

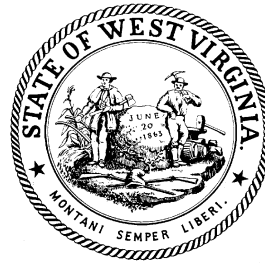
*West Virginia Department of Environmental Protection*

*Joe Manchin, III  
Governor*

*Division of Air Quality*

*Stephanie R. Timmermeyer  
Cabinet Secretary*

# Class II General Permit



for the  
Prevention and Control of Air Pollution in regard to the Construction,  
Modification, Relocation, Administrative Update and Operation of Hot  
Mix Asphalt Plants

**General Permit Number G20-B**  
**Effective Date: November 19, 2003**

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John A. Benedict, Director

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Date Signed

Permit Registration Number: **G20-BKEYBOARD(Permit No.)**  
Registrant: **KEYBOARD(Company Name)**  
Facility Name: **KEYBOARD(Facility Name)**  
Mailing Address: **KEYBOARD(Registrant Mailing Address)**

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*This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §22-5-1 et seq.) and 45CSR13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The registrant identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of the G20-B Class II General Permit.*

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Facility Information:

Facility Location: **KEYBOARD(City), KEYBOARD(County Name) County, West Virginia**

Mailing Address: **KEYBOARD(Facility Mailing Address if different from Registrant Mailing Address)**

UTM Coordinates: **KEYBOARD(km) Easting • KEYBOARD(km) Northing • Zone**

**KEYBOARD(17 or 18)**

SIC Codes: **KEYBOARD(Primary; Secondary; Tertiary)**

Facility ID#: **KEYBOARD(ID#)**

Subject to NSPS - Subpart I: **KEYBOARD(Yes or No)**

Subject to NSPS - Subpart OOO: **KEYBOARD(Yes or No)**

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HMA Plant Information:

Manufacture and Model Number: **KEYBOARD(Manufacture and Model Number)**

Maximum Hourly Production Rate: **KEYBOARD(Maximum Hourly Production Rate) Tons/hr**

Maximum Yearly Production Rate: **KEYBOARD(Maximum Yearly Production Rate) Tons/yr**

Source Identification Number: **KEYBOARD(Source ID Number)**

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Primary Control Device:

Manufacture and Model Number: **KEYBOARD(Manufacture and Model Number)**

Source Identification Number: **KEYBOARD(Source ID Number)**

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Secondary Control Device:

\_\_\_\_\_ **Manufacture and Model Number: KEYBOARD(Manufacture and Model Number)**

**Source Identification Number: KEYBOARD(Source ID Number)**

Potential to Emit (PTE): (Controlled Emissions)

NO <sub>x</sub> : <b>KEYBOARD(NO<sub>x</sub> Emissions)</b> Tons/yr	CO: <b>KEYBOARD(CO Emissions)</b> Tons/yr
VOC: <b>KEYBOARD(VOC Emissions)</b> Tons/yr	SO <sub>2</sub> : <b>KEYBOARD(SO<sub>2</sub> Emissions)</b> Tons/yr
PM: <b>KEYBOARD(PM Emissions)</b> Tons/yr	PM <sub>10</sub> : <b>KEYBOARD(PM<sub>10</sub> Emissions)</b> Tons/yr
Acetaldehyde: <b>KEYBOARD( Emissions)</b> Tons/yr	Benzene: <b>KEYBOARD(Benzene Emissions)</b> Tons/yr
Ethylbenzene: <b>KEYBOARD(Emissions)</b> Tons/yr	Toluene: <b>KEYBOARD(Toluene Emissions)</b> Tons/yr
Xylene: <b>KEYBOARD(Xylene Emissions)</b> Tons/yr	Formaldehyde: <b>KEYBOARD(Formaldehyde Emissions)</b> Tons/yr

*Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.*

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*Registration under this Class II General Permit satisfies the permitting requirements of 45CSR13, 45CSR3 and 45CSR16 for eligible Hot Mix Asphalt Plants.*

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## 1.0. General Conditions

### 1.1. Purpose

The purpose of this Class II General Permit is to authorize the construction, modification, relocation, administrative update and operation of hot mix asphalt plants through a general permit registration process. The requirements, provisions, standards and conditions of this Class II General Permit address the prevention and control of regulated pollutants from eligible hot mix asphalt plants while ensuring compliance with existing air quality regulations.

### 1.2. Authority

This Class II General Permit is issued in accordance with West Virginia air pollution control law W.Va. Code §22-5-1. et seq. and the following Legislative Rules promulgated thereunder:

- 1.2.1. 45CSR13 - *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation;*
- 1.2.2. 45CSR3 - *To Prevent and Control Air Pollution from the Operation of Hot Mix Asphalt Plants;* and
- 1.2.3. 45CSR16 - *Standards of Performance for Stationary Sources.* 45CSR16 incorporates by reference 40 C.F.R. 60, Subpart I - *Standards of Performance for Hot Mix Asphalt Facilities* and 40 C.F.R. 60 Subpart OOO - *Standards of Performance for Nonmetallic Minerals Processing Plants.*

### 1.3. Eligibility

All batch mix, drum mix, combination batch/drum mix or continuous mix asphalt plants subject to the New Source Performance Standards of 45CSR16 & 40 C.F.R. 60, Subpart I and/or 40 C.F.R. 60, Subpart OOO (or an existing plant which will be newly subject to NSPS upon modification) and having a primary or secondary Standard Industrial Classification (SIC) code of 2951 are eligible for General Permit registration except for:

- 1.3.1. Any hot mix asphalt plant which is a major source as defined in 45CSR14 or a non-deferred Title V source as defined in 45CSR30. In the event that registered affected facilities (deferred Title V sources) subject to NSPS, 40 C.F.R. 60, Subpart I, 45CSR16 and 45CSR30 are required by EPA to obtain Title V operating permit coverage under 45CSR30, applicable General Permit operating and compliance requirements and registration-specific process design capacity and yearly throughput limitations shall be incorporated into an appropriate Title V individual or general operating permit. Issuance of a Title V operating permit to a registered hot mix asphalt plant shall not result in General Permit registration being superseded by the Title V permit. General Permit registration and a Title V operating permit shall remain separately enforceable;
- 1.3.2. Any hot mix asphalt plant, facility or equipment that is subject to the requirements of 45CSR14, 45CSR15, 45CSR19, 45CSR25 or 45CSR27;
- 1.3.3. Any hot mix asphalt plant which incorporate emission units other than the following: dryers; systems for screening, handling, storing and weighing aggregate; systems for loading, transferring and storing mineral filler; systems for mixing hot mix asphalt; air pollution control devices and associated loading, transfer and storage systems; crushing and screening systems solely for the purpose of handling Recycled Asphalt Products (RAP); paved and unpaved roads and parking areas; internal combustion engine driven electric generators; asphalt cement and petroleum liquid storage tanks, liquid asphalt cement storage tank heaters and comfort heaters;

- 1.3.4. Any hot mix asphalt plant which incorporates:
  - 1.3.4.a. A thermal oxidizer for control of volatile organic compound emissions;
  - 1.3.4.b. An electrostatic precipitator or wet scrubber as a particulate matter secondary collection air pollution control device;
  - 1.3.4.c. An asphalt cement or petroleum liquid storage vessel or tank greater than or equal to 151 m<sup>3</sup> (39,889 gallons) capacity; or
  - 1.3.4.d. An asphalt cement or petroleum liquid storage vessel or tank greater than or equal to 75 m<sup>3</sup> (19,812 gallons) capacity and a working true vapor pressure which exceeds 15.0 kPa (2.17 psia).
- 1.3.5. Any hot mix asphalt plant which will require an individual air quality permit review process and/or individual permit provisions to address the emission of a regulated pollutant or to incorporate regulatory requirements other than those established by 45CSR3, 45CSR4, 45CSR13, 45CSR16, 45CSR30 and the New Source Performance Standards (NSPS) of 40 C.F.R. 60, Subpart I and Subpart OOO;
- 1.3.6. Any hot mix asphalt plant located in or which may significantly impact the area of Brooke County west of State Route 2, north of an extension of the southern boundary of Steubenville Township in Jefferson County, Ohio and south of the Market Street Bridge;
- 1.3.7. Any hot mix asphalt plant located within the boundaries of or which may significantly impact the Weirton nonattainment area; or
- 1.3.8. Any hot mix asphalt plant located in or which may significantly impact an area which has been determined to be a PM<sub>10</sub> maintenance or nonattainment area.

#### **1.4. Term and Renewal**

- 1.4.1. This Class II General Permit supercedes and replaces previously issued General Permit G20-A. This Class II General Permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13, 45CSR3 or any other applicable legislative rule;
- 1.4.2. General Permit registration granted by the Secretary shall remain valid, continuous and in effect unless it is suspended or revoked by the Secretary or this Class II General Permit is subject to action or change as set forth in Section 1.4.1. above; and
- 1.4.3. The Secretary shall review and may renew, reissue or revise this Class II General Permit for cause. The Secretary shall define the terms and conditions under which existing General Permit registrations will be eligible for registration under a renewed, reissued or revised General Permit and provide written notification to all General Permit registrants (or applicants). This notification shall also describe the registrant's (or applicant's) duty or required action and may include a request for any additional information that may be required by any proposed general permit renewal, reissuance or revision. All General Permit Registrants covered under General Permit G20-A shall be covered under this Class II General Permit.

### **1.5. Duty to Comply**

- 1.5.1. The registered facility shall be constructed and operated in accordance with the information filed in the General Permit Registration Application and any amendments thereto. The Secretary may suspend or revoke a General Permit registration if the plans and specifications upon which the approval was based are not adhered to.
- 1.5.2. The registrant must comply with all conditions of this Class II General Permit. Any General Permit noncompliance constitutes a violation of the West Virginia Code, the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;
- 1.5.3. Violation of any of the requirements, provisions, standards or conditions contained in this Class II General Permit, or incorporated herein by reference, may subject the registrant to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7.
- 1.5.4. Registration under this Class II General Permit does not relieve the registrant herein of the responsibility to apply for and obtain all other permits, licenses, and/or approvals from other agencies; i.e., local, state, and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

### **1.6. Duty to Provide Information**

The registrant shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for administratively updating, modifying, revoking, or terminating the General Permit registration or to determine compliance with the General Permit registration. Upon request, the registrant shall also furnish to the Secretary copies of records required to be kept by the registrant. For information claimed to be confidential, the registrant shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the registrant shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

### **1.7. Duty to Supplement and Correct Information**

Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any registration application, the registrant shall promptly submit to the Secretary such supplemental facts or corrected information.

### **1.8. Registration Actions**

- 1.8.1. The General Permit registration may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the registrant for a registration modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- 1.8.2. The General Permit registration is transferable in accordance with the requirements of 45CSR13.

### **1.9. Administrative Registration Update**

The registrant may request an administrative registration update as defined in and according to the procedures specified in 45CSR13.



### **1.10. Inspection and Entry**

The registrant shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

- 1.10.1. At all reasonable times (including all times in which the facility is in operation) enter upon the registrant's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this Class II General Permit;
- 1.10.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Class II General Permit;
- 1.10.3. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution Control equipment), practices, or operations regulated or required under this Class II General Permit;
- 1.10.4. Sample or monitor at reasonable times substances or parameters to determine compliance with the General Permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

### **1.11. Emergency**

- 1.11.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the General Permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- 1.11.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 1.12.3.below are met.
- 1.11.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - 1.11.3.a. An emergency occurred and that the registrant can identify the cause(s) of the emergency;
  - 1.11.3.b. The registered facility was at the time being properly operated;
  - 1.11.3.c. During the period of the emergency the registrant took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the General Permit; and
  - 1.11.3.d. The registrant submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

1.11.4. In any enforcement proceeding, the registrant seeking to establish the occurrence of an emergency has the burden of proof.

1.11.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

**1.12. Need to Halt or Reduce Activity Not a Defense**

1.12.1. It shall not be a defense for a registrant in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Class II General Permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

1.12.2. In the event the registrant should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by the registration, the registrant shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

**1.13. Property Rights**

Registration under this Class II General Permit does not convey any property rights of any sort or any exclusive privilege.

**1.14. Severability**

The provisions of this Class II General Permit are severable. If any provision of this Class II General Permit, or the application of any provision of this Class II General Permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining Class II General Permit terms and conditions or their application to other circumstances shall remain in full force and effect.

**1.15. Notification Requirements**

1.15.1. The registrant shall notify the Secretary, in writing, within fifteen (15) calendar days of the commencement of the construction, modification, or relocation activities authorized under this Class II General Permit registration; and

1.15.2. The registrant shall notify the Secretary, in writing, at least fifteen (15) calendar days prior to actual startup of the operations authorized under this Class II General Permit registration.

## 2.0. Specific Requirements

### 2.1. Siting Criteria

- 2.1.1. All persons submitting a Class II General Permit Registration Application to construct, modify or relocate a hot mix asphalt plant shall be subject to the following siting criteria:

No person shall construct, locate or relocate any facility, affected facility or stockpile operation within three hundred (300) feet of any occupied dwelling, business, public building, school, church, community, institutional building or public park or within one hundred (100) feet of a cemetery. An owner of an occupied dwelling or business may elect to waive the three hundred (300) foot siting criteria; and

- 2.1.2. Any person proposing to construct, modify or relocate a hot mix asphalt plant within three hundred (300) feet of any occupied dwelling, business, public building, school, church, community, institutional building or public park may elect to obtain an individual permit pursuant to 45CSR13.

### 2.2. New Source Performance Standards

All eligible hot mix asphalt plants that commenced construction or modification after June 11, 1973 is an affected facility subject to New Source Performance Standards (NSPS) 45CSR16 & 40 C.F.R. 60, Subpart I and 40 C.F.R. 60, Subpart OOO are considered area sources (or deferred Title V sources) subject to 45CSR30. Area sources are subject to the Certified Emission Statement requirements and related fees. Class II General Permit registration actions involving the construction or modification of an affected facility are subject to the additional NSPS General Permit Registration Fee and the Performance Tests, Methods, Procedures and Reports set forth in Section 2.4.2.

### 2.3. Limitations and Standards

#### 2.3.1. Maximum Design Production Rate Limitation

The maximum hot mix asphalt production rate for any registered hot mix asphalt plant shall not exceed the Maximum Design Production Rate (tons per hour) recorded with the registrant's Class II General Permit registration without effecting a modification.

#### 2.3.2. Maximum Yearly Production Limitation

The maximum yearly production of hot mix asphalt for any registered hot mix asphalt plant shall not exceed the Maximum Yearly Production (tons per year) recorded with the registrant's Class II General Permit registration without effecting a modification.

#### 2.3.3. Limitation for Smoke and/or Particulate Matter

2.3.3.a. The registrant shall not cause, allow or permit the emission of particulate matter from a registered hot mix asphalt plant which exceeds the potential to emit (pounds per hour & tons per year) recorded with the registrant's Class II General Permit Registration Application without effecting a modification;

2.3.3.b. The registrant shall not cause, allow or permit particulate matter (PM) emission into the open air in excess of 0.04 grains per dry standard cubic foot from any registered hot mix asphalt plant (40 C.F.R. 60.92(a)(1));

2.3.3.c. The registrant shall not cause, allow or permit emission of smoke and/or particulate matter into the open air from any stack, equipment or transfer point which exhibits 20% opacity or greater based on six minute averages using 40 C. F. R. 60, Appendix A, Method 9 or another

equivalent method as approved by the Secretary (45CSR3 & 40 C.F.R. 60.92(a)(2));

- 2.3.3.d The provisions of Section 2.3.3.c. above shall not apply to smoke and/or particulate matter emitted during start-up or shutdown of an operation which exhibits less than 40% opacity for a period of six (6) minutes per start-up or shutdown based on six minute averages using 40 C. F. R. 60, Appendix A, Method 9 or another equivalent method as approved by the Secretary (45CSR3);
- 2.3.3.e. The registrant shall not cause, allow or permit emission of smoke and/or particulate matter into the open air from any crusher, at which a capture system is not used, which exhibits 15% opacity or greater based on six minute averages using 40 C. F. R. 60, Appendix A, Method 9 or another equivalent method as approved by the Secretary (40 C.F.R. 60.672(c));
- 2.3.3.f. If the Secretary believes that start ups and shutdowns are excessive in duration and/or frequency, the Secretary may require an owner or operator to provide a written report demonstrating that such frequent start-ups and shutdowns are necessary; and
- 2.3.3.g. The registrant shall not cause, allow or permit emission of particulate matter into the open air from any fugitive dust control system which exhibits 20 percent opacity or greater.

**2.3.4. Multiple Stacks**

In the case of more than one stack to a hot mix asphalt plant, the limitation for particulate matter set for the in Section 2.3.3. above shall be based on the total emissions of particulate matter from all stacks (45CSR3).

**2.3.5. Particulate Matter Capture System and Prevention of Emissions**

The registrant shall not cause, suffer, allow or permit a hot mix asphalt plant to operate that is not equipped with a particulate matter capture system and associated primary and secondary air pollution control devices. A particulate matter capture system shall be used to confine, collect, and transport particulate matter from dryers, hot elevators, drum mixers, pugmills, weigh hoppers, hot bins and related components to primary (cyclone, multicyclone, knockdown box) and secondary (baghouse) collection air pollution control devices. Particulate matter capture systems shall include but not be limited to hoods, bins, ductwork, enclosures, primary and secondary collection air pollution control devices and fans. The particulate matter capture system shall be properly designed to accommodate any release of steam during the operation of a batch hot mix asphalt plant. Such systems and devices shall be designed, operated and maintained in such a manner as to prevent the emission of particulate matter from any point other than a stack outlet (45CSR3).

**2.3.6. Minimization of Fugitive Emissions, Methods and Required Systems**

- 2.3.6.a. The registrant shall not cause, allow or permit a hot mix asphalt plant to operate that is not equipped with an effective fugitive dust control system(s). Such system(s) shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air;
- 2.3.6.b. The registrant shall maintain an effective fugitive dust control of the plant premises and owned, leased or controlled haulroads and access roads by paving, chemical treatment and/or water suppression. Good operating methods, practices and general maintenance shall be observed in relation to stockpiling and screen changing to prevent fugitive dust generation and atmospheric entrainment of particulate matter. Good operating practices, water suppression and/or an enclosure shall be employed to effectively minimize fugitive particulate matter generation and

atmospheric entrainment when hot bins are pulled at the end of daily operations or any other time (45CSR3);

- 2.3.6.c. To maintain an effective fugitive dust control of the plant premises and owned, leased or controlled haulroads and access roads, the registrant shall properly install, operate and maintain a fugitive dust control system(s) designed in accordance with good engineering practices and observe and employ good operating methods and general maintenance. Such fugitive dust control system(s) shall be installed, equipped and operated according to the air pollution control device and fugitive dust control system design data proposed in the submitted Registration Application;
- 2.3.6.d. Air pollution control device and fugitive dust control system design data proposed and submitted in a Registration Application shall follow and adhere to the following minimum General Permit requirements for fugitive dust control systems, methods, practices and general maintenance. These control system requirements represent the minimum level of effective controls required of General Permit registrants:
- 2.3.6.d.i. Fugitive Dust Control of Premises: The registrant shall adequately maintain and operate on-site: (1) a water truck, or (2) a fixed system of water sprays, or (3) a combination of a water truck and a fixed system of water sprays to minimize the emission of particulate matter generated from access roads, haulroads, stockpiles and work areas. Any fixed water spray system shall be no less effective than a water truck in minimizing fugitive particulate emissions from the area under control. The water truck and/or fixed water spray system shall be operated at all times when fugitive particulate emissions from access roads, haulroads, stockpiles and work areas are generated as a result of vehicular traffic, operational activity or wind. All water trucks and fixed water sprays shall be equipped with a pump and spraybars to apply water or a mixture of water and an environmentally acceptable dust control additive (solution) to access roads, haulroads, stockpiles and work areas where mobile equipment is used. Spraybars shall be equipped with commercially available spray nozzles of sufficient size and number so as to provide adequate coverage to the area being treated. The pump and piping system used to deliver the water or solution shall be of sufficient size and capacity to deliver an adequate quantity of water or solution to the spray nozzles at a sufficient pressure to provide an effective spray;
- 2.3.6.d.ii. Haul-Road Maintenance: All haul-roads, access roads, stockpile and work areas shall be kept clean and in good condition by replacing base material, grading and/or paving as required;
- 2.3.6.d.iii. Vehicular Tracking: If tracking of solids by vehicular traffic from access and/or haul-roads onto any public road or highway occurs and generates or has the potential to generate fugitive particulate emissions, the registrant shall properly operate and maintain an underbody truck wash, rumble strips or employ other suitable measures to maintain fugitive dust control of the premises and minimize the emission of particulate matter;

- 2.3.6.d.iv. Stockpile Loading: All loading of stockpiles shall at a minimum, be accomplished with a device and/or operating method which minimizes drop height during load-in;
- 2.3.6.d.v. Fugitive Emissions from Stockpiles: Crusting agents shall be applied or water sprays shall be employed at stockpile operations when fugitive particulate emissions from stockpile areas are generated as a result of insufficient material moisture content and wind, or stockpiles shall be fully enclosed;
- 2.3.6.d.vi. RAP Crusher and Breakers: All crushers and rotary breakers shall be either: (1) fully enclosed; or (2) partially enclosed and fitted with effective water sprays to minimize the emission of particulate matter. Water sprays are not required to operate when the moisture content of processed material is adequate to ensure minimization of fugitive particulate emissions; and
- 2.3.6.d.vii. RAP Screens: All screens shall be either: (1) fully enclosed; or (2) partially enclosed and fitted with effective water sprays to minimize the emission of particulate matter. Water sprays are not required to operate when the moisture content of processed material is adequate to ensure minimization of fugitive particulate emissions.
- 2.3.6.e. The Secretary may suspend or revoke General Permit registration if the plans, specifications and fugitive dust control system design data upon which registration approval was based are not adhered to (45CSR13); and
- 2.3.6.f. The registrant shall properly install, operate and maintain designed winterization systems for all water trucks and/or water sprays in a manner that all such fugitive dust control systems remain effective and functional, to the maximum extent practicable, during winter months and cold weather. At all times, including periods of cold weather, the registrant shall comply with the requirements, provisions, standards and conditions of this Class II General Permit, any other permit or applicable statutory or regulatory requirement.
- 2.3.7. **Burner, Dryer and Drum Mixer Limitation, Operation and Design**
  - 2.3.7.a. The registrant shall not allow emissions of PM, PM<sub>10</sub>, VOC, SO<sub>2</sub>, NO<sub>x</sub>, CO, acetaldehyde, benzene, ethylbenzene, toluene, xylene or formaldehyde to exceed the potential to emit (pounds per hour and tons per year) for each pollutant recorded with the registrant's Class II General Permit Registration Application without effecting a modification;
  - 2.3.7.b. All dryers shall be equipped with burners which incorporate efficient combustion zone design and be annually tuned, regularly adjusted, maintained and operated to maximize combustion efficiency to ensure the minimization of carbon monoxide and hydrocarbon emissions;
  - 2.3.7.c. For drum mix plants, all dryers shall be designed and operated in such a manner to minimize exhaust gas temperature and excess visible emissions associated with high exhaust gas temperatures;
  - 2.3.7.d. Drum mixers shall incorporate good flighting design to ensure maximum combustion efficiency, minimize quenching and the excess emissions of carbon monoxide and hydrocarbon emissions associated with poor flighting design; and

2.3.7.e. The registrant shall affix the manufacturer's serial number and source identification number to each registered burner and dryer for tracking purposes. The numbers shall be permanently affixed and maintained so as to be readable and visible at all times from a safe distance.

**2.3.8. Fuel Type**

Dryer burners may fire fuel oil, recycled or used oil or pipeline quality natural gas. Maximum sulfur content of fuel oil or recycled or used oil fired in any burner shall not exceed 0.5%. The registrant shall not fire the dryer with wood (or wood byproducts), coal, or fuel consisting of, processed or derived from used automotive or truck tires.

**2.3.9. Recycled or Used Oil**

2.3.9.a. The registrant shall not receive, store, burn or fire any recycled or used oil which is considered a hazardous waste or does not meet the used oil specifications below (40 C.F.R. 279.11, Table 1). The burning of used or recycled oil which does not meet these specifications shall constitute a violation of 45CSR25, 33CSR20 and the requirements, provisions, standards and conditions of this Class II General Permit.

<u>Constituent or Property</u>	<u>Maximum Allowable Specification</u>
Arsenic	5.0 ppm
Cadmium	2.0 ppm
Chromium	10.0 ppm
Lead	100.0 ppm
PCBs	2.0 ppm
Total Halogen	4000.0 ppm maximum
Mercury	0.20 ppm
Flash Point	100.0 °F minimum

2.3.9.b. Recycled or used oil with a Total Halogen content greater than 1000.0 ppm is presumed to be a hazardous waste under the rebuttable presumption provided in 40 C.F.R. 279.10(b)(1)(ii). Therefore, the registrant may receive, store and burn recycled or used oil exceeding 1000.0 ppm Total Halogen (but less than 4000.0 ppm maximum) only if the supplier or marketer has demonstrated that the recycled or used oil is not and does not contain hazardous waste.

**2.3.10. Allowable Materials**

The registrant shall use only the following materials in the production of hot mix asphalt: clay, silt, sand, gravel and crushed stone produced from natural geologic formations; slag, recycled asphalt shingles, recycled asphalt pavement; portland cement concrete; recycled fines and/or sediments from asphalt plant air pollution control devices; asphaltic cement, hydrated lime and other additives specifically approved by the Secretary.

**2.3.11. Recycled Asphalt Paving**

- 2.3.11.a. For batch mix plants, the particulate matter capture system and associated air pollution control devices shall be properly designed to collect any release of steam and/or blue smoke when RAP is added to the pugmill; and
- 2.3.11.b. At no time shall the addition of RAP into the hot mix asphalt manufacturing process cause an exceedance of the limitation for smoke and particulate matter set forth in Sections 2.3.3.b. & 2.3.3.c.

**2.3.12. Storage Tanks**

The content, dimensions, and an analysis showing the capacity of all gasoline, diesel, asphaltic cement and other storage tanks shall be recorded on the Storage Tank Data Sheet submitted in the registrant's Registration Application. Storage tank volume shall not exceed 151 m<sup>3</sup> (or 39,889 gallons) capacity and maximum true vapor pressure shall not exceed 15.0 kPa (2.17 psia) for tanks greater than 75 m<sup>3</sup> (19,812 gallon) capacity. The registrant shall inform the Secretary of any change in the number of tanks or capacities through the Administrative Update provision. The registrant may exchange tanks of similar volume as required.

**2.3.13. Asphalt Storage Tank Heaters**

- 2.3.13.a. The registrant shall not cause, allow or permit emission of smoke and/or particulate matter into the open air from any asphalt storage tank heater vent which is darker in shade or appearance than ten (10) percent opacity (45CSR2); and
- 2.3.13.b. The design heat input and fuel heating value for each asphalt storage tank heater shall be recorded on the Asphalt Heater Data Sheet submitted in the registrant's Registration Application.

**2.3.14. Maintenance of Air Pollution Control Equipment**

All air pollution control equipment, water trucks, winterizing systems, baghouses or fugitive dust control systems shall be maintained regularly in accordance with recommendations of the manufacturer. If no such recommendation is available, such equipment shall be properly maintained to ensure effective and proper operation of the equipment and/or systems;

**2.3.15. Odor**

- 2.3.15.a. No person shall cause, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public; and
- 2.3.15.b. For the purposes of 45CSR4, the registrant shall maintain a record of all odor complaints received. Such record shall contain an assessment of the validity of the complaints as well as any corrective actions taken.

**2.3.16. Open Burning**

The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR6.

**2.3.17. Open Burning Exemptions**

The exemptions listed in 45CSR6 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, allow or permit any form of open burning during existing or predicted



periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.

**2.3.18. Asbestos**

The registrant is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The registrant must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the registrant is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). A copy of this notice is required to be sent to the USEPA, the Division of Water and Waste Management and the Bureau for Public Health and Environmental Health.

**2.3.19. Permanent Shutdown**

A Hot Mix Asphalt plant which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. Any permits or General Permit registrations may be modified or revoked and/or reapplication or application for new permits or General Permit registrations may be required for any Hot Mix Asphalt plant determined to be permanently shutdown.

**2.4. Testing Requirements**

At the time a registered hot mix asphalt plant is alleged to be in compliance with an applicable emission standard and at reasonable times to be determined by the Secretary thereafter, appropriate tests consisting of visual determinations or conventional in-stack measurements or such other tests as the Secretary may specify shall be conducted to determine such compliance. The registrant may also be required by the Secretary to collect, report and maintain additional data on the operation and compliance of any registered concrete batch plant.

**2.4.1. Stack Testing**

At such reasonable times as the Secretary may designate, the owner or operator of a Hot Mix asphalt plant may be required to conduct or have conducted stack tests to determine the dust loading in exhaust gases and mass emission rates of particulate matter. All tests to determine compliance with exhaust gas dust concentrations and particulate matter mass emission rates shall be conducted in accordance with Methods 1-5 of 40 CFR Part 60, Appendix A provided that all compliance tests must consist of not less than three (3) test runs, test run duration shall not be less than sixty (60) minutes, and not less than thirty (30) standard cubic feet of exhaust gas must be sampled during each test run. Should the Secretary exercise his option to conduct such tests, the operator will provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment such as scaffolding, railings, ladders, etc., to comply with generally accepted good safety practices.

2.4.1.a. The Secretary may approve or specify additional testing or alternative testing to the test methods specified above for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable;

2.4.1.b. The Secretary may approve or specify additional testing or alternative testing to the test methods specified above for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test

methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 2.4.1.a. above; and

2.4.1.c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this Class II General Permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the registrant shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

**2.4.2. Performance Tests, Methods, Procedures and Reports**

Any Class II General Permit registration action involving the construction or modification of an affected facility subject to NSPS shall be subject to the following performance tests, methods and procedures:

2.4.2.a. Within 60 calendar days after achieving the maximum production rate at which an affected facility will be operated but not later than 180 calendar days after initial startup of such facility, the registrant shall conduct performance test(s) to determine compliance with the NSPS standard for particulate matter pursuant to 40 C.F.R. 60.92(a)(1) as set forth in Section 2.3.3.b., the opacity standard pursuant to 40 C.F.R. 60.92(a)(2) as set forth in Sections 2.3.3.c. and 2.3.3.d. and the opacity standard pursuant to 40 C.F.R. 60.67<sup>©</sup> as set forth in Section 2.3.3.e. The registrant shall furnish a written report of the results of such test(s) to the Secretary and USEPA (40 C.F.R. 60.8(a) and 40 C.F.R. 60.93(b));

2.4.2.b. When conducting required performance tests or demonstrating compliance with the NSPS mass emission rate standard for particulate matter, the registrant shall use the procedures and test methods of Reference Method 5 in Appendix A of 40 C.F.R. 60. For purposes of determining initial compliance, the sampling time and sample volume for each run shall be at least 60 minutes and 31.8 dscf (40 C.F.R. 60.93(b)(1));

2.4.2.c. When conducting required performance tests or demonstrating compliance with opacity standards for affected facilities, the registrant shall use the procedures and test methods of Reference Method 9 in Appendix A of 40 C.F.R. 60. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (thirty (30) six (6)-minute averages) for the performance test or any other set of observations including sources of fugitive emissions (40 C.F.R. 60.11(b) and 40 C.F.R. 60.93(b)(2));

2.4.2.d. For any compliance tests to be conducted by the registrant as set forth in this section, a test protocol report shall be submitted to the Secretary at least thirty (30) calendar days prior to the scheduled date of the test(s). Such compliance test protocol shall be subject to approval by the Secretary. The registrant shall notify the Secretary at least fifteen (15) calendar days in advance of actual compliance test dates and times during which the test(s) will be conducted;

2.4.2.e. The registrant shall provide the USEPA at least 30 days prior notice of any performance test to afford the Administrator the opportunity to have an observer present (40 C.F.R. 60.8(d)); and

- 2.4.2.f. The Secretary may require a different test method or approve an alternative method in light of any technology advancements that may occur.

## **2.5. Recordkeeping Requirements**

### **2.5.1. Records, Operation and Compliance**

- 2.5.1.a. For the purpose of determining compliance with the maximum hot mix asphalt process rate design capacity limitation and maximum hot mix asphalt yearly production rate limitation, a person designated by a Responsible Official or Authorized Representative shall maintain daily records of hot mix asphalt production and hours of operation utilizing copies of Attachment A - Daily Hot Mix Asphalt Production and Hours of Operation (or a similar form containing the same information);
- 2.5.1.b. Compliance with the maximum hot mix asphalt yearly production rate limitation shall be determined using a rolling yearly total. A rolling yearly total shall mean the tonnage of hot mix asphalt produced at any given time for the previous twelve (12) consecutive calendar months;
- 2.5.1.c. Daily records of hot mix asphalt production and hours of operation shall be retained on-site by the registrant for at least five (5) years. Certified records, signed by a Responsible Official or Authorized Representative, shall be made available to the Secretary or a duly authorized representative upon request; and
- 2.5.1.d. The daily records required by this section may be kept on a similar form to Attachment A in electronic format. The document(s) shall be printed and certified by a Responsible Official or Authorized Representative upon request.

### **2.5.2. Monitoring Information**

The registrant shall keep records of monitoring information which include the following:

- 2.5.2.a. The date, place as defined in this Class II General Permit and time of sampling or measurements;
- 2.5.2.b. The date(s) analyses were performed;
- 2.5.2.c. The company or entity that performed the analyses;
- 2.5.2.d. The analytical techniques or methods used;
- 2.5.2.e. The results of the analyses; and
- 2.5.2.f. The operating conditions existing at the time of sampling or measurement.

### **2.5.3. Record of Maintenance of Air Pollution Control Equipment**

- 2.5.3.a. The registrant shall maintain maintenance records relating to failure and/or repair of air pollution control devices and fugitive dust control systems utilizing copies of Attachment B - Equipment Maintenance Record (or a similar form containing the same information). In the event of air pollution control equipment, fugitive dust control system or system failure, these records shall document the registrant's effort to maintain proper operation of such equipment and/or systems;

2.5.3.b. Air pollution control equipment maintenance records shall be retained on-site for a period of five (5) years. Certified records, signed by a Responsible Official or an Authorized Representative shall be made available to the Secretary or a duly authorized representative upon request; and

2.5.3.c. The maintenance records required by this section may be kept on a similar form to Attachment B in electronic format.

**2.5.4. Retention of Records**

The registrant shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the General Permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.

**2.6. Reporting Requirements**

**2.6.1. Compliance Testing**

The registrant of any affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in 40 C.F.R. 60.92 & 40 C.F.R. 60.672, including reports of opacity observations made using Method 9 to demonstrate compliance with 40 C.F.R. 60.92 (a)(2) & 40 C.F.R. 60.676 (b), (c), and (d).

**2.6.2. Certification of Information**

Any application form, report, or compliance certification required by this Class II General Permit to be submitted to the Division of Air Quality and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

**2.6.3. Confidential Information**

A registrant may request confidential treatment for the submission of reporting required under 45CSR13 pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.

**2.6.4. Correspondence**

All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary may designate:

**If to the DAQ:**

Director  
WVDEP  
Division of Air Quality  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304

Phone: 304/926-0475  
FAX: 304/926-0478

**If to the US EPA:**

Associate Director  
Office of Enforcement and Permits Review  
(3AP12)  
U. S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

2.6.5. **Certified Emissions Statement**

The registrant shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.

2.6.6. **Emission Inventory**

At such time(s) as the Secretary may designate, the registrant shall prepare and submit an emission inventory for the previous calendar year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a submittal frequency other than on an annual basis.

## ATTACHMENT A

### DAILY HOT MIX ASPHALT PRODUCTION AND HOURS OF OPERATION

Plant Name: \_\_\_\_\_  
 Registration No.: \_\_\_\_\_  
 Month \_\_\_\_\_ Year \_\_\_\_\_

Day	Hot Mix Asphalt Production(tons)	Hours of Operation	Initials
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
<b>TOTAL</b>			

Note: After entering the required information, each entry shall be initialed by a person designated by a Responsible Official.

**Rolling Yearly Total Hot Mix Asphalt Production \_\_\_\_\_ tons**  
**Rolling Yearly Total Hours of Operation \_\_\_\_\_ hours**

The Certification of Data Accuracy statement on the reverse side of this form must be completed and signed by a Responsible Official or Authorized representative within fifteen (15) days after the end of the calendar month. This record shall be maintained on-site for a period of five (5) years from the date of certification. It shall be made available to the Secretary or an authorized representative upon request.

## **Class II General Permit CERTIFICATION OF DATA ACCURACY**

This Certification of Data Accuracy shall be signed below by a Responsible Official or an Authorized Representative. A Responsible Official is a President, Vice President Secretary, Treasurer, General Partner, General Manager, a member of a Board of Directors or Owner, depending on business structure. An Authorized Representative may be certified through an official agreement submitted with the Class II General Permit Registration Application. Any improperly signed or unsigned Certification of Data Accuracy shall constitute a violation of the terms and conditions of this Class II General Permit.

*I, the undersigned, hereby certify that all information contained in **ATTACHMENT A**, representing the period beginning \_\_\_\_\_ and ending \_\_\_\_\_ and any supporting documents appended hereto is true, accurate and complete based on information and belief after reasonable inquiry.*

**Signature**

(please use blue ink) \_\_\_\_\_ Responsible Official or Authorized Representative \_\_\_\_\_ Date \_\_\_\_\_

**Name & Title**

(please print or type) \_\_\_\_\_ Name \_\_\_\_\_ Title \_\_\_\_\_

**Registrant's Name** \_\_\_\_\_

**Telephone #** \_\_\_\_\_

**Fax #** \_\_\_\_\_

## **ATTACHMENT B MAINTENANCE RECORD**

Plant Name: \_\_\_\_\_  
 Registration No.: \_\_\_\_\_  
 Equipment Description: \_\_\_\_\_

<b>Date of Failure</b>	<b>Nature of Problem</b>	<b>Date Fixed</b>	<b>Actions Taken</b>	<b>Initials</b>

The Certification of Data Accuracy statement on the reverse side of this form must be completed and signed by a Responsible Official or Authorized representative within fifteen (15) days after the end of the calendar month. This record shall be maintained on-site for a period of five (5) years from the date of certification. It shall be made available to the Secretary or an authorized representative upon request.



## **CLASS II GENERAL PERMIT CERTIFICATION OF DATA ACCURACY**

This Certification of Data Accuracy shall be signed below by a Responsible Official or an Authorized Representative. A Responsible Official is a President, Vice President Secretary, Treasurer, General Partner, General Manager, a member of a Board of Directors or Owner, depending on business structure. An Authorized Representative may be certified through an official agreement submitted with the Class II General Permit Registration Application. Any improperly signed or unsigned Certification of Data Accuracy shall constitute a violation of the terms and conditions of this Class II General Permit.

*I, the undersigned, hereby certify that all information contained in **ATTACHMENT B**, representing the period beginning \_\_\_\_\_ and ending \_\_\_\_\_ and any supporting documents appended hereto is true, accurate and complete based on information and belief after reasonable inquiry.*

**Signature**

(please use blue ink) \_\_\_\_\_  
Responsible Official or Authorized Representative Date

**Name & Title**

(please print or type) \_\_\_\_\_  
Name Title

**Registrant's Name** \_\_\_\_\_

**Telephone #** \_\_\_\_\_ **Fax #** \_\_\_\_\_