Ohio 43402

**PERFORMANCE TEST REQUIREMENTS**

The permittee shall conduct, or have conducted, performance testing on the air contaminant source(s) in accordance with procedures approved by the Agency. Two copies of the written report describing the test procedures followed and the results of such tests shall be submitted and signed by the person responsible for the test. The Director, or an Ohio EPA representative, shall be allowed to witness the test, examine testing equipment, and require the acquisition or submission of data and information necessary to assure that the source operation and testing procedures provide a valid characterization of the emissions from the source and/or the performance of the control equipment.

- A. A completed Intent to Test form shall be submitted to the appropriate Ohio EPA District Office or Local

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Air Pollution Control Agency where the original permit application was filed. This notice shall be made 30 days in advance and shall specify the source operating parameters, the proposed test procedures, and the time, date, place and person(s) conducting such tests.

- B. Two copies of the test results shall be submitted within 30 days after the completion of the performance test.
- C. Tests shall be performed for the following source(s) and pollutant(s):

| <u>Source</u> | <u>Pollutant(s)</u>        |
|---------------|----------------------------|
| <b>P901</b>   | <b>TSP, SO<sub>2</sub></b> |

### **RECORD(S) RETENTION AND AVAILABILITY**

All records required by this Permit to Install shall be retained on file for a period of not less than three years unless otherwise indicated by Ohio Environmental Protection Agency. All records shall be made available to the Director, or any representative of the Director, for review during normal business hours.

### **WASTE DISPOSAL**

The owner/operator shall comply with any applicable state and federal requirements governing the storage, treatment, transport and disposal of any waste material generated by the operation of the sources.

### **MAINTENANCE OF EQUIPMENT**

This source and its associated air pollution control system(s) shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers in order to minimize air contaminant emissions.

### **MALFUNCTION/ABATEMENT**

In accordance with OAC RULE 3745-15-06, any malfunction of the source(s) or associated air pollution control system(s) shall be reported immediately to the **Northwest District Office - DAPC, 347 North Dunbridge Road, P.O. Box 466, Bowling Green, Ohio 43402.**

Except as provided by OAC Rule 3745-15-06(A)(3), scheduled maintenance of air pollution control equipment that requires the shutdown or bypassing of air pollution control system(s) must be accompanied by the shutdown of the associated air pollution sources.

### **AIR POLLUTION NUISANCES PROHIBITED**

The air contaminant source(s) identified in this permit may not cause a public nuisance in violation of OAC Rule 3745-15-07.

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### **NEW SOURCE PERFORMANCE STANDARD SUBPART Kb**

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

In accordance with 40 CFR 60.116b(a) and (b), the owner and operator of the following storage vessel(s) shall keep readily accessible records showing the dimension of each storage vessel and an analysis showing the capacity of each storage vessel for the life of each source.

| <u>Source Number(s)</u> | <u>Tank Size</u> |
|-------------------------|------------------|
| T001                    | 25,000 Gallons   |
| T002                    | 20,000 Gallons   |
| T003                    | 25,000 Gallons   |

### **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.

### **ADDITIONAL SPECIAL TERMS AND CONDITIONS**

Gerken Materials, Inc. shall follow these procedures regarding Source No. F001:

1. All unpaved roadways and parking areas that are located at this facility are subject to the mass emission limitations and/or control requirements of this permit.
2. There shall be no visible particulate emissions, except for a period of time not to exceed 3 minutes during any 60 minute observation period, from any unpaved roadway or parking area. The company shall achieve compliance with this restriction by employing a combination of the following fugitive dust control measures:

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- A. Applying a suitable\* dust suppressant
- B. Speed reduction (vehicular traffic on unpaved surfaces shall not exceed 10 MPH)
- C. Prompt cleanup of spills

All unpaved roads and parking areas shall periodically be treated with virgin oil, water, or any other suitable dust suppressant in order to minimize or eliminate, at all times, visible emissions of fugitive dust generated by vehicular traffic and/or wind. Frequencies for employing these control measures shall be on a daily "as needed" basis, i.e., whenever visible emissions of fugitive dust generated by vehicular traffic or wind are observed. No fugitive dust control is required for a road surface that is covered with snow and/or ice, or when precipitation occurs that is sufficient to eliminate visible emissions of fugitive dust.

The use of water for fugitive dust control during periods when the temperature drops below freezing shall be at the company's discretion. If the company chooses not to use water, another suitable dust suppressant must be utilized and/or work practices implemented, which effectively control fugitive dust in lieu of a dust suppressant.

The company has indicated the following, or similar equipment, will be used to comply with these requirements:

- A. Well and surge pond
- B. Water truck with spray bar

\* The Ohio EPA does not recommend the use of oils for the control of fugitive dust from roadways. The application of waste/used oil, crude oil, or any off-spec oil for fugitive dust control at this facility is prohibited. The use of "virgin" oil is permitted under the following restrictions:

1. Virgin/Oil Restrictions

- A. The company must obtain an analysis of the oil from the supplier and a certification that is not classified as a "waste", "used", "crude", or "off-spec" oil.
- B. Oil shall be applied in such a manner as to prevent pollution of waters of the state as required by the Ohio Revised Code, Section 6111.
- C. Oil shall be applied only to unpaved road and parking lot surfaces, and only between sunrise and sundown (daylight hours).
- D. Oil shall not be applied to a water-saturated surface and not to surfaces on days of predicated rainfall events.

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- E. Oil shall not be applied at an application rate that allows pooling of liquid.
  - F. Oil shall not be applied to the same surfaces more frequently than twice per week.
  - G. The application of oil shall not cause runoff from the application surface.
  - H. Oil shall not be applied to vegetation near or adjacent to surfaces being treated.
  - I. Oil shall not be applied within 12 feet of structures crossing bodies of water or drainage ditches.
  - J. The discharge of oil must stop when the applicator vehicle stops.
  - K. The applicator vehicle must be moving at least 5 MPH at all times while the oil is being applied.
  - L. The applicator vehicle discharge valve shall be locked closed between the oil collection point and the specific surfaces that have been approved for oil application.
  - M. Any valves that provide for tank drainage other than through the spreading bar must be locked closed during oil application and transport.
  - N. The angle of discharge from the applicator vehicle spreader bar shall not be greater than 60 degrees from the perpendicular to the unpaved surface.
4. In the event that equipment used for the control of fugitive dust from roadways/parking areas become inoperable, the company shall notify the NWDO, DAPC in accordance with the provisions of OAC 3745-15-06. The company shall make every effort to procure similar backup equipment should this situation occur. The malfunction of a control device does not cancel any violation that may be occurred.
5. All open bodied vehicles used in the transporting of materials likely to become airborne shall be covered at all times.
6. The company shall promptly remove dirt/mud tracked onto public thoroughfares from company roadways. Under no circumstances shall the company allow public thoroughfares around this facility to become fugitive dust sources as the result of vehicular traffic egressing company property.
7. The company shall maintain daily records that contain the following information:
- A. The amount of precipitation that has occurred.
  - B. The number of hours the plant was in operation.
  - C. The number of hours that water was applied, the amount\*\* applied, and the locations at which it was applied.
- \*\*If a "sprinkler system" is utilized, it is not necessary to indicate the amount applied.
8. All material storage piles that are located at this facility are subject to the mass emission limitations and/or

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control requirements of this permit.

9. There shall be no visible particulate emissions from any material storage pile except for a period of time not to exceed one minute during any 60 minute observation period. The company shall achieve compliance with this restriction by employing a combination of the following fugitive dust control measures:
  - A. Fugitive emissions resulting from wind disturbance of storage piles and areas around piles shall be minimized or eliminated by one or more of the following methods:
    - i. Maintaining a sufficient moisture level in the stone
    - ii. Use of a suitable dust suppressant
    - iii. Use of wind block/screens

Frequencies for employing these control measures shall be on a daily "as needed" basis, i.e., whenever visible emissions of fugitive dust are observed.
10. Fugitive emissions resulting from the transfer of material from belt conveyors onto storage piles shall be minimized or eliminated by maintaining stack belt drop heights of minimal levels and by maintaining a sufficient moisture level in the stone.
11. Fugitive emissions resulting from load-in and load-out operations from storage piles shall be minimized or eliminated by maintaining minimal drop heights from loader buckets and by maintaining a sufficient moisture level in the stone.
12. Fugitive emissions resulting from vehicular traffic around storage piles shall be minimized or eliminated by the implementation of speed restrictions and/or spraying water or any other suitable dust suppressant in the areas trafficked.

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For Gerken Materials, Inc.'s Source NO. P901, the following shall apply:

13. The visible emissions from the stack shall be less than 200 percent opacity in accordance with 40 CFR Part 60 Subpart I.
14. No visible emissions of fugitive dust from the enclosures for the hot aggregate elevator, vibrating screens and weigh hopper.
15. The drop height of the front end loader bucket shall be minimized to the extent possible in order to minimize or eliminate visible emissions of fugitive dust from the elevator loading area.
16. The aggregate loaded into the storage bins shall have a moisture content sufficient to eliminate the visible emissions of fugitive dust from the elevator and the transfer point to the dryer.
17. The use of recycled asphalt (RAP) shall be limited to 30 percent for surface mixes and 50 percent for base or intermediate mixes.
18. Asphalt production in this source shall not exceed 325,000 tons per year. Written records on tons of recycled asphalt used and tons of asphalt produced shall be kept at this facility and be made available to Ohio EPA representatives upon request.
19. Gerken Materials, Inc., shall limit the hours of operation of the plant to no more than 1,300 hrs/yr\*.
20. Only natural gas, propane and #2 fuel oil shall be burned in Source No. P901, with #2 oil being limited to 0.4 percent by weight sulfur content.
21. Gerken Materials, Inc., shall submit an "Intent to Relocate" form at least 30 days prior to relocation of Source P901 and forward copies of that notice to both the Ohio EPA, NWDO and the appropriate local or district agency office in the area that the source is moving to.
22. Unless otherwise specified, all reports, test results, notification, etc., required by the above terms and conditions shall be submitted to or made to the following Ohio EPA field office: Ohio, EPA, Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

\*In the event that the actual SO<sub>2</sub> and particulate emission levels, as determined through stack testing, are less than the permit levels of 17.5 lbs/hr and 10.4 lbs/hr, respectively, the company may increase the hours of operation for the plant based upon a prorated value determined by dividing the permit allowables (tons per year) by the actual SO<sub>2</sub> or particulate emission rate (lbs/hr), whichever is more restrictive.