



Missouri Department of Natural Resources
Air Pollution Control Program

INTERMEDIATE STATE PERMIT TO OPERATE

Under the authority of RSMo 643 and the Federal Clean Air Act the applicant is authorized to operate the air contaminant source(s) described below, in accordance with the laws, rules, and conditions set forth herein.

Intermediate Operating Permit Number: OP2011-010
Expiration Date: MAR 20 2016
Installation ID: 183-0004
Project Number: 2007-03-095

Installation Name and Address

O'Fallon Asphalt
1440 Terra Lane West
O'Fallon, MO 63366
St. Charles County, Township 47 North, Range 2 East, Section 25

Parent Company's Name and Address

Fred Weber Inc.
2320 Creve Coeur Mill Road
Maryland Heights, MO 63043

Installation Description:

From an operating perspective, three key service areas primarily define Fred Weber, Inc.: Material Services, Construction Services and Solid Waste Services. This facility is a batch hot mix asphalt plant. This plant operates in a quarry along with a crushing operation and a concrete batch plant. The concrete batch plant is owned and operated by Breckenridge Material Company.

MAR 21 2011

Effective Date


Director or Designee
Department of Natural Resources

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I. Installation Description and Equipment Listing

INSTALLATION DESCRIPTION

From an operating perspective, three key service areas primarily define Fred Weber, Inc.: Material Services, Construction Services and Solid Waste Services. Material Services regionally operates eleven (11) modern limestone quarries, six (6) sand facilities and one (1) trap rock (Rhyolite) quarry. Additionally, Fred Weber, Inc. operates ten (10) hot mix asphalt facilities, including three (3) high-capacity portable drum mix plants.

Fred Weber, Inc. has operated in the area for over 80 years. The company employs a staff of approximately 20 to 49 at this location.

This facility is a batch hot mix asphalt plant. This plant operates in a quarry along with a crushing operation and a concrete batch plant. The concrete batch plant is owned and operated by Breckenridge Material Company.

Reported Air Pollutant Emissions, tons per year					
Pollutants	2009	2008	2007	2006	2005
Particulate Matter ≤ Ten Microns (PM ₁₀)	2.0	1.0	3.5	4.5	4.2
Particulate Matter ≤ 2.5 Microns (PM _{2.5})	0.3	0.1	0.4	0.5	0.5
Sulfur Oxides (SO _x)	0.4	0.2	0.5	0.7	0.8
Nitrogen Oxides (NO _x)	5.1	2.1	6.2	8.4	8.0
Volatile Organic Compounds(VOC)	0.8	0.4	0.5	1.5	1.4
Carbon Monoxide (CO)	33.8	15.5	46.3	66.3	61.9
Lead (Pb) ^a	--	--	--	--	--
Hazardous Air Pollutants (HAPs)	-- ^a	-- ^b	-- ^b	-- ^b	1.7
Ammonia (NH ₃)	0.1	0.0	0.1	0.1	0.1

^a note: no reported emissions

^b note: HAP emissions reported as VOC

EMISSION UNITS WITH LIMITATIONS

The following list provides a description of the equipment at this installation which emits air pollutants and identified as having unit-specific emission limitations.

Emission Point	Equipment Number	Emission Point Description
EP2	S065-600	baghouse stack
EP2S1	S065-1200	Tarmac 10x40
EP2S2		Hot Elev., Screen, Bins, Mixer
	8931089	Free Flow Self Erect Mineral Filler Silo
		Mineral Filler Silo
EP2	S065-1250	Tarmac 7x22 Rotary Mixer
EP2		H&B Pugmill Mixer
EP2	S065-600	Baghouse dust return
EP1		Aggregate bin w/Feeders (x8)
EP1		Collector belt
EP1		Conveyor to screen
EP1		Conveyor to dryer
EP1		Deister 5x16 deck screen (x2)
	S065-1700	Main drag slat conveyor
	S065-1701	#1 bin top drag slat
	S065-1702	#2 bin top drag slat
	S065-1801	Silo #1
	S065-1802	Silo #2
	S065-1803	Silo #3
EP2		Hot stone elevator
EP4		Haul road to plant
EP1		Truck dumping into cold feed bins
		#2 diesel tank
		Heat transfer oil (contains ?)
		Asphalt cement tanks (x3)
		Various 55 gallon drums
EP3		Hyway asphalt heater
		Safety Kleen parts washer

EMISSION UNITS WITHOUT LIMITATIONS

The following list provides a description of the equipment, which does not have unit specific limitations at the time of permit issuance.

Emission Point Description

300 gallon #2 diesel tank
250 gallon heat transfer oil tank
Three 30,000 gallon AC-20 tanks
Various 55-gallon drums

DOCUMENTS INCORPORATED BY REFERENCE

This permit incorporates the following documents by reference:

Missouri Air Pollution Control Program Construction Permit #012000-006.

II. Plant Wide Emission Limitations

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect on the date of permit issuance.

The following requirements apply to all conditions in addition to any other requirements listed in the specific conditions, unless otherwise noted in the specific conditions.

Monitoring:

The permittee shall calibrate, maintain and operate all emission monitoring instruments and emission control equipment according to the manufacturer's recommendations.

Recordkeeping:

The permittee shall record all inspections and corrective actions on the appropriate forms. Attachments to this operating permit should be used, where appropriate.

Reporting¹:

1. The permittee shall report any exceedance of any of the terms imposed by this permit, or any malfunction which could cause an exceedance any of the terms imposed by this permit, no later than ten (10) days after the exceedance or event causing the exceedance, to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102.
2. The permittee shall submit an annual certification² that it is in compliance with all of the federally enforceable terms and conditions contained in this permit, including emissions limitations, standards, or work practices. All deviations and Part 64 exceedances and excursions must be included in the compliance certifications. These certifications shall be submitted annually by **April 1st**, unless the applicable requirement specifies more frequent submission. These certifications shall be submitted to EPA Region VII, 901 North 5th Street, Kansas City, KS 66101, and the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102.

<p style="text-align: center;">Permit Condition PW001 10 CSR 10-6.065 Operating Permits</p>
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Emission Limitation:

The permittee shall emit less than 100 tons of Carbon Monoxide (CO) from the entire installation in any consecutive 12-month period. A 12-month period is defined as the total of 12 monthly totals ending with the month of interest; or, when there are less than 12 months available, the totals of the complete months available divided by 12. A new limit or change of limit initiates a new rolling period.

Record Keeping:

The permittee shall use Attachment I or its equivalent approved by the Air Pollution Control Program, to demonstrate compliance with this condition.

¹ Refer to Section V. General Permit Requirements, 10 CSR 10-6.065, §(5)(C)1 and §(6)(C)1.C General Record Keeping and Reporting Requirements, page 27, for additional details, including semi-annual reporting of monitoring data.

² Refer to Section V. General Permit Requirements, 10 CSR 10-6.065, §(5)(B)4; §(5)(C)1, §(6)(C)3.B; and §(6)(C)3.D; and §(5)(C)3 and §(6)(C)3.E.(I) – (III) and (V) – (VI) Compliance Requirements, page 29, for more details.

III. Emission Unit Specific Emission Limitations

The installation shall comply with each of the following emission limitations. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect on the date of permit issuance.

Visible Emissions Group					
Emission Point	Emission Point Description	Equipment Number	Equipment Description	Mfgr	Install Date
			Mineral filler silo		1972
EP1	Eight (8) aggregate bins with feeders				
EP1	Collector belt				1972
EP1	Conveyor to screen				2000
EP1	Conveyor to screen				2000
EP1	5 foot by 16 foot two (2) deck screen			Deister	2000
		S065-1700	Main drag slat conveyor		2000
		S065-1701	#1 bin top drag slat		2000
		S065-1702	#2 bin top drag slat		2000
		S065-1801	Silo #1		2000
		S065-1802	Silo #2		2000
		S065-1803	Silo #3		2000
EP1	Truck dumping into cold feed bins				1972

Visible Emissions Group Permit Condition 1
 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants

Emission Limitations:

The permittee shall not discharge into the ambient air from any source, not exempted under 10 CSR 10-6.220, any air contaminant of opacity greater than twenty (20 percent) percent. A source with a 20 percent opacity limit may emit air contaminants with opacity over 20 percent, but not greater than 40 percent for an aggregate length of time not to exceed six (6) minutes in any 60 minutes. Where the

presence of uncombined water is the only reason for failure of an emission to meet the opacity requirements, the opacity requirements shall not apply.

Monitoring/Record Keeping:

The permittee will following the monitoring and record keeping requirements listed in 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants, starting on page 23.

Elevator & Pugmill Group					
Emission Point	Emission Point Description	Equipment Number	Equipment Description	Mfgr	Install Date
EP2	Tarmac baghouse stack	S065-600			2000
EP2 Seg 2	Hot elevator, screen, bins and mixer				1972
EP2	H & B pugmill mixer				1972

<p>Elevator & Pugmill Group Permit Condition 1 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants</p>
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Emission Limitations:

The permittee shall not discharge into the ambient air from any source, not exempted under 10 CSR 10-6.220, any air contaminant of opacity greater than twenty (20 percent) percent. A source with a 20 percent opacity limit may emit air contaminants with opacity over 20 percent, but not greater than 40 percent for an aggregate length of time not to exceed six (6) minutes in any 60 minutes. Where the presence of uncombined water is the only reason for failure of an emission to meet the opacity requirements, the opacity requirements shall not apply.

Monitoring/Record Keeping:

The permittee will following the monitoring and record keeping requirements listed in 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants, starting on page 23.

<p>Elevator & Pugmill Group Permit Condition 2 10 CSR 10-6.400 Restriction of Particulate Matter from Industrial Processes</p>
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Emission Limitations:

The permittee shall not emit particulate matter from these emission units in excess of allowable amounts in the following table or at a concentration in the exhaust gases in excess of 0.30 grains per standard cubic foot.

EP#	Company IDs	Description	Process Weight Rate (ton/hr)	Allowable Emission Rate (lb/hr)
EP2S2		Hot Elev., Screen, Bins, Mixer	300	63.00
EP2		H&B Pugmill Mixer	300	63.00

Monitoring/Record Keeping:

No monitoring or record keeping is required for this condition since the emission unit has demonstrated that it will always be in compliance (reference Attachment H, Compliance Demonstration).

Tarmac Group					
Emission Point	Emission Point Description	Equipment Number	Equipment Description	Mfgr	Install Date
EP2	Tarmac baghouse stack	S065-600			2000
EP2 Seg 1	Tarmac 10 foot by 40 foot dryer	S065-1200			2000
EP2	Tarmac 7 foot by 22 foot rotary mixer	S065-1250			2000

Tarmac Group Permit Condition 1
 40 CFR 60 Subpart I—Standards of Performance for Hot Mix Asphalt Facilities

Emission Limitations:

The permittee shall not discharge or cause the discharge into the atmosphere from any *Subpart I* affected facility any gases which exhibit 20 percent opacity, or greater.

Monitoring/Record Keeping:

The permittee will following the monitoring and record keeping requirements listed in 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants, starting on page 23.

Tarmac Group Permit Condition 2
 40 CFR 60 Subpart I—Standards of Performance for Hot Mix Asphalt Facilities

Emission Limitations:

The permittee shall not discharge or cause the discharge into the atmosphere from any *Subpart I* affected facility any gases which contain particulate matter in excess of 90 megagrams per dry standard cubic meter (0.04 grains per dry standard cubic foot).

Tarmac Group Permit Condition 3
10 CSR 10-6.400 Restriction of Particulate Matter from Industrial Processes

Emission Limitations:

The permittee shall not emit particulate matter from these emission units in excess of allowable amounts in the following table or at a concentration in the exhaust gases in excess of 0.30 grains per standard cubic foot.

EP#	Company IDs	Description	Process Weight Rate (ton/hr)	Allowable Emission Rate (lb/hr)
EP2S1	S065-1200	Tarmac 10x40	400	66.31
EP2	S065-1250	Tarmac 7x22 Rotary Mixer	400	66.31

Monitoring/Record Keeping:

No monitoring or record keeping is required for this condition since the emission unit has demonstrated that it will always be in compliance (reference Attachment H, Compliance Demonstration).

Subpart I Group					
Emission Point	Emission Point Description	Equipment Number	Equipment Description	Mfgr	Install Date
EP2	Tarmac baghouse stack	S065-600			2000
EP2	Baghouse dust return	S065-600			2000
		8931089	Free flow self erect mineral filler silo		1988

Subpart I Group Permit Condition 1
40 CFR 60 Subpart I—Standards of Performance for Hot Mix Asphalt Facilities

Emission Limitations:

The permittee shall not discharge or cause the discharge into the atmosphere from any *Subpart I* affected facility any gases which exhibit 20 percent opacity, or greater.

Monitoring/Record Keeping:

The permittee will following the monitoring and record keeping requirements listed in 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants, starting on page 23.

Subpart I Group Permit Condition 2
40 CFR 60 Subpart I—Standards of Performance for Hot Mix Asphalt Facilities

Emission Limitations:

The permittee shall not discharge or cause the discharge into the atmosphere from any *Subpart I* affected facility any gases which contain particulate matter in excess of 90 megagrams per dry standard cubic meter (0.04 grains per dry standard cubic foot).

Hot Stone Elevator					
Emission Point	Emission Point Description	Equipment Number	Equipment Description	Mfgr	Install Date
EP2	Hot stone elevator				1972

Hot Stone Elevator Permit Condition 1
10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants

Emission Limitations:

The permittee shall not discharge into the ambient air from any source, not exempted under 10 CSR 10-6.220, any air contaminant of opacity greater than twenty (20 percent) percent. A source with a 20 percent opacity limit may emit air contaminants with opacity over 20 percent, but not greater than 40 percent for an aggregate length of time not to exceed six (6) minutes in any 60 minutes. Where the presence of uncombined water is the only reason for failure of an emission to meet the opacity requirements, the opacity requirements shall not apply.

Monitoring/Record Keeping:

The permittee will following the monitoring and record keeping requirements listed in 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants, starting on page 23.

Hot Stone Elevator Permit Condition 2
10 CSR 10-6.400 Restriction of Particulate Matter from Industrial Processes

Emission Limitations:

The permittee shall not emit particulate matter from this emission unit in excess of 63.0 pounds per hour or at a concentration in the exhaust gases in excess of 0.30 grains per standard cubic foot.

Monitoring/Record Keeping:

No monitoring or record keeping is required for this condition since the emission unit has demonstrated that it will always be in compliance (reference Attachment H, Compliance Demonstration).

Hot Stone Elevator Permit Condition 3
10 CSR 10-6.070
40 CFR 60 Subpart OOO

Emission Limitations:

The permittee shall not cause to be discharged from any transfer point on a conveyor belt or any other affected facility, stack emissions, which contain particulate matter in excess of 0.05 grains per dry standard cubic meter (0.02 grains per dry standard cubic foot).

Monitoring/Record Keeping:

The permittee will following the monitoring and record keeping requirements listed in 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants, starting on page 23.

Hot Stone Elevator Permit Condition 4

10 CSR 10-6.070
 40 CFR 60 Subpart OOO

Emission Limitations:

The permittee shall not cause to be discharged from any transfer point on a conveyor belt, or any other affected facility, stack emissions exhibiting greater than seven percent opacity.

Monitoring/Record Keeping:

The permittee will following the monitoring and record keeping requirements listed in 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants, starting on page 23.

Hot Stone Elevator Permit Condition 5

10 CSR 10-6.070
 40 CFR 60 Subpart OOO

Emission Limitations:

Shall not cause to be discharged from any transfer point on a conveyor belt, or other affected facility, fugitive emissions exhibiting greater than 10 percent opacity, except as provided by 60.672(c) (crushers) or 60.672(e).

Monitoring/Record Keeping:

The permittee will following the monitoring and record keeping requirements listed in 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants, starting on page 23.

Storage Tank Group					
Emission Point	Emission Point Description	Equipment Number	Equipment Description	Mfgr	Install Date
			#2 diesel fuel tank		
			Four (4) asphalt cement tanks		1972
			SS-1 emulsion tank		1972

Storage Tank Permit Condition 1

10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants

Emission Limitations:

The permittee shall not discharge into the ambient air from any source, not exempted under 10 CSR 10-6.220, any air contaminant of opacity greater than twenty (20 percent) percent. A source with a 20 percent opacity limit may emit air contaminants with opacity over 20 percent, but not greater than 40 percent for an aggregate length of time not to exceed six (6) minutes in any 60 minutes. Where the presence of uncombined water is the only reason for failure of an emission to meet the opacity requirements, the opacity requirements shall not apply.

Monitoring/Record Keeping:

The permittee will following the monitoring and record keeping requirements listed in 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants, starting on page 23.

Solvent Metal Cleaning					
Emission Point	Emission Point Description	Equipment Number	Equipment Description	Mfgr	Install Date
			Safety Kleen parts washer		

<p>Solvent Metal Cleaning Permit Condition 1 10 CSR 10-5.300 Control of Emissions From Solvent Metal Cleaning</p>

Equipment Specification:

1. Each open-top vapor degreaser shall have a cover which will prevent the escape of solvent vapors from the degreaser while in the closed position and shall be designed to open and close easily with one hand such that minimal disturbing of the solvent vapors in the tank occurs. For covers larger than ten square feet, easy cover use shall be accomplished by either mechanical assistance, such as spring loading or counter weighing or by power systems.
2. Each open-top vapor degreaser shall be equipped with a vapor level safety thermostat with a manual reset which shuts off the heating source when the vapor level rises above the cooling or condensing coil, or an equivalent safety device approved by the Director.
3. Each open-top vapor degreaser with an air/vapor interface over ten and three-fourths square feet shall be equipped with at least one of the following control devices:
 - a) A freeboard ratio of at least 0.75;
 - b) A refrigerated chiller;
 - c) An enclosed design (the cover or door opens only when the dry part actually is entering or exiting the degreaser);
 - d) A carbon adsorption system with ventilation of at least 50 cubic feet per minute per square foot of air vapor area when the cover is open and exhausting less than 25 parts per million (ppm) of solvent by volume averaged over one complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or
 - e) A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to 65 percent and prior approval by the Director.
4. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

Operational Limitation:

Each open-top vapor degreaser shall be operated as follows:

1. The cover shall be kept closed at all times except when processing workloads through the degreaser
2. Solvent carry-out shall be minimized in the following ways:
 - a) Parts shall be racked, if practical, to allow full drainage;
 - b) Parts shall be moved in and out of the degreaser at less than 11 feet per minute (fpm);
 - c) Work load shall remain in the vapor zone at least 30 seconds or until condensation ceases;
 - d) Pools of solvent shall be removed from cleaned parts before removing parts from the degreaser freeboard area; and
 - e) Cleaned parts shall be allowed to dry within the degreaser freeboard area for at least 15 seconds or until visually dry, whichever is longer.
3. Porous or absorbent materials such as cloth, leather, wood, or rope shall not be degreased.
4. If workloads occupy more than half of the degreaser's open-top area, rate of entry and removal shall not exceed five feet per minute.

5. Spray shall never extend above vapor level.
6. Whenever a vapor degreaser fails to perform within the operating parameters established for it by this regulation, the unit shall be shut down immediately and secured. It shall remain shut down until trained service personnel are able to restore operation within the established parameters.
7. Solvent leaks shall be repaired immediately or the degreaser shall be shut down until the leaks are repaired.
8. Ventilation exhaust shall not exceed 65 cubic feet per minute per square foot of degreaser open area unless proof is submitted that it is necessary to meet Occupational Safety and Health Administration (OSHA) requirements. Fans shall not be used near the degreaser opening.
9. Water shall not be visually detectable in solvent exiting the water separator.
10. Any waste material removed from an open-top vapor degreaser shall be disposed of by one of the following methods or equivalent (after the Director's approval), and in accordance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 10-25, as applicable:
 - a) Reduction of the waste material to less than 20 percent VOC solvent by distillation and proper disposal of the still bottom waste; or
 - b) Stored in closed containers for transfer to a contract reclamation service or a disposal facility approved by the Director.
11. Waste solvent shall be stored in covered containers only.
12. Operators must be trained as follows:
 - a) Only persons trained in at least the operational and equipment requirements specified in this regulation for their particular solvent metal cleaning process shall be permitted to operate the equipment.
 - b) The supervisor of any person who operates a solvent metal cleaning process shall receive equal or greater operational training than the operator.
 - c) Refresher training shall be given to all solvent metal cleaning equipment operators at least once each 12 month period.

Monitoring:

The permittee shall monitor the throughputs of the solvents monthly and maintain material safety data sheets of the cleanup solvents used at the installation.

Recordkeeping:

1. The permittee shall keep monthly inventory records of solvent types and amounts purchased and solvent consumed. The records shall include all types and amounts of solvent containing waste material transferred to either a contract reclamation service or to a disposal installation and all amounts distilled on the premises (use Attachment J).
2. The permittee shall keep maintenance and repair logs for both the degreaser and any associated control equipment (use Attachment E).
3. The permittee shall keep training records of solvent metal cleaning for each employee on an annual basis (use Attachment F).

Hyway Asphalt Heater					
Emission Point	Emission Point Description	Equipment Number	Equipment Description	Mfgr	Install Date
EP3	Hyway asphalt heater				1982

Hyway Asphalt Heater Permit Condition 1
 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants

Emission Limitations:

The permittee shall not discharge into the ambient air from any source, not exempted under 10 CSR 10-6.220, any air contaminant of opacity greater than twenty (20 percent) percent. A source with a 20 percent opacity limit may emit air contaminants with opacity over 20 percent, but not greater than 40 percent for an aggregate length of time not to exceed six (6) minutes in any 60 minutes. Where the presence of uncombined water is the only reason for failure of an emission to meet the opacity requirements, the opacity requirements shall not apply.

Monitoring/Record Keeping:

The permittee will following the monitoring and record keeping requirements listed in 10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants, starting on page 23.

Hyway Asphalt Heater Condition 2
 10 CSR 10-5.030 Maximum Allowable Emissions of Particulate Matter From Fuel Burning
 Equipment Used for Indirect Heating

Emission Limitations:

The maximum allowable particulate matter emission rate for new sources in an installation of indirect heating sources with a heat input rate of less than ten (10) million BTUs per hour shall be 0.40 pounds per million BTUs of heat input.

Operational Limitation/Equipment Specifications:

This emission unit shall be limited to burning pipeline grade natural gas.

Monitoring/Record Keeping:

No monitoring or record keeping is required for this condition since the emission unit has demonstrated that it will always be in compliance (reference Attachment E, Compliance Demonstration).

IV. Core Permit Requirements

The installation shall comply with each of the following requirements. Consult the appropriate sections in the Code of Federal Regulations (CFR), Code of State Regulations (CSR), and local ordinances for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect on the date of permit issuance. The following is only an excerpt from the regulation or code, and is provided for summary purposes only

10 CSR 10-6.045 Open Burning Requirements

- (1) General Provisions. The open burning of tires, petroleum-based products, asbestos containing materials, and trade waste is prohibited, except as allowed below. Nothing in this rule may be construed as to allow open burning which causes or constitutes a public health hazard, nuisance, a hazard to vehicular or air traffic, nor which violates any other rule or statute.
- (2) Refer to the regulation for a complete list of allowances. The following is a listing of exceptions to the allowances:
 - (A) Burning of household or domestic refuse. Burning of household or domestic refuse is limited to open burning on a residential premises having not more than four dwelling units, provided that the refuse originates on the same premises, with the following exceptions:
 1. Kansas City metropolitan area. The open burning of household refuse must take place in an area zoned for agricultural purposes and outside that portion of the metropolitan area surrounded by the corporate limits of Kansas City and every contiguous municipality;
 2. Springfield-Greene County area. The open burning of household refuse must take place outside the corporate limits of Springfield and only within areas zoned A-1, Agricultural District;
 3. St. Joseph area. The open burning of household refuse must take place within an area zoned for agricultural purposes and outside that portion of the metropolitan area surrounded by the corporate limits of St. Joseph; and
 4. St. Louis metropolitan area. The open burning of household refuse is prohibited;
 - (B) Yard waste, with the following exceptions:
 1. Kansas City metropolitan area. The open burning of trees, tree leaves, brush or any other type of vegetation shall require an open burning permit;
 2. Springfield-Greene County area. The City of Springfield requires an open burning permit for the open burning of trees, brush or any other type of vegetation. The City of Springfield prohibits the open burning of tree leaves;
 3. St. Joseph area. Within the corporate limits of St. Joseph, the open burning of trees, tree leaves, brush or any other type of vegetation grown on a residential property is allowed during the following calendar periods and time-of-day restrictions:
 - A. A three (3)-week period within the period commencing the first day of March through April 30 and continuing for twenty-one (21) consecutive calendar days;
 - B. A three (3)-week period within the period commencing the first day of October through November 30 and continuing for twenty-one (21) consecutive calendar days;
 - C. The burning shall take place only between the daytime hours of 10:00 a.m. and 3:30 p.m.; and
 - D. In each instance, the twenty-one (21)-day burning period shall be determined by the Director of Public Health and Welfare of the City of St. Joseph for the region in which

- the City of St. Joseph is located provided, however, the burning period first shall receive the approval of the Department Director; and
4. St. Louis metropolitan area. The open burning of trees, tree leaves, brush or any other type of vegetation is limited to the period beginning September 16 and ending April 14 of each calendar year and limited to a total base area not to exceed sixteen (16) square feet. Any open burning shall be conducted only between the hours of 10:00 a.m. and 4:00 p.m. and is limited to areas outside of incorporated municipalities;
- (3) Certain types of materials may be open burned provided an open burning permit is obtained from the Director. The permit will specify the conditions and provisions of all open burning. The permit may be revoked if the owner or operator fails to comply with the conditions or any provisions of the permit.
 - (4) O'Fallon Asphalt may be issued an annually renewable open burning permit for open burning provided that an air curtain destructor or incinerator is utilized and only tree trunks, tree limbs, vegetation or untreated wood waste are burned. Open burning shall occur at least two hundred (200) yards from the nearest occupied structure unless the owner or operator of the occupied structure provides a written waiver of this requirement. Any waiver shall accompany the open burning permit application. The permit may be revoked if O'Fallon Asphalt fails to comply with the provisions or any condition of the open burning permit.
 - (A) In a nonattainment area, as defined in 10 CSR 10-6.020, Paragraph (2)(N)5., the Director shall not issue a permit under this section unless the owner or operator can demonstrate to the satisfaction of the Director that the emissions from the open burning of the specified material would be less than the emissions from any other waste management or disposal method.
 - (5) Reporting and Record Keeping. New Source Performance Standard (NSPS) 40 CFR Part 60 Subpart CCCC establishes certain requirements for air curtain destructors or incinerators that burn wood trade waste. These requirements are established in 40 CFR 60.2245-60.2260. The provisions of 40 CFR Part 60 Subpart CCCC promulgated as of September 22, 2005, shall apply and are hereby incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401. To comply with NSPS 40 CFR 60.2245-60.2260, sources must conduct an annual Method 9 test. A copy of the annual Method 9 test results shall be submitted to the Director.
 - (6) Test Methods. The visible emissions from air pollution sources shall be evaluated as specified by 40 CFR Part 60, Appendix A–Test Methods, Method 9–Visual Determination of the Opacity of Emissions from Stationary Sources. The provisions of 40 CFR Part 60, Appendix A, Method 9 promulgated as of December 23, 1971, is incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N Capitol Street NW, Washington, DC 20401.

10 CSR 10-6.050 Start-up, Shutdown and Malfunction Conditions

- 1) In the event of a malfunction, which results in excess emissions that exceed one hour, the permittee shall submit to the Director within two business days, in writing, the following information:
 - a) Name and location of installation;
 - b) Name and telephone number of person responsible for the installation;
 - c) Name of the person who first discovered the malfunction and precise time and date that the malfunction was discovered.
 - d) Identity of the equipment causing the excess emissions;
 - e) Time and duration of the period of excess emissions;
 - f) Cause of the excess emissions;

- g) Air pollutants involved;
 - h) Best estimate of the magnitude of the excess emissions expressed in the units of the applicable requirement and the operating data and calculations used in estimating the magnitude;
 - i) Measures taken to mitigate the extent and duration of the excess emissions; and
 - j) Measures taken to remedy the situation that caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.
- 2) The permittee shall submit the Paragraph 1 information list to the Director in writing at least ten days prior to any maintenance, start-up or shutdown, which is expected to cause an excessive release of emissions that exceed one hour. If notice of the event cannot be given ten days prior to the planned occurrence, it shall be given as soon as practicable prior to the release. If an unplanned excess release of emissions exceeding one hour occurs during maintenance, start-up or shutdown, the Director shall be notified verbally as soon as practical during normal working hours and no later than the close of business of the following working day. A written notice shall follow within ten working days.
 - 3) Upon receipt of a notice of excess emissions issued by an agency holding a certificate of authority under Section 643.140, RSMo, the permittee may provide information showing that the excess emissions were the consequence of a malfunction, start-up or shutdown. The information, at a minimum, should be the Paragraph 1 list and shall be submitted not later than 15 days after receipt of the notice of excess emissions. Based upon information submitted by the permittee or any other pertinent information available, the Director or the commission shall make a determination whether the excess emissions constitute a malfunction, start-up or shutdown and whether the nature, extent and duration of the excess emissions warrant enforcement action under Section 643.080 or 643.151, RSMo.
 - 4) Nothing in this rule shall be construed to limit the authority of the Director or commission to take appropriate action, under Sections 643.080, 643.090 and 643.151, RSMo to enforce the provisions of the Air Conservation Law and the corresponding rule.
 - 5) Compliance with this rule does not automatically absolve the permittee of liability for the excess emissions reported.

10 CSR 10-6.060 Construction Permits Required

The permittee shall not commence construction, modification, or major modification of any installation subject to this rule, begin operation after that construction, modification, or major modification, or begin operation of any installation which has been shut down longer than five years without first obtaining a permit from the permitting authority.

10 CSR 10-6.065 Operating Permits

The permittee shall file a complete application for renewal of this operating permit at least six months before the date of permit expiration. In no event shall this time be greater than eighteen months. [10 CSR 10-6.065(5)(B)1.A(III)] The permittee shall retain the most current operating permit issued to this installation on-site. [10 CSR 10-6.065, §(5)(C)(1) and §(6)(C)1.C(II)] The permittee shall immediately make such permit available to any Missouri Department of Natural Resources' personnel upon request. [10 CSR 10-6.065, §(5)(C)(1) and §(6)(C)3.B]

**10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants and 40 CFR Part 61
Subpart M National Emission Standard for Asbestos**

- 1) The permittee shall follow the procedures and requirements of 40 CFR Part 61, Subpart M for any activities occurring at this installation which would be subject to provisions for 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos.
- 2) The permittee shall conduct monitoring to demonstrate compliance with registration, certification, notification, and Abatement Procedures and Practices standards as specified in 40 CFR Part 61, Subpart M.

10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information

- 1) The permittee shall complete and submit an Emission Inventory Questionnaire (EIQ) in accordance with the requirements outlined in this rule.
- 2) The permittee may be required by the Director to file additional reports.
- 3) Public Availability of Emission Data and Process Information. Any information obtained pursuant to the rule(s) of the Missouri Air Conservation Commission that would not be entitled to confidential treatment under 10 CSR 10-6.210 shall be made available to any member of the public upon request.
- 4) The permittee shall pay an annual emission fee per ton of regulated air pollutant emitted according to the schedule in the rule. This fee is an emission fee assessed under authority of RSMo. 643.079.
- 5) The fees shall be payable to the Department of Natural Resources and shall be accompanied by the Emissions Inventory Questionnaire (EIQ) form or equivalent approved by the Director.
- 6) The permittee shall complete required reports on state supplied EIQ forms or in a form satisfactory to the Director and the reports shall be submitted to the Director by June 1 after the end of each reporting period.
- 7) The reporting period shall end on December 31 of each calendar year. Each report shall contain the required information for each emission unit for the twelve (12)-month period immediately preceding the end of the reporting period.
- 8) The permittee shall collect, record and maintain the information necessary to complete the required forms during each year of operation of the installation.

10 CSR 10-6.130 Controlling Emissions During Episodes of High Air Pollution Potential

This rule specifies the conditions that establish an air pollution alert (yellow/orange/red/purple), or emergency (maroon) and the associated procedures and emission reduction objectives for dealing with each. The permittee shall submit an appropriate emergency plan if required by the Director.

10 CSR 10-6.150 Circumvention

The permittee shall not cause or permit the installation or use of any device or any other means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission or air contaminant which violates a rule of the Missouri Air Conservation Commission.

10 CSR 10-6.170 Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin

Emission Limitation:

- 1) The permittee shall not cause or allow to occur any handling, transporting or storing of any material; construction, repair, cleaning or demolition of a building or its appurtenances; construction or use of a road, driveway or open area; or operation of a commercial or industrial installation without applying reasonable measures as may be required to prevent, or in a manner which allows or may allow, fugitive particulate matter emissions to go beyond the premises of origin in quantities that the particulate matter may be found on surfaces beyond the property line of origin. The nature or origin of the particulate matter shall be determined to a reasonable degree of certainty by a technique proven to be accurate and approved by the Director.
- 2) The permittee shall not cause nor allow to occur any fugitive particulate matter emissions to remain visible in the ambient air beyond the property line of origin.
- 3) Should it be determined that noncompliance has occurred, the Director may require reasonable control measures as may be necessary. These measures may include, but are not limited to, the following:
 - a) Revision of procedures involving construction, repair, cleaning and demolition of buildings and their appurtenances that produce particulate matter emissions;
 - b) Paving or frequent cleaning of roads, driveways and parking lots;
 - c) Application of dust-free surfaces;
 - d) Application of water; and
 - e) Planting and maintenance of vegetative ground cover.

Monitoring:

The permittee shall conduct inspections of its facilities sufficient to determine compliance with this regulation. If the permittee discovers a violation, the permittee shall undertake corrective action to eliminate the violation.

The permittee shall maintain the following monitoring schedule:

- 1) Observations must be made at least once per month.
- 2) Anytime an exceedance of the opacity limitation is noted, then the permittee shall conduct weekly observations for a minimum of eight (8) consecutive weeks.
 - a) Should the permittee observe no opacity deviations for the eight (8) consecutive weeks period noted in 2) above, then the permittee may reduce the observation frequency to once every two (2) weeks for a period of eight (8) weeks.
 - b) Should no opacity deviations be observed during this eight (8) week period [2)a) above], then the permittee may return to the once per month observation frequency.

Recordkeeping:

The permittee shall document all readings on Attachment A, or its equivalent, noting the following:

- 1) Whether air emissions (except water vapor) remain visible in the ambient air beyond the property line of origin.
- 2) Whether the visible emissions were normal for the installation.
- 3) Whether equipment malfunctions contributed to an exceedance.
- 4) Any violations and any corrective actions undertaken to correct the violation.

10 CSR 10-6.180 Measurement of Emissions of Air Contaminants

- 1) The Director may require any person responsible for the source of emission of air contaminants to make or have made tests to determine the quantity or nature, or both, of emission of air contaminants from the source. The Director may specify testing methods to be used in accordance with good professional practice. The Director may observe the testing. All tests shall be performed by qualified personnel.
- 2) The Director may conduct tests of emissions of air contaminants from any source. Upon request of the Director, the person responsible for the source to be tested shall provide necessary ports in stacks or ducts and other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.
- 3) The Director shall be given a copy of the test results in writing and signed by the person responsible for the tests.

10 CSR 10-5.040 Use of Fuel in Hand-Fired Equipment Prohibited

It shall be unlawful to operate any hand-fired fuel-burning equipment in the St. Louis, Missouri metropolitan area. This regulation shall apply to all fuel-burning equipment including, but not limited to, furnaces, heating and cooking stoves and hot water furnaces. It shall not apply to wood-burning fireplaces and wood-burning stoves in dwellings, nor to fires used for recreational purpose, nor to fires used solely for the preparation of food by barbecuing. Hand-fired fuel-burning equipment is any stove, furnace, or other fuel-burning device in which fuel is manually introduced directly into the combustion chamber.

10 CSR 10-5.060 Refuse Not to be Burned in Fuel Burning Installations (Contained in State Implementation Plan)

No person shall burn or cause or permit the burning of refuse in any installation which is designed for the primary purpose of burning fuel.

10 CSR 10-5.120 Information on Sales of Fuels to be Provided and Maintained

Every delivery of coal or residual fuel oil when first delivered to a consumer or wholesaler in the St. Louis metropolitan area must be accompanied by a ticket prepared in triplicate and containing at least the name and address of the seller and the buyer; the grade of fuel; ash content of coal, the source of the fuel, which must be an approved source, and such other information as the Air Conservation Commission may require. One copy of each ticket shall be kept by the person delivering the fuel and be retained for one year; one copy is to be given to the recipient of the fuel to be retained for one year; and, upon request, within 30 days after delivery of the fuel, the delivering party shall mail one copy to the Air Conservation Commission.

10 CSR 10-5.130 Certain Coals to be Washed

The permittee shall not import, sell, offer for sale, expose for sale, exchange, deliver or transport for use and consumption in the St. Louis metropolitan area or use or consume in the said area any coal which as mined containing in excess of 2.0 percent sulfur or 12.0 percent ash calculated as described in 10 CSR 10-5.110, unless it has been cleaned by a process known as "washing" so that it shall contain no more

than 12.0 percent ash on a dry basis. The term "washing" is meant to include purifying, cleaning, or removing impurities from coal by mechanical process, regardless of cleaning medium used.

10 CSR 10-5.160 Control of Odors in the Ambient Air

This requirement is not federally enforceable.

No person shall emit odorous matter as to cause an objectionable odor on or adjacent to:

- 1) Residential, recreational, institutional, retail sales, hotel or educational premises.
- 2) Industrial premises when air containing odorous matter is diluted with 20 or more volumes of odor-free air; or
- 3) Premises other than those in 1) and 2) above when air containing odorous matter is diluted with four or more volumes of odor-free air.

The previously mentioned requirement shall apply only to objectionable odors. An odor will be deemed objectionable when 30 percent or more of a sample of the people exposed to it believe it to be objectionable in usual places of occupancy; the sample size to be at least 20 people or 75 percent of those exposed if fewer than 20 people are exposed.

10 CSR 10-5.240 Additional Air Quality Control Measures May be Required When Sources Are Clustered in a Small Land Area

The Air Conservation Commission may prescribe more restrictive air quality control requirements that are more restrictive and more extensive than provided in regulations of general application for:

- 1) Areas in which there are one or more existing sources and/or proposed new sources of particulate matter in any circular area with a diameter of two miles (including sources outside metropolitan area) from which the sum of particulate emissions allowed from these sources by regulations of general application are or would be greater than 2000 tons per year or 500 pounds per hour.
- 2) Areas in which there are one or more existing sources and/or proposed new sources of sulfur dioxide in any circular area with a diameter of two miles from which the sum of sulfur dioxide emissions from these sources allowed by regulations of general application are or would be greater than 1000 tons for any consecutive three months or 1000 pounds per hour.

10 CSR 10-6.220 Restriction of Emission of Visible Air Contaminants

Emission Limitation:

No owner or other person shall cause or permit to be discharged into the atmosphere from any source any visible emissions in excess of the limits specified by this rule. This permit will contain the opacity limits identified (10, 20 or 40 percent) for the specific emission units.

Monitoring:

- 1) The permittee shall conduct opacity readings on each emission unit using the procedures contained in U.S. EPA Test Method 22. The permittee is only required to take readings when the emission unit is operating and when the weather conditions allow. If the permittee observes no visible or other significant emissions using these procedures, then no further observations are required. For emission units with visible emissions perceived or believed to exceed the applicable opacity standard, the source representative would then conduct a Method 9 observation.
- 2) Observations must be made at least once per month.

- 3) Anytime an exceedance of the opacity limitation is noted, then the permittee shall conduct weekly observations for a minimum of eight (8) consecutive weeks.
 - a) Should the permittee observe no opacity deviations for the eight (8) consecutive weeks period noted in 3) above, then the permittee may reduce the observation frequency to once every two (2) weeks for a period of eight (8) weeks.
 - b) Should no opacity deviations be observed during this eight (8) week period [3)a) above], then the permittee may return to the once per month observation frequency.

Recordkeeping:

The permittee shall maintain records of all Method 22 observation results using Attachment B and Method 9 observation results using Attachment C (or their equivalent), noting:

- 1) Whether any air emissions (except for water vapor) were visible from the emission units;
- 2) All emission units from which visible emissions occurred;
- 3) Whether the visible emissions were normal for the process;
- 4) The permittee shall maintain records of any equipment malfunctions, which may contribute to visible emissions; and,
- 5) The permittee shall maintain records of all U.S. EPA Method 9 opacity tests performed.

10 CSR 10-6.250 Asbestos Abatement Projects – Certification, Accreditation, and Business Exemption Requirements

The permittee shall conduct all asbestos abatement projects within the procedures established for certification and accreditation by 10 CSR 10-6.250. This rule requires individuals who work in asbestos abatement projects to be certified by the Missouri Department of Natural Resources Air Pollution Control Program. This rule requires training providers who offer training for asbestos abatement occupations to be accredited by the Missouri Department of Natural Resources Air Pollution Control Program. This rule requires persons who hold exemption status from certain requirements of this rule to allow the Department to monitor training provided to employees. Each individual who works in asbestos abatement projects must first obtain certification for the appropriate occupation from the Department. Each person who offers training for asbestos abatement occupations must first obtain accreditation from the Department. Certain business entities that meet the requirements for state-approved exemption status must allow the Department to monitor training classes provided to employees who perform asbestos abatement.

Title VI – 40 CFR Part 82 Protection of Stratospheric Ozone

- 1) The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
 - a) All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to §82.106.
 - b) The placement of the required warning statement must comply with the requirements pursuant to §82.108.
 - c) The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110.
 - d) No person may modify, remove, or interfere with the required warning statement except as described in §82.112.

- 2) The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:
 - a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156.
 - b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
 - c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.
 - d) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with record keeping requirements pursuant to §82.166. ("MVAC-like" appliance as defined at §82.152).
 - e) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.
 - f) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.
- 3) If the permittee manufactures, transforms, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, Production and Consumption Controls.
- 4) If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, Servicing of Motor Vehicle Air conditioners. The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.
- 5) The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, Significant New Alternatives Policy Program. *Federal Only - 40 CFR Part 82*

10 CSR 10-6.280 Compliance Monitoring Usage

- 1) The permittee is not prohibited from using the following in addition to any specified compliance methods for the purpose of submission of compliance certificates:
 - a) Monitoring methods outlined in 40 CFR Part 64;
 - b) Monitoring method(s) approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
 - c) Any other monitoring methods approved by the Director.
- 2) Any credible evidence may be used for the purpose of establishing whether a permittee has violated or is in violation of any such plan or other applicable requirement. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred by a permittee:
 - a) Monitoring methods outlined in 40 CFR Part 64;
 - b) A monitoring method approved for the permittee pursuant to 10 CSR 10-6.065, "Operating Permits", and incorporated into an operating permit; and
 - c) Compliance test methods specified in the rule cited as the authority for the emission limitations.

- 3) The following testing, monitoring or information gathering methods are presumptively credible testing, monitoring, or information gathering methods:
 - a) Applicable monitoring or testing methods, cited in:
 - i) 10 CSR 10-6.030, "Sampling Methods for Air Pollution Sources";
 - ii) 10 CSR 10-6.040, "Reference Methods";
 - iii) 10 CSR 10-6.070, "New Source Performance Standards";
 - iv) 10 CSR 10-6.080, "Emission Standards for Hazardous Air Pollutants"; or
 - b) Other testing, monitoring, or information gathering methods, if approved by the Director, that produce information comparable to that produced by any method listed above.

V. General Permit Requirements

The installation shall comply with each of the following requirements. Consult the appropriate sections in the Code of Federal Regulations (CFR) and Code of State Regulations (CSR) for the full text of the applicable requirements. All citations, unless otherwise noted, are to the regulations in effect as of the date that this permit is issued.

10 CSR 10-6.065, §(5)(E)2 and §(6)(C)1.B Permit Duration

This permit is issued for a term of five years, commencing on the date of issuance. This permit will expire at the end of this period unless renewed.

10 CSR 10-6.065, §(5)(C)1 and §(6)(C)1.C General Record Keeping and Reporting Requirements

- 1) Record Keeping
 - a) All required monitoring data and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report or application.
 - b) Copies of all current operating and construction permits issued to this installation shall be kept on-site for as long as the permits are in effect. Copies of these permits shall be made immediately available to any Missouri Department of Natural Resources' personnel upon request.
- 2) Reporting
 - a) All reports shall be submitted to the Air Pollution Control Program's Enforcement Section, P. O. Box 176, Jefferson City, MO 65102.
 - b) The permittee shall submit a report of all required monitoring by:
 - i) April 1st for monitoring which covers the January through December time period.
 - ii) Exception. Monitoring requirements which require reporting more frequently than annually shall report no later than 30 days after the end of the calendar quarter in which the measurements were taken.
 - c) Each report shall identify any deviations from emission limitations, monitoring, record keeping, reporting, or any other requirements of the permit.
 - d) Submit supplemental reports as required or as needed. Supplemental reports are required no later than ten days after any exceedance of any applicable rule, regulation or other restriction. All reports of deviations shall identify the cause or probable cause of the deviations and any corrective actions or preventative measures taken.
 - i) Notice of any deviation resulting from an emergency (or upset) condition as defined in Paragraph (6)(C)7 of 10 CSR 10-6.065 (Emergency Provisions) shall be submitted to the permitting authority either verbally or in writing within two working days after the date on which the emission limitation is exceeded due to the emergency, if the permittee wishes to assert an affirmative defense. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that indicate an emergency occurred and the permittee can identify the cause(s) of the emergency. The permitted installation must show that it was operated properly at the time and that during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or requirements in the permit. The notice

- must contain a description of the emergency, the steps taken to mitigate emissions, and the corrective actions taken.
- ii) Any deviation that poses an imminent and substantial danger to public health, safety or the environment shall be reported as soon as practicable.
 - iii) Any other deviations identified in the permit as requiring more frequent reporting than the permittee's annual report shall be reported on the schedule specified in this permit, and no later than ten days after any exceedance of any applicable rule, regulation, or other restriction.
- e) Every report submitted shall be certified by the responsible official, except that, if a report of a deviation must be submitted within ten days after the deviation, the report may be submitted without a certification if the report is resubmitted with an appropriate certification within ten days after that, together with any corrected or supplemental information required concerning the deviation.
 - f) The permittee may request confidential treatment of information submitted in any report of deviation.

10 CSR 10-6.065 §(5)(C)1 and §(6)(C)1.D Risk Management Plan Under Section 112(r)

The permittee shall comply with the requirements of 40 CFR Part 68, Accidental Release Prevention Requirements. If the permittee has more than a threshold quantity of a regulated substance in process, as determined by 40 CFR Section 68.115, the permittee shall submit a Risk Management Plan in accordance with 40 CFR Part 68 no later than the latest of the following dates:

- 1) June 21, 1999;
- 2) Three years after the date on which a regulated substance is first listed under 40 CFR Section 68.130; or
- 3) The date on which a regulated substance is first present above a threshold quantity in a process.

10 CSR 10-6.065(5)(C)1.A General Requirements

- 1) The permittee must comply with all of the terms and conditions of this permit. Any noncompliance with a permit condition constitutes a violation and is grounds for enforcement action, permit termination, permit revocation and re-issuance, permit modification or denial of a permit renewal application.
- 2) The permittee may not use as a defense in an enforcement action that it would have been necessary for the permittee to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit
- 3) The permit may be modified, revoked, reopened, reissued or terminated for cause. Except as provided for minor permit modifications, the filing of an application or request for a permit modification, revocation and reissuance, or termination, or the filing of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- 4) This permit does not convey any property rights of any sort, nor grant any exclusive privilege.
- 5) The permittee shall furnish to the Air Pollution Control Program, upon receipt of a written request and within a reasonable time, any information that the Air Pollution Control Program reasonably may require to determine whether cause exists for modifying, reopening, reissuing or revoking the permit or to determine compliance with the permit. Upon request, the permittee also shall furnish to the Air Pollution Control Program copies of records required to be kept by the permittee. The

permittee may make a claim of confidentiality for any information or records submitted under this rule.

- 6) Failure to comply with the limitations and conditions that qualify the installation for an Intermediate permit make the installation subject to the provisions of 10 CSR 10-6.065(6) and enforcement action for operating without a valid part 70 operating permit.

10 CSR 10-6.065(5)(C)1.C Reasonably Anticipated Operating Scenarios
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None

10 CSR 10-6.065, §(5)(B)4; §(5)(C)1, §(6)(C)3.B; and §(6)(C)3.D; and §(5)(C)3 and §(6)(C)3.E.(I) – (III) and (V) – (VI) Compliance Requirements
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- 1) Any document (including reports) required to be submitted under this permit shall contain a certification signed by the responsible official.
- 2) Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized officials of the Missouri Department of Natural Resources, or their authorized agents, to perform the following (subject to the installation's right to seek confidential treatment of information submitted to, or obtained by, the Air Pollution Control Program):
 - a) Enter upon the premises where a permitted installation is located or an emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
 - b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c) Inspect, at reasonable times and using reasonable safety practices, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
 - d) As authorized by the Missouri Air Conservation Law, Chapter 643, RSMo or the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the terms of this permit, and all applicable requirements as outlined in this permit.
- 3) All progress reports required under an applicable schedule of compliance shall be submitted semi-annually (or more frequently if specified in the applicable requirement). These progress reports shall contain the following:
 - a) Dates for achieving the activities, milestones or compliance required in the schedule of compliance, and dates when these activities, milestones or compliance were achieved, and
 - b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.
- 4) The permittee shall submit an annual certification that it is in compliance with all of the federally enforceable terms and conditions contained in this permit, including emissions limitations, standards, or work practices. These certifications shall be submitted annually by April 1st, unless the applicable requirement specifies more frequent submission. These certifications shall be submitted to the Air Pollution Control Program, Enforcement Section, P.O. Box 176, Jefferson City, MO 65102. All deviations and exceedances must be included in the compliance certifications. The compliance certification shall include the following:
 - a) The identification of each term or condition of the permit that is the basis of the certification;
 - b) The current compliance status, as shown by monitoring data and other information reasonably available to the installation;
 - c) Whether compliance was continuous or intermittent;

- d) The method(s) used for determining the compliance status of the installation, both currently and over the reporting period; and
- e) Such other facts as the Air Pollution Control Program will require in order to determine the compliance status of this installation.

10 CSR 10-6.065, §(5)(C)1 and §(6)(C)7 Emergency Provisions

- 1) An emergency or upset as defined in 10 CSR 10-6.065(6)(C)7.A shall constitute an affirmative defense to an enforcement action brought for noncompliance with technology-based emissions limitations. To establish an emergency- or upset-based defense, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, the following:
 - a) That an emergency or upset occurred and that the permittee can identify the source of the emergency or upset,
 - b) That the installation was being operated properly,
 - c) That the permittee took all reasonable steps to minimize emissions that exceeded technology-based emissions limitations or requirements in this permit, and
 - d) That the permittee submitted notice of the emergency to the Air Pollution Control Program within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken.
- 2) Be aware that an emergency or upset shall not include noncompliance caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

10 CSR 10-6.065(5)(C)5 Off-Permit Changes

- 1) Except as noted below, the permittee may make any change in its permitted installation's operations, activities or emissions that is not addressed in, constrained by or prohibited by this permit without obtaining a permit revision. Off-permit changes shall be subject to the following requirements and restrictions:
 - a) The change must meet all applicable requirements of the Act and may not violate any existing permit term or condition; the permittee may not change a permitted installation without a permit revision if this change is a Title I modification; Please Note: Changes at the installation which affect the emission limitation(s) classifying the installation as an intermediate source (add additional equipment to the record keeping requirements, increase the emissions above major source level) do not qualify for off-permit changes.
 - b) The permittee must provide written notice of the change to the Air Pollution Control Program's Enforcement Section, P.O. Box 176, Jefferson City, MO 65102, as well as EPA Region VII, 901 North 5th Street, Kansas City, KS 66101, no later than the next annual emissions report. This written notice shall describe each change, including the date, any change in emissions, pollutants emitted and any applicable requirement that would apply as a result of the change; and
 - c) The permittee shall keep a record describing all changes made at the installation that result in emissions of a regulated air pollutant subject to an applicable requirement and the emissions resulting from these changes.

10 CSR 10-6.020(2)(R)12 Responsible Official

The application utilized in the preparation of this permit was signed by Douglas K. Weible, President and COO Material Services. If this person terminates employment, or is reassigned different duties such that a different person becomes the responsible person to represent and bind the installation in environmental permitting affairs, the owner or operator of this air contaminant source shall notify the Director of the Air Pollution Control Program of the change. Said notification shall be in writing and shall be submitted within 30 days of the change. The notification shall include the name and title of the new person assigned by the source owner or operator to represent and bind the installation in environmental permitting affairs. All representations, agreement to terms and conditions and covenants made by the former responsible person that were used in the establishment of limiting permit conditions on this permit will continue to be binding on the installation until such time that a revision to this permit is obtained that would change said representations, agreements and covenants.

10 CSR 10-6.065 §(5)(E)4 and §(6)(E)6.A(III)(a)-(c) Reopening-Permit for Cause

This permit may be reopened for cause if:

- 1) The Missouri Department of Natural Resources or EPA determines that the permit contains a material mistake or that inaccurate statements were made which resulted in establishing the emissions limitation standards or other terms of the permit,
- 2) Additional applicable requirements under the Act become applicable to the installation; however, reopening on this ground is not required if—:
 - a) The permit has a remaining term of less than three years;
 - b) The effective date of the requirement is later than the date on which the permit is due to expire;
or
 - c) The additional applicable requirements are implemented in a general permit that is applicable to the installation and the installation receives authorization for coverage under that general permit,
- 3) The Missouri Department of Natural Resources or EPA determines that the permit must be reopened and revised to assure compliance with applicable requirements.

10 CSR 10-6.065 §(5)(E)1.A and §(6)(E)1.C Statement of Basis

This permit is accompanied by a statement setting forth the legal and factual basis for the permit conditions (including references to applicable statutory or regulatory provisions). This Statement of Basis, while referenced by the permit, is not an actual part of the permit.

VI. Attachments

Attachments follow.

Attachment C

Method 9 Opacity Emissions Observations								
Company					Observer			
Location					Observer Certification Date			
Date					Emission Unit			
Time					Control Device			
Hour	Minute	Seconds				Steam Plume (check if applicable)		Comments
		0	15	30	45	Attached	Detached	
	0							
	1							
	2							
	3							
	4							
	5							
	6							
	7							
	8							
	9							
	10							
	11							
	12							
	13							
	14							
	15							
	16							
	17							
	18							
SUMMARY OF AVERAGE OPACITY								
Set Number	Time				Opacity			
	Start	End	Sum	Average				

Readings ranged from _____ to _____ percent opacity.

Was the emission unit in compliance at the time of evaluation? _____
 YES NO Signature of Observer

Attachment G
 Compliance Calculations

(3)(B) Emission Limitations.

1. The maximum allowable particulate ER for new sources in an installation of indirect heating sources with a heat input rate of less than ten (10) million BTUs per hour shall be 0.40 pounds per million BTUs of heat input.

Residual Oil Analysis

	Percent				
0.75	Ash	6.255	lbs./1000gal	150	MMBtu/1000gal
				0.0417	lbs./MMBtu
		1.5	lbs./1000gal		(WebFIRE)
		150	MMBtu/1000gal		
		0.01	lbs./MMBtu		
		0.0517	Total lbs./MMBtu		(sum of filterable and condensable)

These results show that the emission rate of the heater (0.0517 pounds of particulate matter per million BTU) is less than (~13 percent of) the regulation allowable (0.40 pounds of particulate matter per million BTU).

Since residual oil produces the most conservative results and it also demonstrates the heater will always be in compliance, no other work is necessary.

Attachment H
 Compliance Calculations

EP#	EP2S1	EP2S2	EP2	EP2	EP2
Company IDs	S065-1200		S065-1250		
Description	Tarmac 10x40	Hot Elev., Screen, Bins, Mixer	Tarmac 7x22 Rotary Mixer	H&B Pugmill Mixer	Hot stone elevator
Maximum Hourly Design Rate (ton/hour)	400	300	400	300	300
Process Weight Rate (ton/hour)	400	300	400	300	300
Emission Factor (lbs./ton)	32	32	32	32	32
Capture Device Efficiency (percent)	100	100	100	100	100
Control Device Efficiency (percent)	99.644	99.644	99.644	99.644	99.644
Uncontrolled Emission Rate (lbs./hour)	12,800	9,600	12,800	9,600	9,600
Controlled Emission Rate (lbs./hour)	45.6	34.2	45.6	34.2	34.2
Allowable Emission Rate (lbs./hour)	66.3	63.0	66.3	63.0	63.0
Is unit in compliance with controls? (yes/no)	YES	YES	YES	YES	YES

STATEMENT OF BASIS

Voluntary Limitations

In order to qualify for this Intermediate State Operating Permit, the permittee has accepted voluntary, federally enforceable emission limitations. Per 10 CSR 10-6.065(5)(C)1.A.(VI), if these limitations are exceeded, the installation immediately becomes subject to 10 CSR 10-6.065(6) and enforcement action for operating without a valid part 70 operating permit. It is the permittee's responsibility to monitor emission levels and apply for a part 70 operating permit far enough in advance to avoid this situation. This may mean applying more than eighteen months in advance of the exceedance, since it can take that long or longer to obtain a part 70 operating permit.

Permit Reference Documents

These documents were relied upon in the preparation of the operating permit. Because they are not incorporated by reference, they are not an official part of the operating permit.

- 1) Intermediate Operating Permit Application, received March 28, 2007;
- 2) 2009 Emissions Inventory Questionnaire; and
- 3) U.S. EPA document AP-42, *Compilation of Air Pollutant Emission Factors*; Volume I, Stationary Point and Area Sources, Fifth Edition.

Applicable Requirements Included in the Operating Permit but Not in the Application or Previous Operating Permits

The operating permit application did not contain any applicable requirements, monitoring or record keeping. However, the previous operating permit application/operating permit was used to develop this version of the operating permit.

Other Air Regulations Determined Not to Apply to the Operating Permit

The Air Pollution Control Program (APCP) has determined that the following requirements are not applicable to this installation at this time for the reasons stated.

10 CSR 10-6.080 and 10 CSR 10-6.250 were removed from the Core Permit Requirements section. In the permit application and according to APCP records, there was no indication that any Missouri Air Conservation Law, Asbestos Abatement, 643.225 through 643.250; 10 CSR 10-6.080, Emission Standards for Hazardous Air Pollutants, Subpart M, National Standards for Asbestos; and 10 CSR 10-6.250, Asbestos Abatement Projects - Certification, Accreditation, and Business Exemption Requirements apply to this installation.

10 CSR 10-6.400 *Control of Emission of Particulate Matter From Industrial Processes*

This state rule provides an exemption at (1)(B)16.:

Emission units that at maximum hourly design rate (MHDR) have an uncontrolled potential to emit less than the allowable emissions as calculated in Paragraphs (3)(A)1. and (3)(A)2. of this rule.

Enclosure A to this statement demonstrates that these units are exempt from this rule.

10 CSR 10-6.260 *Restriction of Emission of Sulfur Compounds*

This state rule provides an exemption at (1)(A)2.:

Combustion equipment that uses exclusively pipeline grade natural gas as defined in 40 CFR 72.2. or liquefied petroleum gas as defined by American Society for Testing and Materials (ASTM), or any combination of these fuels.

The *Hyway asphalt heater* (EP3) and the *Tarmac 7x22 Rotary Mixer* (EP2) both use pipeline grade natural gas exclusively.

Construction Permit Revisions

The following revisions were made to construction permits for this installation:

None

New Source Performance Standards (NSPS) Applicability

40 CFR 60 Subpart I—*Standards of Performance for Hot Mix Asphalt Facilities*

There are several units subject to this federal regulation, as noted in the operating permit. There are no issues related to this NSPS.

40 CFR 60 Subpart OOO—*Standards of Performance for Nonmetallic Mineral Processing Plants*

There are several units subject to this federal regulation, as noted in the operating permit. There are no issues related to this NSPS.

Maximum Achievable Control Technology (MACT) Applicability

None

National Emission Standards for Hazardous Air Pollutants (NESHAP) Applicability

In the permit application and according to Air Pollution Control Program records, there was no indication that any Missouri Air Conservation Law, Asbestos Abatement, 643.225 through 643.250; 10 CSR 10-6.080, Emission Standards for Hazardous Air Pollutants, Subpart M, National Standards for Asbestos; and 10 CSR 10-6.250, Asbestos Abatement Projects - Certification, Accreditation, and Business Exemption Requirements apply to this installation. The installation is subject to these regulations if they undertake any projects that deal with or involve any asbestos containing materials. None of the installation's operating projects underway at the time of this review deal with or involve asbestos containing material. Therefore, the above regulations were not cited in the operating permit. If the installation should undertake any construction or demolition projects in the future that deal with or involve any asbestos containing materials, the installation must follow all of the applicable requirements of the above rules related to that specific project.

The permittee has stated in correspondence that they may use recycled asphalt roofing shingles that have been ground up off-site as an ingredient in their asphalt product. The permittee is aware that should they decide to do so, they may be subject to 40 CFR Part 61 Subpart M. The permittee may be exempt from the federal regulations. However, the permittee is required to maintain the necessary on-site documentation demonstrating exemption. This documentation must be made immediately available to Department staff.

Other Regulatory Determinations

None

Other Regulations Not Cited in the Operating Permit or the Above Statement of Basis

Any regulation which is not specifically listed in either the Operating Permit or in the above Statement of Basis does not appear, based on this review, to be an applicable requirement for this installation for one or more of the following reasons.

- 1) The specific pollutant regulated by that rule is not emitted by the installation.
- 2) The installation is not in the source category regulated by that rule.
- 3) The installation is not in the county or specific area that is regulated under the authority of that rule.
- 4) The installation does not contain the type of emission unit which is regulated by that rule.
- 5) The rule is only for administrative purposes.

Should a later determination conclude that the installation is subject to one or more of the regulations cited in this Statement of Basis or other regulations which were not cited, the installation shall determine and demonstrate, to the Air Pollution Control Program's satisfaction, the installation's compliance with that regulation(s). If the installation is not in compliance with a regulation which was not previously cited, the installation shall submit to the Air Pollution Control Program a schedule for achieving compliance for that regulation(s).

Prepared by:

Randy E. Raymond
Environmental Engineer

Enclosure A
 10 CSR 10-6.400

EP#	Company IDs	Description	Process Weight Rate (ton/hr)	Emission Factor (lb/ton)	Control Device Efficiency (percent)	Uncontrolled Emission Rate (lb/hr)	Allowable Emission Rate (lb/hr)	Is unit in compliance without controls? (yes/no)
	8931089	Free Flow Self Erect Mineral Filler Silo	25	0.029	99.644	0.73	35.43	YES
		Mineral Filler Silo	25	0.029	99.644	0.73	35.43	YES
EP1		Aggregate bin w/Feeders (x8)	300	0.029	99.644	8.70	63.00	YES
EP1		Collector belt	300	0.029	99.644	8.70	63.00	YES
EP1		Conveyor to screen	300	0.029	99.644	8.70	63.00	YES
EP1		Conveyor to dryer	300	0.029	99.644	8.70	63.00	YES
EP1		Deister 5x16 deck screen (x2)	300	0.029	99.644	8.70	63.00	YES
	S065-1700	Main drag slat conveyor	400	0.029	99.644	11.60	66.31	YES
	S065-1701	#1 bin top drag slat	400	0.029	99.644	11.60	66.31	YES
	S065-1702	#2 bin top drag slat	400	0.029	99.644	11.60	66.31	YES
	S065-1801	Silo #1	400	0.029	99.644	11.60	66.31	YES
	S065-1802	Silo #2	400	0.029	99.644	11.60	66.31	YES
	S065-1803	Silo #3	400	0.029	99.644	11.60	66.31	YES
EP1		Truck dumping into cold feed bins	300	0.029	99.644	8.70	63.00	YES

CERTIFIED MAIL: 70073020000315695868
RETURN RECEIPT REQUESTED

Mr. Douglas K. Weible
O'Fallon Asphalt
2320 Creve Coeur Mill Road
Maryland Heights, MO 63043

Re: O'Fallon Asphalt, 183-0004
Permit Number: **OP2011-010**

Dear Mr. Weible:

Enclosed with this letter is your intermediate operating permit. Please review this document carefully. Operation of your installation in accordance with the rules and regulations cited in this document is necessary for continued compliance. It is very important that you read and understand the requirements contained in your permit.

You may appeal this permit to the Administrative Hearing Commission (AHC), P.O. Box 1557, Jefferson City, MO 65102, as provided in RSMo 643.078.16 and 621.250.3. If you choose to appeal, you must file a petition with the AHC within thirty (30) days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If you send your appeal by registered or certified mail, we will deem it filed on the date you mailed it. If you send your appeal by a method other than registered or certified mail, we will deem it filed on the date the AHC receives it.

If you have any questions or need additional information regarding this permit, please do not hesitate to contact Randy Raymond at the Department's Air Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102, or by telephone at (573) 751-4817. Thank you for your time and attention to this matter.

Sincerely,

AIR POLLUTION CONTROL PROGRAM

Michael J. Stansfield, P.E.
Operating Permit Unit Chief

MJS/rrk

Enclosures

c: St. Louis Regional Office
PAMS File: 2007-03-095