



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: 03-17305  
Fac ID: 0335950003

DATE: 5/1/2007

Gerken Materials  
Jim Scheub  
9-051 US Route 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 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, Manager  
Permit Issuance and Data Management Section  
Division of Air Pollution Control

CC: USEPA

NWDO



**Permit To Install  
Terms and Conditions**

**Issue Date: 5/1/2007  
Effective Date: 5/1/2007**

**FINAL ADMINISTRATIVE MODIFICATION OF PERMIT TO INSTALL 03-17305**

Application Number: **03-17305**  
APS Premise Number: **0335950003**  
Permit Fee: **\$1250**  
Name of Facility: **Gerken Materials**  
Person to Contact: **Jim Scheub**  
Address: **9-051 US Route 24  
Napoleon, OH 43545**

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

Description of modification:  
**Portable aggregate processing plant.**

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

Chris Korleski  
Director

**Gerken Materials**Facility ID: **033595000****PTI 03-17305****Modification Issued: 5/1/2007****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>
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**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 Description</u>	<u>BAT Determination</u>
F001	Plant conveyors and transfer points	compliance with NSPS (§60.672 (b)), minimize drop heights, adequate enclosure and control and/or adequate moisture levels to minimize or eliminate visible emissions of fugitive dust, and from any transfer point 10% opacity as a 6-minute average.
F001 cont'd	200 ton per year Screening Operation  Loading to feed bin	

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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>
20% opacity as a 3-minute average, Minimize drop heights, adequate moisture	re and control and/or adequate moisture levels to minimize or eliminate visible emissions of fugitive dust, from any screening operation 10% opacity as a 6-minute average.	Applicable Federal & OAC Rules	3745-17-08 (B), (B) (3) * 3745-31-05**	Permit Allowable Mass Emissions and/or Control/Usage Requirements
		3745-17-07 (B), (B) (1) *	3745-17-08 (B), (B) (3) *	Less than or equal to 10 percent opacity, as a 6-minute average, from and transfer point.
		NSPS 000*		PM <sub>10</sub> - 0.04 lb/hr, 0.17 tons per year
		3745-17-07 (B), (B) (1) *		
		3745-17-08 (B), (B) (3) *		
		NSPS 000*		
		3745-31-05		Less than or equal to 20 percent opacity, as a 3-minute average, from fugitive sources.
compliance with NSPS 000 (\$60.67 2 (b) & (c)), adequate enclosure		3745-17-07 (B), (B) (1) *		PM <sub>10</sub> 0.0032 lb/hr, 0.015 tons per year

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Less  
than or  
equal  
to 10  
percent  
opacity  
, as a  
6-minut  
e  
average  
, from  
any  
screeni  
ng  
operati  
on.

PM<sub>10</sub>  
0.17  
lb/hr,  
0.74  
tons  
per  
year

\* This applicable regulation is less stringent, or equally stringent to the regulation that resulted in the emission limitation.

\*\* BAT established is equal to NSPS 000 and applies throughout the State of Ohio. NSPS 000 is only applicable when this source is located at a facility that has crushing or grinding operations.

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

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<u>Pollutant</u>	<u>Tons/Year</u>
PM <sub>10</sub>	0.93

### **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.

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<u>Source Number</u>	<u>Source Description</u>	<u>NSPS Regulation (Subpart)</u>
F001	Portable Screen Plant #1	000

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 (the following NSPS reporting requirements have been fulfilled as required by PTI #04-1149 issued on 11/4/98):

- 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 - Permit Management Unit  
 P.O. Box 163669  
 Columbus, OH 43216-3669

and **Toledo Environmental Services Division**  
**348 South Erie Street**  
**Toledo, Ohio 43602**

### **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 (the testing requirements have been fulfilled as required by PTI #04-1149 issued on 11/4/98). 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.

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- A. A completed Intent to Test form shall be submitted to the **Toledo Environmental Services Division** where the original permit application was filed. This notice shall be made 30 days in advance and shall specify the

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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):

**Source****Pollutant(s)****F001****VE****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.

**REPORTING REQUIREMENTS**

Unless otherwise specified, reports required by the Permit to Install need only be submitted to Ohio EPA, Division of Air Pollution Control, Northwest District Office, 347 North Dunbridge Road, Bowling Green, OH 43402.

**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 **Ohio EPA, Division of Air Pollution Control, Northwest District Office, 347 North Dunbridge Road, Bowling Green, OH 43402.**

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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.

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

**NINETY DAY OPERATING PERIOD**

The facility will be permitted to operate during a 90-day period in accordance with OAC Rule 3745-35-02(C)(4)(b). The purpose of this period of operation is to fulfill the performance tests conditions used in the determination of compliance with the provisions of this Permit to Install or other applicable Ohio EPA rules.

**NOTICE OF INTENT TO RELOCATE**

Pursuant to OAC Rule 3745-31-03(A)(1)(n), the owner or operator of the portable or mobile source identified within this Permit to Install may relocate within the state of Ohio without first obtaining a Permit to Install providing the following criteria are met:

- a. the source is equipped with the Best Available Control Technology for such source;
- b. the source is operating pursuant to a currently effective Permit to Operate;
- c. the applicant has provided proper notice of intent to relocate the source to the Director within a minimum of 30 days prior to the scheduled relocation; and
- d. in the Director's judgement, the proposed site is acceptable under Rule 3745-15-07 of the Administrative Code.

In order for the Director to determine compliance with all of the above criteria, the owner or operator of the portable or mobile source must file a "Notice of Intent to Relocate" at least 30 days prior to relocation of the source with the Ohio EPA, Division of Air Pollution Control, Northwest District Office, 347 North Dunbridge Road, Bowling Green, OH 43402. Upon receipt of the notice, the Director, or the Director's authorized representative, will evaluate the request in accordance with the above criteria.

Failure to submit said notification and to receive Ohio Environmental Protection Agency approval prior to relocation of the source may result in fines and civil penalties.

**CONSTRUCTION COMPLIANCE CERTIFICATION**

The applicant shall provide Ohio EPA with a written certification (see enclosed form) that the facility has been

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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**

**A. Additional Terms and Conditions**

1. The material handling operation(s) that are covered by this permit and subject to the above-mentioned requirements are listed below:

a. loading to feed bin;

b. feed bin to conveyor 1;

c. conveyor 1 to screen;

d. screening;

e. screen to conveyor 2; and,

f. conveyor 2 to stacker.

2. The permittee shall employ best available control measures for the above-identified material handling operation(s) for the purpose of ensuring compliance with the above-mentioned applicable requirements. In

accordance with the permittee’s permit application, the permittee has committed to perform the following control measure(s) to ensure compliance:

material handling operation(s)

control measure(s)

Loading to Feed bin

Minimize drop heights, maintain adequate moisture in aggregate for the control of visible particulate emissions.

Screening

Adequate enclosure, maintain moisture for the control of visible particulate emissions.

Conveyors and transfer points  
for the control of visible particulate emissions.

Minimize drop heights, maintain adequate moisture

Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.

- 3. For each material handling operation that is not adequately enclosed, the above-identified control measure(s) shall be implemented if the permittee determines, as a result of the inspection conducted pursuant to the monitoring section of this permit, that the control measure(s) is (are) necessary to ensure compliance with the above-mentioned applicable requirements. Any required implementation of the control measure(s) shall continue during the operation of the material handling operation(s) until further observation confirms that use of the control measure(s) is unnecessary.
- 4. Implementation of the above-mentioned control measure(s) in accordance with the terms and conditions of this permit is appropriate and sufficient to satisfy the requirements of OAC rules 3745-17-08 and 3745-31-05.

**B. Operational Restrictions**

None

**C. Monitoring and/or Recordkeeping Requirements**

- 1. Except as otherwise provided in this section, for material handling operations that are not adequately enclosed, the permittee shall perform inspections of such operations in accordance with the following minimum frequencies:

<u>material handling operation(s)</u>	<u>minimum inspection frequency</u>
Loading to Feed bin	daily
Screening	daily
Conveyors and transfer points	daily

- 2. The above-mentioned inspections shall be performed during representative, normal operating conditions.
- 3. The permittee may, upon receipt of written approval from Ohio EPA, Division of Air Pollution Control, Northwest District Office, modify the above-mentioned inspection frequencies if operating experience indicates that less frequent inspections would be sufficient to ensure compliance with the above-mentioned applicable requirements.
- 4. The permittee shall maintain records of the following information:

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- a. the date and reason any required inspection was not performed;
- b. the date of each inspection where it was determined by the permittee that it was necessary to implement the control measure(s);
- c. the dates the control measure(s) was (were) implemented; and,
- d. on a calendar quarter basis, the total number of days the control measure(s) was (were) implemented.

The information in 4.d. shall be kept separately for each material handling operation identified above, and shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

#### **D. 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; and,
  - b. each instance when a control measure, that was to be performed as a result of an inspection, was not implemented.
2. 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 Ohio EPA, Division of Air Pollution Control, Northwest District Office; and,
  - 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 Ohio EPA, Division of Air Pollution Control, Northwest District Office. 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

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resulting from malfunctions reported in accordance with OAC rule 3745-15-06.)

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3. The permittee shall submit a "Notice of Intent to Relocate a Portable or Mobile Source" form 30 days prior to any planned relocation of this emissions unit, in accordance with OAC rule 3745-31-03(A)(6). (A copy of the form is attached to this permit.) Approval of the planned relocation must be obtained from the DO/LAA that has jurisdiction over the proposed site prior to the relocation.

**E. Testing Requirements**

1. Compliance with the hourly and yearly PM10 emission rates shall be demonstrated by compliance with the opacity limits.
2. Upon moving the source into a facility that has crushing or grinding operations, if this emissions unit becomes subject to NSPS OOO, as determined by the applicability requirements of §60.670, then within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup, the permittee shall conduct, or have conducted, emission testing for this emissions unit. The emission testing shall be conducted to demonstrate compliance with the visible emission limitation for the screening and conveying operation(s) identified above. Test Method 9 shall be employed to demonstrate compliance as set forth in "Appendix on Test Methods" in 40 CFR, Part 60 ("Standards of Performance for New Stationary Sources"), as such Appendix existed on July 1, 1997, and the modifications listed in 40 CFR, Part 60.675 and where applicable, paragraphs (B)(3)(a) and (B)(3)(b) of OAC rule 3745-17-03. Alternative U.S. EPA approved test methods may be used with prior approval from the Ohio EPA. The test(s) shall be conducted while the emissions unit is operating at or near its maximum capacity, unless otherwise specified or approved by the Ohio EPA, Division of Air Pollution Control, Northwest District Office.

Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Ohio EPA, Division of Air Pollution Control, Northwest District Office. The "Intent to Test" notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, the time(s) and date(s) of the test(s), and the person(s) who will be conducting the test(s). Failure to submit such notification for review and approval prior to the test(s) may result in Ohio EPA, Division of Air Pollution Control, Northwest District Office's refusal to accept the results of the emission test(s).

Personnel from the Ohio EPA, Division of Air Pollution Control, Northwest District Office shall be permitted to witness the test(s), examine the testing equipment, and acquire data and information necessary to ensure that the operation of the emissions unit and the testing procedures provide a valid characterization of the emissions from the emissions unit and/or the performance of the control equipment.

A comprehensive written report on the results of the emissions test(s) shall be signed by the

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person or persons responsible for the tests and submitted to the Ohio EPA, Division of Air Pollution Control, Northwest District Office within 30 days following completion of the test(s). The permittee may request additional time for the submittal of the written report, where warranted, with prior approval from the Toledo Division of Environmental Services.

**F. Miscellaneous Requirements**

1. PTI #03-17305 is an administrative modification of PTI#04-1149 issued on November 4, 1998 to allow for a change in ownership and associated change in the facility headquarters for a portable source.