

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
**AGENDA ITEM REQUEST**  
for Rulemaking Adoption

**AGENDA REQUESTED:** December 5, 2012

**DATE OF REQUEST:** November 16, 2012

**INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED:** Bruce McAnally, (512) 239-2141

**CAPTION: Docket No. 2012-1544-MIS.** Consideration of the adoption of amendments to the air quality standard permit for concrete batch plants.

The adoption would account for the 2006 AP-42 emission factors and engine requirements as promulgated by the United States Environmental Protection Agency (EPA). The pollutants of concern at concrete batch plants are particulate matter less than or equal to 2.5 microns in diameter (PM<sub>2.5</sub>) and particulate matter less than or equal to ten microns in diameter (PM<sub>10</sub>). The proposed amendments were published in the August 31, 2012, issue of the Texas Register (37 TexReg 6960). (Becky Southard, Chrissie Angeletti) (Rule Project No. 2012-017-OTH-NR)

Steve Hagle, P.E.  
**Deputy Director**

Michael Wilson, P.E.  
**Division Director**

Bruce McAnally  
**Agenda Coordinator**

**Copy to CCC Secretary? NO X YES**

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** November 16, 2012

**Thru:** Bridget C. Bohac, Chief Clerk  
Zak Covar, Executive Director

**From:** Steve Hagle, P.E., Deputy Director  
Office of Air

**Docket No.:** 2012-1544-MIS

**Subject:** Air Quality Standard Permit Amendment for Concrete Batch Plants  
Rule Project No. 2012-017-OTH-NR

**Background and reasons for the rulemaking:**

The Air Permits Division is initiating the amendments to account for the 2006 AP-42 emission factors; to address 24-hour particulate matter (PM<sub>2.5</sub>) and annual PM<sub>2.5</sub> to account for updated National Ambient Air Quality Standards; to update control technology requirements; and to include engine requirements as promulgated by the United States Environmental Protection Agency.

**Scope of the rulemaking:**

**A.) Summary of what the rulemaking will do:**

The amendments include controls suitable for PM<sub>2.5</sub>, and references federal engine requirements.

**B.) Scope required by federal regulations or state statutes:**

The standard permit authorizes concrete batch plants, including permanent concrete batch plants, specialty plants that batch concrete under 30 cubic yards per hour, and temporary concrete plants.

**C.) Additional staff recommendations that are not required by federal rule or state statute:**

These amendments include the addition of separate applicability and definitions sections; additional recordkeeping, and editing to address grammar, word usage, references; and numbering.

**Statutory authority:**

This standard permit is adopted under Texas Health and Safety Code (THSC), § 382.011, General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, §382.023, Orders, which authorizes the commission to issue orders necessary to carry out the policy and purposes of the Texas Clean Air Act (TCAA); THSC, §382.051, Permitting Authority of the Commission; Rules, which authorizes the commission to issue permits, including standard permits for similar facilities; THSC, §382.0513, Permit Conditions, which authorizes the commission to establish and enforce permit conditions consistent with Subchapter C of the TCAA,

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Permits; and THSC, §382.05195, Standard Permit, which authorizes the commission to issue and amend standard permits according to the procedures set out in that section.

**Effect on the:**

**A.) Regulated community:**

The amendments to the standard permit will not change owners' or operators' fees or operating costs. TCEQ expects owners and operators to be concerned about additional recordkeeping and filter requirements.

**B.) Public:**

The maintenance requirement to keep the three-sided curtain or equivalent dust control technology intact, the additional recordkeeping requirements, and the updated filter requirements will reduce PM emissions. The amendments to the standard permit will not have a financial affect on the public. TCEQ expects the public to continue to be concerned about dust and noise nuisance issues.

**C.) Agency programs:**

The amendments will have no effect on the commission.

**Stakeholder meetings:**

TCEQ conducted a stakeholder meeting at the TCEQ main office in Austin on August 21, 2012, 10:00 in the morning in Building B, room 201A. Representatives from the concrete batch plant industry, consultants, and other technical experts attended. Attendees reacted favorably to the amended permit. Stakeholders suggested the removing of the separate definition of concrete batch plant. They also suggested including other dust control devices such as boots or diapers to keep the permit from excluding drive-through concrete batch plants. They suggested that the permit should allow a small amount of VOC in concrete additives. Stakeholders suggested allowing a greater production limit for facilities that are a greater distance to the nearest receptor or that are not using engines on site. Stakeholders expressed concern over the 12 hour per day production limitation. Due to stakeholder concerns, TCEQ adjusted the modeling parameters and changed the 12-hour production limit to a 24-hour production limit. This 24-hour production limit should provide flexibility to owners or operators of all types of concrete batch plants regardless of property line distance or the presence of engines, while still being protective of public health and the environment. TCEQ expanded the recordkeeping requirement for production rates to include a rate per day to demonstrate compliance with the 24-hour limit.

**Public comment:**

The commission received written comments from six trade associations and industry representatives. The commission also received an oral comment from a trade association representative. Commentors asked questions about when TCEQ would expect industry to use the amended permit. Commentors also asked for clarification about when industry

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would need to undergo public notice. Commentors asked for revisions to the definitions section of the amended standard permit. Commentors asked for deletions and clarification regarding the recordkeeping requirements in the standard permit. Commentors asked for clarification regarding filter and pickup device control efficiency requirements. Commentors requested that TCEQ leave the dust control options for traffic areas as they existed in the concrete batch plant standard permit that was effective July 10, 2003. Commentors requested that TCEQ allow a small amount of VOCs in concrete additives. Commentors requested a change to production rates and distance requirements based on plant-specific factors and production time greater than 12 hours. While some commentors requested that the agency drop the requirements for dust control technologies, others requested that the standard permit allow other kinds of equipment.

**Significant changes from proposal:**

TCEQ made several changes to the amendments based on public comment. TCEQ added clarifying language when needed. TCEQ added a definition of auxiliary tank that excludes diesel or fuel storage tanks. TCEQ reinstated the dust controls for traffic areas, as it existed in the concrete batch plant standard permit effective July 10, 2003. TCEQ altered the amendments by prohibiting VOCs emissions instead of their presence in additives. TCEQ changed the 12-hour production limit to a 24-hour production limit to provide owner or operator flexibility. TCEQ also updated the associated recordkeeping requirement to include a per day rate. TCEQ updated the amended standard permit to consider dust control technologies equivalent to a three-sided curtain.

**Potential controversial concerns and legislative interest:**

The commission does not expect the amendments to the standard permit to create new controversial concerns or legislative interest. However, concrete batch plants have a long history of public interest due to dust and noise nuisance issues and any agency announcements about a change in regulating this industry could potentially attract public or legislative interest.

**Will this rulemaking affect any current policies or require development of new policies?**

The Air Permits Division will need to train staff who review concrete batch plant standard permits about the amendments, but does not expect the need to develop new policies.

**What are the consequences if this rulemaking does not go forward? Are there alternatives to rulemaking?**

If the amendments to this standard permit do not go forward, the standard permit would not address the 2006 AP-42 emission factors, 24-hour PM<sub>2.5</sub>, annual PM<sub>2.5</sub>, current control technology, or federal engine requirements as promulgated by the United States Environmental Protection Agency.

**Key points in the rulemaking schedule:**

***Texas Register* proposal publication date: August 31, 2012**

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**Anticipated *Texas Register* adoption publication date: December 21, 2012**

**Anticipated effective date: December 21, 2012**

**Six-month *Texas Register* filing deadline: February 1, 2013**

**Agency contacts:**

Becky Southard, Rule Project Manager, 239-1638, Air Permits Division

Chrissy Angeletti, Staff Attorney, 239-1204

Bruce McAnally, Texas Register Coordinator, 239-2141

**Attachments**

N/A.

cc: Chief Clerk, 2 copies  
Executive Director's Office  
Susana M. Hildebrand, P.E.  
Anne Idsal  
Curtis Seaton  
Tucker Royall  
Office of General Counsel  
Becky Southard  
Bruce McAnally

# **Amendments to the Concrete Batch Plants Air Quality Standard Permit**

## **Summary Document**

### **I. Executive Summary**

#### *Protectiveness*

The Texas Commission on Environmental Quality (TCEQ or commission) adopts amendments to the air quality standard permit for concrete batch plants. While the standard permit is protective of public health, the TCEQ initiates the amendments to account for the 2006 AP-42 emission factors and engine requirements as promulgated by the United States Environmental Protection Agency (EPA). The pollutants of concern at concrete batch plants are particulate matter less than or equal to 2.5 microns in diameter (PM<sub>2.5</sub>) and particulate matter less than or equal to ten microns in diameter (PM<sub>10</sub>).

On February 11, 2010, the EPA no longer allowed use of the 1997 policy that granted sources and permitting authorities to use a demonstration of compliance with the National Ambient Air Quality Standards (NAAQS) requirements for PM<sub>10</sub> as a surrogate for meeting the NAAQS requirements for PM<sub>2.5</sub>. The amendments to this standard permit include controls, which will meet the requirements for PM<sub>2.5</sub> and reference federal engine requirements. The federal engine requirements regulate hazardous air pollutants, PM, and nitrogen oxides (NO<sub>x</sub>) that engines emit at varied amounts. Based on the size of the engines used at concrete batch plants, particulate matter, volatile organic compounds, carbon monoxide, lead, nitrogen dioxide, formaldehyde, and sulfur dioxide are emitted, but not at levels of concern. On-site engine requirements are in section IV of this Summary Document, and section (6), Engines, of the standard permit.

The amendments to the standard permit will be effective for standard permits issued on or after December 21, 2012. These amendments include revisions identified since the last review of the concrete batch plant standard permit, including the addition of separate applicability, definitions, and planned maintenance, startup, and shutdown (MSS) sections, and other minor corrections or edits. The commission adds definitions of terms to avoid confusion and to improve enforceability. The amendments include the removal of references to the concrete batch plant permits by rule (PBRs) as they are no longer available for new or modified facilities. Those plants still under these PBRs would not be registering for a standard permit until there is a change in the facility that makes the facility no longer applicable to the PBR. In this case, the facility would need to apply for a different method of authorization.

#### *Recordkeeping*

The amendments include new requirements for owners or operators to keep copies of material data safety sheets for all additives and other chemicals that are used and additional dust suppression records. The amendments to the standard permit also clarify and expand recordkeeping requirements for relocations, and temporary plants.

### *Public Notice*

The amendments condense the public notice section to reference the notice requirements in Title 30 Texas Administrative Code (30 TAC) Chapter 39, Public Notice. The specific sign posting requirements that the adoption deletes from the standard permit are part of the public notice requirements that 30 TAC Chapter 39 fully explains. Applicants also receive detailed public notice guidance as part of the standard permit registration process.

### *Best Available Control Technology (BACT)*

The commission made the following changes to account for BACT:

- updated production limits and control methods;
- removed fog rings as control options;
- included a new filter requirement that considers standards for PM<sub>10</sub> and PM<sub>2.5</sub>;
- increased the flow rate required for suction shroud fabric filter baghouses from 4000 actual cubic feet per minute (acfm) to 5000 acfm
- added requirements regarding warning devices and automatic shut-off devices that signal full storage silos;
- added a requirement that addresses visible emissions;
- adds a distance requirement to the nearest rock crusher, concrete crusher, or hot mix asphalt plant to avoid potential cumulative emissions higher than the permit limit;
- prohibited owners or operators from using concrete additives that emit VOCs.

### *Maintenance Startup and Shutdown*

Planned maintenance activities will be authorized either under permit by rule or claimed under 30 TAC§ 116.119, De Minimis Facilities or Sources. Emissions from planned startup and shutdown activities will be authorized by this permit.

Emissions will also be generated during startup and shutdown of the facility. Startup and shutdown emissions are indistinguishable from production emissions. Although there may be minor emissions associated with startup and shutdown, particulate emission factors used to quantify production emissions are considered to have enough conservatism to include any incidental increases that may be attributed to startup and shutdown. In addition, emissions from planned startup and shutdown of combustion units should not result in any quantifiable hourly emissions change for products of combustion. Although there may be transitional and incidental spikes before units stabilize during startups (5 to 15 minutes), overall products of combustion are expected to be within hourly range limits for normal loads during production operations. In addition, owners or operators cannot use the amended standard permit in conjunction with permits for the same facility issued under 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification unless the owner or operator

uses the permit for planned maintenance.

## **II. Explanation and Background of Amendments to Air Quality Standard Permit**

The amendments to the standard permit provide a preconstruction authorization that may be used for any concrete batch plant complying with the standard permit requirements and do not relieve the owner or operator from any other applicable provision of the Texas Health and Safety Code (THSC), Texas Water Code, TCEQ rules, or any additional state or federal regulations. The commission considered other means of permitting these plants such as creating a PBR or using a case-by-case new source review (NSR) permit. In the interest of maintaining flexibility, amending the current standard permit is the most logical course of action. The location pattern of concrete batch plants around the state follows high population density and construction. Although the plants are located throughout the state, many are along the Interstate 35 corridor. Owners or operators of large concrete batch plants sometimes also operate other facilities such as asphalt and rock crusher plants at the same site. Because of the number of authorizations that the Air Permits Division (APD) processes, it is necessary to maintain and improve the standard permit. Since October of 2011, APD processed 65 concrete batch plant standard permits. The average number of these permits over the last five years was 94 per year. In the past year, three concrete batch plants applied for a case-by-case NSR permit. In the past 5 years, there were a total of 18 concrete batch plant case-by-case NSR permits processed.

## **III. Overview of Amendments to the Air Quality Standard Permit**

The commission adopts amendments to the air quality standard permit authorizing concrete batch plants under authority of the Texas Health and Safety Code, § 382.05195, Standard Permit, and 30 TAC Chapter 116, Subchapter F, Standard Permits. The commission adopts these amendments to account for the 2006 AP-42 emission factors, to address 24-hour  $PM_{2.5}$ , annual  $PM_{2.5}$  NAAQS, and to include engine emission and operation requirements. The standard permit amendments authorize concrete batch plants, including permanent concrete batch plants, specialty concrete batch plants under 30 cubic yards per hour, and temporary concrete plants. Those facilities that cannot meet the standard permit conditions or a Concrete Batch Plants with Enhanced Controls air quality standard permit may apply for a case-by-case review of an air quality permit under 30 TAC § 116.111, General Application.

## **IV. Permit Condition Analysis and Justification**

The amendments to this standard permit require owners or operators of concrete batch plants to comply with the updated 2006 AP-42 emission factors, maintain filter system control efficiency, keep additional records, abide by MSS requirements, discontinue the use of water fog rings for dust control, and maintain a copy of the manufacturer's specifications for suction shrouds or other pickup devices. Due to the nature of the materials used, dust control measures for capturing  $PM_{10}$  also capture  $PM_{2.5}$ . Concrete batch plants shall meet the applicable conditions of the standard permit.

### *Applicability*

Section (1) of the amended standard permit outlines the applicability requirements. Subsection (A) summarizes the authorized permit conditions. Subsection (B) specifies that emission increases already prohibited by an issued NSR permit for the site cannot be authorized by this standard permit. Subsection (C) states that the owner or operator of the authorized concrete batch plant is also be subject to all applicable state or federal regulations.

### *Definitions*

Section (2) contains definitions of auxiliary tank, concrete batch plant, cohesive hard surface, dust suppressing fencing or other barrier, permanent concrete batch plant, related project segments, right-of-way of a public works project, site, specialty concrete batch plant, stationary internal combustion engine, temporary concrete batch plant, and traffic areas. The addition of a definition section presents a clear and consistent standard permit format that improves enforceability. The definition of auxiliary tank was added to clarify that petroleum product and fuel storage tanks are not applicable to the requirements in this standard permit referencing auxiliary tank. Cohesive hard surface, dust suppressing fencing or other barrier, and traffic areas are included to specify road dust control requirements. The definition of concrete batch plant is included to clarify applicability of the standard permit. The definitions of permanent, specialty, and temporary concrete batch plants are included to clearly distinguish between the types of plants as there are distinct requirements for each type. The definition of related project segments is included since it is in other terms in section (2). The definition of right-of-way of a public works project references 30 TAC § 116.20, Portable Facilities Definitions, since it is directly related to the standard permit. The definition of site in the standard permit restates the definition found in 30 TAC Chapter 122, Federal Operating Permits Program. The definition of stationary internal combustion engine is included to help clarify applicability of stationary engine requirements.

### *Administrative Requirements*

The commission adopts minor word usage changes, grammar edits, and reference updates to clarify the intent of subsection (3)(A)-(D). Subsections (3)(E) and (3)(F) clarify when owners or operators must comply with the most recent version of the concrete batch plant standard permit (CBPSP). In subsection (3)(G), owners or operators of temporary concrete plants seeking registration and those already registered for this standard permit that qualify for relocation using subsection (8)(F), are exempt from public notice requirements in section (4) of this standard permit. Those that are exempt from public notice seeking registration should receive a final decision within 45 days of the executive director's receipt of the registration request. The standard permit effective July 10, 2003 requires certain concrete batch plants to be registered using the PBR. Since owners or operators of new plants will no longer register under obsolete PBRs, the amendment deletes the PBR references in subsection (3)(I). The commission also adds recordkeeping requirements in subsection (3)(J). These additions include: references to 30 TAC § 101.201, Emissions Event Reporting and Recordkeeping

Requirements and 30 TAC § 101.211, Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements, production rates, repair and maintenance of abatement systems, material data safety sheets, road cleaning, stockpile dust suppression, warning device system tests, visible emissions observations, demonstration of compliance with the engine section, and the type of fuel used in engines. The commission removes references to 30 TAC § 101.6 and § 101.7 as these sections no longer exist. The commission also adds a requirement to document abatement equipment failure or visible emissions.

### *Public Notice*

The commission references the notice requirements in 30 TAC Chapter 39 to avoid confusion and maintain consistency. This chapter includes newspaper publication, sign posting, and other requirements. The THSC, § 382.058, Notice of and Hearing on Construction of Concrete Plant Under Permit by Rule, Standard Permit, or Exemption requires concrete batch plant standard permits to comply with 30 TAC Chapter 39.

### *General Requirements*

The amendments include applicable filter efficiency requirements that ensure PM<sub>2.5</sub> levels meet the newly promulgated federal standards.

Subsection (B) discusses filter and collection system requirements, visible emission standards, and lighting requirements. The amendments include a change to the efficiency requirements of filter systems in order to achieve BACT and specifically address PM<sub>2.5</sub>.

Subsections (C) and (D) include requirements for silo loading operations. The amendments remove outdated 30 TAC Chapter 101 references, separate the requirements into different paragraphs, and add additional descriptions to aid in enforcement. The amendments also include a more detailed description of requirements regarding automatic shut-off systems to prevent overfill of bulk storage silos.

Subsection (E) includes a reference to more information regarding dust suppressant chemicals.

The amendments to subsections (E), (F), and (G) are minor word usage, grammar edits and reference changes.

Subsection (H) prohibits visible emissions from exceeding a cumulative 30 seconds in any six-minute period. Including these visible emissions requirements should influence the use of best management practices (BMPs), such as road dust control required in the permit. Including this requirement will also provide a method for determining how well the BMPs are controlling a potential nuisance condition.

Subsection (I) indicates a 550 feet limit from the concrete batch facility to the nearest rock crusher, concrete crusher, or hot mix asphalt plant to reduce the potential for cumulative effects from both plants operating simultaneously and to be protective of the PM<sub>2.5</sub> and PM<sub>10</sub> NAAQS based on the results of the modeling. The distance requirement also helps to maintain consistency with other standard permits.

Subsection (J) states that owners or operators of sites that operate more than one concrete batch plant shall comply with site production limits because this standard permit does not prevent multiple concrete batch operations at a single site.

Subsection (K) prohibits concrete additives from emitting VOCs.

Subsection (L) lists out the references to applicable standard permit renewal, fee, contested case hearing, and public notice requirements.

Section (6) authorizes stationary compression ignition internal combustion engines and cites the potentially applicable Code of Federal Regulations (CFRs) for emission requirements. An exemption for an owner or operator of a concrete batch plant is the operation of a nonroad engine as defined in 40 CFR § 89.2, Definitions. A portable or transportable engine that remains at a single location for less than or equal to 12 consecutive months, is not considered a stationary source, and does not require authorization under 30 TAC Chapter 106, Permits by Rule, 30 TAC Chapter 116, or 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds. Requirements in this section reflect modeling assumptions about engines commonly used at concrete batch plants. Based on the review of an average of 94 concrete batch plant standard permits per year, the APD's working knowledge is that many concrete batch plants that have engines use a diesel compression ignition internal combustion engine up to 1,000 horsepower (hp) as a source of power. Owners or operators must maintain and operate all engines according to the manufacturer's instructions.

#### *Maintenance, Startup, and Shutdown (MSS) Activities*

Section (7) of this standard permit addresses emissions from planned startup and shutdown activities from those facilities authorized by this standard permit. Startup and shutdown emissions are not distinguishable from production emissions.

Owners or operators are also required to maintain records of planned maintenance activities authorized by a PBR or with 30 TAC § 116.119, De Minimis Facilities or Sources.

#### *Additional Requirements for Temporary Concrete Plants*

The commission moves the definition for temporary concrete plant to the definitions section. In addition, the commission adopts minor word usage, grammar edits, numbering, and reference changes to clarify the intent of the requirements.

Subsection (A) includes a new production limit and subsection (B) includes an increased airflow for a suction shroud or other pickup device in order to maintain BACT.

Subsection (C) requires that the owner or operator shelter the truck loading point by an intact three-sided curtain or equivalent dust control technology.

Subsection (D) includes property line distance requirements.

The commission deletes requirements regarding the use of water fog ring equipment used for dust control, since the commission no longer considers it to be BACT. The commission adds clarification of the correct placement of the suction shroud or other pickup device. A change in the cartridge filter system requirements maintains BACT.

The commission deletes a reference to 30 TAC § 111.155, since this section of Chapter 111 was repealed on June 11, 2006.

Subsection (E) provides an alternative to distance requirements. This alternative requires the facility to have dust suppressing fencing and other barriers.

Subsection (F) details conditions required for TCEQ to approve an already permitted plant to relocate. In this amendment, the commission has expanded temporary facilities to include registered facilities that are moving to a site in which any facility has been located at the site at any time during the previous two years, and the site was subject to public notice. This facility is not necessarily specific to a particular batching operation.

Subsection (G) lists the recordkeeping requirements for relocating a plant.

#### *Additional Requirements for Permanent Concrete Plants*

Subsection (A) includes a new production limit to specify the intended production rate of a facility that owners or operators can register using this standard permit. The commission changes the title from "Additional Requirements for Other Concrete Plants" to "Additional Requirements for Permanent Concrete Plants" to clarify the type of plants that the section references.

Subsection (B) includes a new minimum actual cubic feet per minute requirement for the filter system. This change maintains BACT. Also, minor word usage, grammar edits, numbering, and reference changes clarify the intent of the requirements. The commission moves the road dust requirements for consistency.

The commission adds the requirement of having an intact three-sided curtain or equivalent dust control technology below the mixer truck- receiving funnel in subsection (C) for improved capture efficiency.

Subsection (D) includes property line distance requirements.

Subsection (E) provides an alternative to distance requirements. This alternative requires the facility to have dust suppressing fencing and other barriers.

Subsection (F) requires permanent concrete batch plants to pave roads for traffic dust control. All other areas of the permanent concrete batch plant can use the options in subsection (5)(E) of the standard permit.

#### *Additional Requirements for Specialty Concrete Batch Plants*

The amendments remove the option of using a fog ring for dust control because TCEQ no longer considers it BACT. Also, TCEQ adopts minor word usage, grammar edits, and reference changes to clarify the intent of the requirements.

### **V. Protectiveness Review**

TCEQ calculated emission rates using emission factors and methodology from the following documents: EPA AP-42 Chapter 11.12, Concrete Batching; the background document for Chapter 11.12, Concrete Batching Background Document; and EPA AP-42 Chapter 12.2.4, Aggregate Handling and Storage Piles. The commission derived the emission rate calculations from the plant production rate and the average material

composition of concrete provided in Chapter 11.12. The commission estimated emissions using an average concrete production rate of 300 cubic yards per hour. The commission calculated emission rates as if the site produced emissions from all emission points at all times during operation. The commission estimated emission rate calculations for the plant stockpiles using the emission factors listed in the EPA document, Development of Emission Factors for Fugitive Dust Sources. Emission rate calculations for the engine and generator were estimated using Model Year 2000 Tier 1 EPA emission standards for engines with power greater than 560 kilowatts (751 hp). The commission calculated the emission rates as if the engine runs at all times during operation.

Site wide  $PM_{10}$  is 37 percent of the total PM and  $PM_{2.5}$  is 5.9 percent of total PM. This does not include emissions from engines. The commission considers all engine particulate to be  $PM_{2.5}$ . Engine particulate is 16 percent of the total particulate. The commission evaluated nickel since it has the highest short-term emission rate and lowest effects screening level (ESL) out of all trace metals. The permit allows a generator-set engine not to exceed 1000 hp. The fuel used in a typical generator-set is diesel. All off-road engines are required to use the same ultra low sulfur diesel fuel (15 parts per million) as mobile transportation engines. As diesel fuel is a petroleum distillate containing hydrocarbons; TCEQ does not expect it to contain lead and expects it to contain only traces of other metals. While formaldehyde is a contaminant, the commission modeled it for engines of 1000 hp and its emissions were negligible based on modeling results. The commission does not expect these engines to be major sources of hazardous air pollutants.

TCEQ performed an air quality analysis (AQA) in support of the concrete batch plant standard permit protectiveness review. The AQA included dispersion modeling of a model concrete batch plant at two maximum hourly production levels, 30 cubic yards per hour (cu. yd/hr) and 300 cu. yd/hr. The AQA considered for the 30 cu. yd/hr plant an annual production of 262,800 cubic yards per year (cu. yd/yr) and considered for the 300 cu. yd/hr plant a daily production limit of 6,000 cubic yards per day and annual production of 2,190,000 cu. yd/yr. The emission generating facilities or activities included in the AQA are material handling operations, truck loading, stockpiles, cement silos, and an internal combustion engine to generate power for equipment at the site. The analysis represented the operating schedule of facilities or activities at the site as 24 hours per day. The air contaminants evaluated were carbon monoxide, nitrogen dioxide ( $NO_2$ ), sulfur dioxide,  $PM_{10}$  and  $PM_{2.5}$ , nickel particulate, and formaldehyde.

The commission performed the AQA using the ISCST3 (version 02035) model. Modelers have been using the ISC model in permitting for more than 20 years. Developers created the model to be easy to use and to address complex atmospheric processes in a relatively simple way that all users can understand. Developers based the ISCST3 model on the Gaussian distribution equation and it is inherently conservative due to the main simplifying assumptions made in its derivation.

These assumptions are:

- Conditions are steady-state (for each hour, emissions, wind speed, and direction are

constant) and the dispersion from source to receptor is effectively instantaneous;

- There is no plume history as model calculations in each hour are independent of those in other hours;
- Mass is conserved (no removal due to interaction with terrain, deposition, or chemical transformation) and is reflected at the surface; and
- Plume spread from the centerline follows a normal Gaussian distribution and only vertical and crosswind dispersion occurs. The model ignores dispersion downwind.

The commission applied the model in a screening mode to ensure predictions were conservative and applicable for any location in the state. The rationale for using ISCST3 is that the standard permit has statewide applicability. The ISCST3 model handles surface characteristics simplistically, using either rural or urban dispersion coefficients. Using the current EPA preferred refined dispersion model, AERMOD, would have required considering site-specific characteristics. Rather than the two choices of surface characteristics for ISCST3, AERMOD would have required dozens to capture a sufficient variation across the state. With dozens of choices of surface characteristics, the reasonable worst case for all concrete batch plants across the state would be unclear. In addition, the commission used ISCST3 as a screening technique in the context of this protectiveness review, since the purpose of such techniques is to eliminate the need for more detailed modeling when those sources clearly will not cause or contribute to ambient concentrations in excess of the NAAQS.

The AQA used a polar receptor grid with 36 radials spaced every 10 degrees from true north. Each radial includes a receptor every 100 feet out to 1000 feet from the center point. To streamline the AQA, the commission used surface meteorological data from Austin and upper-air data from Victoria for the years 1983, 1984, 1986, 1987, and 1988. Since the analysis is primarily for short-term concentrations, this five-year data set would include worst-case, short-term meteorological conditions that could occur anywhere in the state. The wind directions were set at 10-degree intervals to coincide with the receptor radials. This would provide predictions along the plume centerline, which provides a conservative result.

Downwash structures were not included in the analysis since no significant structures would likely exist at these types of sites that would influence dispersion. In addition, downwash is not applicable to area sources.

The commission represented emissions from all material handling activities as a series of co-located circular area sources 100 feet in diameter at 5, 10, 15, and 20 feet high. The model assumes that all material handling emissions are well distributed throughout the site; therefore, an area source is appropriate. The modeling includes material handling activities that take place from ground level to about 20 feet in height. The circular area minimizes bias of any one wind direction or source orientation. The model represents emissions from baghouses as a single point source 40 feet high with no vertical momentum or buoyancy. The model represents emissions from engines using the commission's existing data as specified in the description of section (6) of this standard permit.

An emission rate of 1.0 pound per hour (lb/hr) predicts a generic impact for each source. Modelers used generic modeling (independent of time and space) as a first step. If the emissions easily passed the first step, the analysis was complete. The modeling was further refined for the remaining pollutants and to consider time and location of predicted high concentrations. Modelers multiplied the generic impact by each air contaminant-specific emission rate to calculate a maximum predicted concentration for each source and for all pollutants. Modelers added the maximum predicted concentration for each source together to get a total predicted concentration.

The commission performed air contaminant-specific modeling for the 24-hour PM<sub>10</sub> and PM<sub>2.5</sub>, and 1-hour NO<sub>2</sub> NAAQS demonstrations. The air contaminant-specific modeling considered the form of the applicable NAAQS, i.e. high sixth high over 5 years for PM<sub>10</sub>, 5-year average of the high first highs for PM<sub>2.5</sub> and 5-year average of the 98th percentile of the maximum 1-hour daily concentrations for NO<sub>2</sub>, including EPA's proposed PM rule published in the Federal Register 77 FR 38890.

The commission modeled NO<sub>2</sub>, using a NO<sub>2</sub>/NO<sub>x</sub> ratio of 0.5. EPA's March 1, 2011 guidance memo states, "Although well-documented data on in-stack NO<sub>2</sub>/NO<sub>x</sub> ratios is still limited for many source categories, we also feel that it would be appropriate in the absence of such source-specific in-stack data to adopt a default in-stack ratio of 0.5 as being adequately conservative in most cases and a better alternative to use than the Tier 1 full conversion." Since the maximum concentration location tends to be within 200 feet of the source and travel time of the emissions would be relatively short, there would not be sufficient time for the NO<sub>x</sub> to NO<sub>2</sub> conversion to take place. Therefore, an in-stack ratio of 0.5 is reasonable for this analysis.

The commission modeled maximum hourly emission rates for 1-hour, 3-hour, and 8-hour standards. The commission modeled 30 cu. yd/hr plant, emission rates for 24-hour standards based on maximum hourly production. For the 300 cu. yd/hr plant, the commission modeled emission rates for 24-hour standards based on maximum daily production of 6,000 cu. yd/day, which is the maximum hourly rate multiplied by (6,000/7,200), where 6,000 cu. yd/day is the daily production limit and 7,200 cu. yd/day is the theoretical maximum daily production at 300 cu. yd/hr. The commission modeled annual emission rates based on annual maximum production rates.

The AQA evaluated both rural and urban dispersion coefficients. The commission reported the higher concentration of the two options as the maximum predicted concentration. The commission selected the flat terrain option since the majority of the emissions are fugitive emissions that would closely follow the terrain.

The results of the review for all pollutants show that the standard permit is protective. The modeling and toxicology report are available to the public upon request. Contact TCEQ regarding modeling and toxicology information requests at (512)239-1250.

## **VI. Public Notice and Comment Period**

In accordance with 30 TAC § 116.603, Public Participation in Issuance of Standard Permits, the TCEQ published notice of this standard permit in the *Texas Register* and newspapers of the largest general circulation in the following metropolitan areas:

Austin; Dallas; and Houston. The date for these publications was August 27, 2012. The public comment period ran from the date of publication until October 5, 2012.

## **VII. Public Meetings**

The commission held a public meeting on October 3, 2012, 10:00 a.m., at TCEQ Building E, Room 201E, 12100 Park 35 Circle, Austin, Texas.

## **VIII. Analysis of Comments**

The commission received written comments from Roger Albert with Associated General Contractors of Texas (AGC), Janet Krolczyk with CEMEX Construction Materials South, LLC (CEMEX), Ralph Richards with Jobe Materials, L.P. (Jobe), Sonya C. Alcocer-Charles with Martin Marietta Materials (MMM), Rich Szecsy with Texas Aggregates and Concrete Association (TACA), and Thomas P. Zais with Ready Mix TXI Operations, L.P. (TXI) suggesting technical changes to the concrete batch plant standard permit amendment. The commission also received an oral comment from Chris Pepper with the Texas Aggregates and Concrete Association regarding the timing of submitting renewal applications.

MMM and TACA asked TCEQ to clarify when they would expect newly constructed or modified facilities to use the new standard air permit.

**The amendments to the standard permit will be effective for standard permits issued after December 21, 2012. The commission has updated the technical summary and permit to state when newly constructed or modified facilities and renewals will be applicable to the amended standard permit.**

MMM and TACA asked TCEQ to clarify when owners or operators applying for amendments or renewals would be required to use the new standard air permit.

**Applicants for new concrete batch plant standard permits (CBPSPs) issued after December 21, 2012 will be required to register and comply with the 2012 amended CBPSP. Applicants for renewals issued in the period between December 21, 2012 and December 22, 2014 will register for the 2012 amended CBPSP, but will not be required to comply with the new CBPSP requirements until December 22, 2014. Applicants for renewals issued after December 22, 2014 will be required to register and comply with the 2012 amended CBPSP. The commission has updated the technical summary and permit to state when newly constructed or modified facilities and renewals will be applicable to the amended standard permit.**

TACA requests that TCEQ state all of the previous permitting options that may continue to operate under historical authorizations so long as the owner or operator does not modify the plant.

**The commission has updated the technical summary and permit to state when newly constructed or modified facilities and renewals will be applicable to the amended standard permit. The technical summary also includes a discussion about when plants can operate using historical authorizations.**

Jobe asked if public notice and reregistering is required for facilities that undergo operational changes that change whether the facility is temporary, permanent, or specialty.

**If a facility undergoes an operational change that affects whether it is a temporary, permanent, or specialty concrete plant, re-registration is required. Public notice is also required unless the facility is changing to a facility type for which public notice is not required (such as a temporary concrete plant that is located in, or contiguous to, the right-of-way of a public works project). No change was made as a result of this comment.**

MMM, TACA, and TXI requested a definition of auxiliary tank.

**TCEQ added a definition of auxiliary tank that excludes diesel or fuel storage tanks.**

TACA and TXI asked for updates to the definitions of the different types of concrete batch plants for clarity.

**TCEQ updated the definitions to replace “plant” with “concrete batch plant”. TCEQ did not remove “but not for other unrelated projects” from the definition of temporary concrete plant because it is integral to the definition. TCEQ has maintained the 180 day site limit in the definition of temporary concrete batch plant because if this definition were limited to only count days when the plant is in production, as suggested by the commentors, the facility might be present at the site for substantially longer than 180 days. Although TCEQ acknowledges that many factors can cause project delays, in general, TCEQ believes that a 180-day site limit is reasonable and consistent with the length of time that a temporary project implies.**

AGC requested the addition of a definition for contiguous.

**Determining the definition for contiguous is part of site designation. Site designation is outside the scope of this rulemaking. For more information on determining site designation, see the TCEQ guidance document regarding site designation at [http://www.tceq.texas.gov/assets/public/permitting/air/Guidance/Title\\_V/site.pdf](http://www.tceq.texas.gov/assets/public/permitting/air/Guidance/Title_V/site.pdf).** No change was made as a result of this comment.

AGC and CEMEX asked TCEQ to add “stabilized base material” as an acceptable surface in the definition of cohesive hard surface.

**TCEQ did not add “stabilized base material” as an acceptable cohesive hard surface because it was unclear what its definition would be. If a material used is capable of remaining intact and being clean, then it fits the definition of cohesive hard surface. TCEQ kept “in plant road surface” in the definition in the interest of being consistent with Texas Department of Transportation (TXDOT) rules and because it was intended to be any area of the facility. No change was made as a result of this comment.**

AGC, Jobe, and TACA asked about specific scenarios regarding the definition of site.

**Determining site designation is outside the scope of this rulemaking. For more information on determining site designation, see the TCEQ guidance document regarding site designation at**

**[http://www.tceq.texas.gov/assets/public/permitting/air/Guidance/Title\\_V/site.pdf](http://www.tceq.texas.gov/assets/public/permitting/air/Guidance/Title_V/site.pdf).**

**No change was made as a result of this comment.**

CEMEX requested that the commission replace the definition of traffic areas with three new definitions: main traffic areas, auxiliary traffic areas, and unpaved surface areas.

**TCEQ did not make the requested change in the interest of being consistent with TXDOT rules and because road dust control requirements are applicable to all areas of a concrete batch plant. No change was made as a result of this comment.**

MMM stated that the recordkeeping requirements in subsection (3)(J) would require an undue amount of time, effort, and money for owners or operators of concrete batch plants.

**The 30 TAC §101.201, §101.211, and visible emissions recordkeeping requirements were already applicable, but not specifically written in the CBPSP effective July 10, 2003. The production rate recordkeeping requirement was already in the CBPSP effective July 10, 2003. The recordkeeping requirements concerning repairs and maintenance, Material Safety Data Sheets, silo warning device or shut-off system tests, federal engine requirement applicability, and engine fuel use are new, but TCEQ expects that these records would be part of best business practices at a well-operated plant. No change was made as a result of this comment.**

AGC requested that paragraph (3)(J)(i) and (3)(J)(ii) specify all recordkeeping required by 30 TAC §101.201 and §101.211.

**Referencing other rules is sometimes necessary in the interest of maintaining correct and concise requirements. There are a variety of different recordkeeping requirements in 30 TAC §101.201 and §101.211 and not all concrete batch plants will be applicable to all of them. No change was made as a result of this comment.**

Jobe asked if paragraphs (3)(J)(vi) and (vii) related to recordkeeping could be clarified, modified, or deleted since watering roads and stockpiles is not required to be on a specific schedule.

**To provide flexibility for owners or operators in determining when roads and stockpiles need treatment to avoid visible emissions, TCEQ did not create a specific recordkeeping schedule. Maintaining appropriate dust control records supports a determination of compliance with the requirement, and is a valuable tool that can be used in addressing dust complaints. Investigations into potential nuisance conditions may include records of local weather, tape-lift sampling, and plant records of dust**

**control. In the interest of maintaining flexibility for owners and operators while also maintaining TCEQ's enforcement options, TCEQ is maintaining the recordkeeping requirements found in paragraphs (3)(J)(vi) and (vii). No change was made as a result of this comment.**

TACA asked if the filter control efficiency requirement was consistent with the pickup device's suction capacity requirement. MMM and TACA asked TCEQ to clarify why the control efficiency requirements were changed in the amendment.

**According to TCEQ experience and common industry standards, these two requirements are compatible. The control efficiency requirements used in the amendment were based on recent BACT used in several case-by-case new source review air permitting. No change was made as a result of this comment.**

TACA requested that portable, temporary tanks that are small and completely enclosed (pigs) not be required to be equipped with fabric filters.

**The standard permit does not require auxiliary storage tanks to be equipped with fabric filters; however, when transferring raw materials any emissions must be routed to a fabric filter. No change was made as a result of this comment.**

AGC, CEMEX, MMM, and TACA requested that TCEQ leave the dust control options for traffic areas as they existed in the CBPSP effective July 10, 2003.

**After re-evaluating dust control options for traffic areas at temporary sites, TCEQ has changed the standard permit to reinstate the requirements, as they existed in the CBPSP effective July 10, 2003.**

CEMEX commented that the dust control requirements in subsection (5)(E) contradicts the permanent concrete batch plant dust control requirements in subsection (9)(F).

**These subsections do not contradict one another. The dust control requirements for permanent concrete batch plants are intended to be a permanent solution for high traffic areas. The requirements in subsection (9)(F) requires certain areas of permanent concrete batch plants to be paved. The requirements in (5)(E) provide options other than paving for controlling dust in the rest of the plant. No change was made as a result of this comment.**

TACA appreciated that the concrete batch plant standard permit allow co-location of rock crushers, hot mix asphalt plants, and concrete batch plants, but requested a site-specific demonstration in the standard permit that would show individual production rates and site size.

**The commission appreciates the support. The restriction included in the CBPSP is that the rock crusher or hot mix asphalt plant must either be 550 feet away from the concrete batch plant or the operations cannot be running simultaneously. The commission included these restrictions to avoid potential cumulative emissions that would be higher than the permit**

**limit and to allow for a more flexible production limit. Owners or operators who are interested in operating with different restrictions may apply for a case-by-case new source review permit. No change was made as a result of this comment.**

MMM asked for clarification as to whether TCEQ considers a stockpile part of a concrete batch plant in determining distance.

**TCEQ considers stockpiles to be part of a concrete batch plant to avoid cumulative effects. No change was made as a result of this comment.**

CEMEX, Jobe, MMM, TACA, and TXI asked if a small amount of VOCs that would comply with de minimis requirements could be allowed in concrete additives.

**In modeling for the standard permit, TCEQ did not consider VOC emissions. Since the ESL values for VOCs could vary over a wide range, it would be difficult to provide a protective and flexible production limit. However, TCEQ altered the amendment to state that the additives shall not emit VOCs instead of stating that the additives shall not contain them. If a facility emits VOCs in their concrete additives, the owner or operator can apply for a case-by-case new source review permit.**

AGC, Jobe, MMM, TACA, and TXI requested a production limit that is greater than 12 hours and is based on variables such as type of plant, property line distance, and presence of engines.

**After adjusting the modeling parameters, the commission has changed the 12-hour production limit to a 24-hour production limit. This 24-hour production limit should provide flexibility to owners or operators of all types of concrete batch plants regardless of property line distance or the presence of engines. The recordkeeping requirement for production rates was expanded to include a rate per day to demonstrate compliance with the 24-hour limit.**

MMM and TACA requested that the permit base the production limit on each concrete batch plant rather than each site.

**As long as multiple plants on a site can meet the production limits when owners or operators combine their emissions, they are potentially applicable to the CBPSP. However, the amendment continues to restrict production by site rather than by plant in the same way as it did in the CBPSP effective July 10, 2003. The commission included these restrictions to avoid potential cumulative emissions that would be higher than the permit limit. No change was made as a result of this comment.**

TACA requested a different production limit for sites with multiple concrete batch plants registered under one standard air permit. They also requested varied production limits based on distance to the nearest property line, whether or not they used dust suppressing fencing or barriers, and whether or not the plant had engines on site.

**In order to consider a greater number of concrete batch plants, to avoid**

**potential cumulative emissions that would be higher than the permit limit, and to create a simple standard permit, the commission limited the CBPSP to one production limit. Owners or operators interested in multiple production limits better suited for their unique operation can apply for a case-by-case new source review permit. No change was made as a result of this comment.**

MMM stated that dust control technologies used to shelter the drop point would represent an additional cost to construct and maintain.

**The CBPSP effective July 10, 2003 and the amended standard permit require dust control technologies that are BACT. The amended standard permit has been updated to consider equivalent dust control technologies used in sheltering the drop point such as boots, rubber skirting, and telescopic chutes.**

AGC, TACA, and TXI requested that subpart (8)(C) be expanded to include other dust control technologies to be used to shelter the drop point.

**TCEQ has updated the amended standard permit to consider equivalent dust control technologies used in sheltering the drop point such as boots, rubber skirting, and telescopic chutes by adding the words “or equivalent dust control technology”.**

AGC suggested adding a clarification that the offset distance requirements do not apply to the common property boundary between the site and public right-of-way.

**This exemption is already included in subsection (8)(D) and the definition of right-of-way of a public works project. No change was made as a result of this comment.**

TACA requested that small concrete batch plants be exempt from the distance requirement for suction shrouds and ancillary equipment.

**The distance requirement is necessary for proper control of visible emissions in the standard permit. No change was made as a result of this comment.**

AGC commented that the alternatives in subsection (8)(E) are not feasible for temporary operations.

**The alternatives provided in subsection (8)(E) have been in place in the concrete batch plant standard permit that was effective July 10, 2003. Even if these alternatives may not be feasible for every project, they may still provide a useful alternative for some temporary concrete plants that are otherwise unable to meet the standard permit due to buffer distance issues. No change was made as a result of this comment.**

TACA requested that TCEQ clarify public notice requirements for temporary plants that relocate.

**TCEQ updated the technical summary description of paragraph (8)(F)(ii) to**

**clarify which portable entities would need to go through public notice.**

**IX. Statutory Authority**

TCEQ adopts this standard permit under Texas Health and Safety Code (THSC), § 382.011, General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, § 382.023, Orders, which authorizes the commission to issue orders necessary to carry out the policy and purposes of the Texas Clean Air Act; THSC, § 382.051, Permitting Authority of the Commission: Rules, which authorizes the commission to issue permits, including standard permits for similar facilities; THSC, § 382.0513, Permit Conditions, which authorizes the commission to establish and enforce permit conditions consistent with THSC, § 382.05195, Standard Permit, which authorizes the commission to issue and amend standard permits according to the procedures set out in that section.

## **Amendments to the Air Quality Standard Permit for Concrete Batch Plants**

**Effective Date December 21, 2012~~July 10, 2003~~**

~~This air quality standard permit authorizes concrete batch plant facilities which meet all of the conditions listed in paragraphs (1) through (3) and one of paragraphs (4), (5) or (6). If a standard permit registration is based on paragraphs (4), (5), or (6) and changes are proposed which change the paragraph under which the facility will be constructed and operate, the concrete batch plant must reapply for a new standard permit.~~

### **(1) Applicability**

- (A) This air quality standard permit authorizes concrete batch plant facilities that meet all of the conditions listed in sections (1) through (7) and one of sections (8), (9), or (10). If a concrete batch plant operates using sections (8), (9), or (10) of this standard permit and operational changes are proposed that would change the applicable section, the owner or operator shall reregister for the concrete batch plant standard permit prior to operating the change.
- (B) This standard permit does not authorize emission increases of any air contaminant that is specifically prohibited by a condition or conditions in any permit issued under Title 30 Texas Administrative Code (30 TAC) Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, at the site.
- (C) This standard permit does not relieve the owner or operator from complying with any other applicable provision of the Texas Health and Safety Code (THSC), Texas Water Code, rules of the Texas Commission on Environmental Quality (TCEQ), or any additional state or federal regulations.

### **(2) Definitions**

- (A) **Auxiliary tank - storage containers used to hold raw materials for use in the batching process not including petroleum products and fuel storage tanks.**
- (B) Cohesive hard surface - An in-plant road surface preparation including, but not limited to: paving with concrete, asphalt, or other similar surface preparation where the road surface remains intact during vehicle and equipment use and is capable of being cleaned. Cleaning mechanisms may include water washing, sweeping, or vacuuming.
- (C) Concrete batch plant - For the concrete batch plant standard permit, it is a plant that consists of a concrete batch facility and associated abatement equipment, including, but not limited to: material storage silos, aggregate storage bins, auxiliary storage tanks, conveyors, weigh hoppers, and a mixer. Concrete batch plants can add water, Portland cement, and aggregates into a delivery truck, or the concrete may be prepared in a

central mix drum and transferred to a delivery truck for transport. This definition does not include operations that meet the requirements of 30 TAC § 106.141, Batch Mixer or 30 TAC § 106.146, Soil Stabilization Plants.

- (D) Dust suppressing fencing or other barrier - A manmade obstruction that is at least 12 feet high that is used to prevent fugitive dust from stationary equipment stockpiles, in-plant roads, and traffic areas from leaving the plant property.
- (E) Permanent concrete batch plant - For the concrete batch plant standard permit, it is a concrete batch plant that is not a temporary or specialty concrete batch plant.
- (F) Related project segments - For plants on a Texas Department of Transportation right-of-way, related project segments are one contract with multiple project locations or one contractor with multiple contracts in which separate project limits are in close proximity to each other. A plant that is sited on the right-of-way is usually within project limits. However, a plant located at an intersection or wider right-of-way outside project limits is acceptable if it can be easily associated with the project.
- (G) Right-of-way of a public works project - Any public works project that is associated with a right-of-way. Examples of right-of-way public works projects are public highways and roads, water and sewer pipelines, electrical transmission lines, and other similar works. A facility must be in or contiguous to the right-of-way of the public works project to be exempt from the public notice requirements listed in Texas Health and Safety Code, § 382.056, Notice of Intent to Obtain Permit or Permit Review; Hearing.
- (H) Site - The total of all stationary sources located on one or more contiguous or adjacent properties, which are under common control of the same person (or persons under common control).
- (I) Specialty concrete batch plant - For the concrete batch plant standard permit, it is a concrete batch plant with a low production concrete mixing plant that manufactures concrete less than or equal to 30 cubic yards per hour (cu yd/hr). These plants are typically dedicated to manufacturing precast concrete products, including but not limited to burial vaults, septic tanks, yard ornaments, concrete block and pipe, etc. This does not include small repair projects using mortar, grout, gunite, or other concrete repair materials.
- (J) Stationary internal combustion engine - For the concrete batch plant standard permit, it is any internal combustion engine that remains at a location for more than 12 consecutive months and is not defined as a nonroad engine according to 40 Code of Federal Regulations (CFR) 89.2, Definitions.

- (K) Temporary concrete batch plant - For the concrete batch plant standard permit, it is a concrete batch plant that occupies a designated site for not more than 180 consecutive days or that supplies concrete for a single project (single contract or same contractor for related project segments), but not for other unrelated projects.
- (L) Traffic areas - For the concrete batch plant standard permit, it is an area within the concrete batch plant that includes stockpiles and the area where mobile equipment moves or supplies aggregate to the batch plant and trucks supply aggregate and cement.

**(3) Administrative Requirements**

- (A) The owner or operator of any Any concrete batch plant seeking authorization authorized under this standard permit shall register be registered in accordance with 30 TAC § 116.611, Registration to Use a Standard Permit. Owners or operators shall submit a completed, current form PI-1S PI-1S-CBP Registrations for Air Standard Permit, Table 11, Fabric Filters, Table 20, Concrete Batch Plants, and a Concrete Batch Plant Standard Permit checklist. Facilities which meet the conditions of this standard permit do not have to meet the emissions and distance limitations listed in 30 TAC 116.610(a)(1), Applicability.
- (B) Owners or operators Registration applications shall also comply with 30 TAC § 116.614, "Standard Permit Fees," when they are the registration is required to complete public notice notification under section paragraph four two of this standard permit.
- (C) No owner or operator of a concrete batch plant shall begin construction and/or operation without obtaining written approval from the TCEQ executive director.
- (D) The time period in 30 TAC § 116.611(b) (45 days) does not apply to owners or operators facilities registering plants under this standard permit.
- (E) Beginning December 21, 2012, all new and modified sources must comply with this standard permit.
- (F) Renewals shall comply with this standard permit on the later of:
  - (i) December 21, 2014; or
  - (ii) the date the facility's registration is renewed.
- (G) Owners or operators of temporary concrete plants seeking registration and those already registered for this standard permit that qualify for relocation under subsection (8)(F) are exempt from public notice requirements in section (4) of this standard permit. Those facilities which are not required to comply with the public notification requirements of paragraph two should receive approval within 45 days after receipt of the registration request by the executive director.

- (H) During start Start of construction, the of any owner or operator of a plant facility registered under this standard permit shall comply with 30 TAC § 116.120(a)(1), Voiding of Permits, 116.115 (b)(2)(A) and commence construction within 18 months of written approval from the Executive Director TNRCC.
- (I) ~~Any concrete batch plant which has registered but not constructed or filed a registration request for a permit by rule filed under 30 TAC §§ 106.201, 106.202, or 106.203 (relating to Permanent and Temporary Concrete Batch Plants [Previously SE 71]; Temporary Concrete Batch Plants [Previously SE 93]; and Specialty Batch Plants [Previously SE 117]) prior to the effective date of this permit will be processed under those rules. Owners or operators (E) Applicants are not required to submit air dispersion modeling as a part of this any concrete batch plant standard permit registration application.~~
- (J) Owners or operators shall keep written records on site for a rolling 24-month period. Owners or operators shall make these records available at the request of TCEQ personnel or any air pollution control program having jurisdiction. (F) Records shall be maintained on-site for the following including, but not limited to:
- (i) 30 TAC § 101.201, Emissions Event Reporting and Recordkeeping Requirements;
  - (ii) 30 TAC § 101.211, Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements;
  - (iii) production rate rates for each hour and day of operation that demonstrates which demonstrate compliance with subsection (8)(A), (9)(A), or (10)(A) of this standard permit, as applicable; the most applicable of paragraphs (4)(A), (5)(B) and (C), or (6)(C) and (D); and
  - (iv) all repairs and maintenance of abatement systems; production and other records as required by 30 TAC §§ 101.6-101.7 and by (1)(F)(i) of this standard permit shall be kept for lesser of either the most recent rolling 24-month period or the duration of operation at a given site.
  - (v) Material Safety Data Sheets for all additives and other chemicals used at the site;
  - (vi) road cleaning, application of road dust control, or road maintenance for dust control;
  - (vii) stockpile dust suppression;
  - (viii) silo warning device or shut-off system tests;

- (ix) quarterly visible emissions observations and any corrective actions required to control excess visible emissions;
  - (x) demonstration of compliance with subsection (6)(B) of this standard permit; and
  - (xi) type of fuel used to power engines authorized by this standard permit.
- (K) Owners or operators will document and report abatement equipment failure or visible emissions deviations in excess of paragraph (5)(B)(iii) in accordance with 30 TAC Chapter 101, General Air Quality Rules as appropriate.

**(4) Public Notice**

The owner or operator shall follow the notice requirements in 30 TAC Chapter 39, Public Notice, unless a temporary concrete batch plant is exempted from public notice under 30 TAC § 116.178(b), Relocations and Changes of Location of Portable Facilities. Unless the facility is to be a temporary concrete plant, as defined in paragraph five of this permit, which is located in, or contiguous to, the right-of-way of a public works project, public notice must be conducted. Notification must follow the requirements in 30 TAC Chapter 39, Subchapters H & K. In addition, sign posting must be performed following the requirements of 30 TAC § 39.604. The signs shall be headed by the words “PROPOSED AIR QUALITY STANDARD PERMIT”.

**(5) General Requirements**

- (A) Owners or operators shall vent all ~~All~~ cement/flyash storage silos, and weigh hoppers, and auxiliary storage tanks shall be equipped with to a fabric/~~or~~ cartridge filter or vented to a central fabric/~~or~~ cartridge filter system except as allowed by subsection (10)(B).
- (B) Owners or operators shall maintain fabric or cartridge ~~Fabric~~ filters and collection systems by meeting all the following: shall meet all of the following:
  - (i) ~~operating them~~ any fabric or cartridge filter, any fabric or cartridge filter system, and any suction shroud shall be maintained and operated properly with no tears or leaks;
  - (ii) using all filter systems (including any central filter system) shall be designed to meet a minimum control efficiency of at least 99.5 percent at particle sizes of 2.5 microns and ~~smaller~~ larger at least 0.01 outlet grain loading (grains/dry standard cubic foot);
  - (iii) meeting all filter systems, mixer loading, and batch truck loading emissions control devices shall meet a performance standard of no visible emissions exceeding 30 seconds in any six-minute period as determined using United States ~~U.S.~~ Environmental Protection Agency (EPA) Test Method (TM) 22; and

- (iv) sufficiently illuminating silo filter exhaust systems when cement or fly ash silos are filled during non-daylight hours, the silo filter system exhaust shall be sufficiently illuminated to enable a determination of compliance with the visible emissions requirement in paragraph (5)(3)(B)(iii) of this standard permit.
- (C) Conveying systems for the transfer of ~~When transferring cement/flyash, owners or operators shall meet all of the following:~~
- (i) totally enclose conveying systems to and from the storage silos and auxiliary storage tanks, shall be totally enclosed, operated operate them properly, and maintain them maintained with no tears or leaks; and
  - (ii) these systems, except during cement/flyash tanker connect and disconnect, shall maintain the conveying system using meet a performance standard of no visible emissions exceeding 30 seconds in any six-minute period as determined using EPA TM 22, except during cement and flyash tanker connect and disconnect.
- (D) The owner or operator shall install an automatic shut-off or warning device on storage silos. A warning device shall be installed on each bulk storage silo. This device shall alert operators in sufficient time prior to the silo reaching capacity during loading operations, so that the loading operation can be stopped prior to filling to such a level as to potentially adversely impact the pollution abatement equipment. Any filling of the silo resulting in failure of the abatement system, or visible emissions in excess of paragraph (3)(B)(iii) of this standard permit, must be documented and reported following the requirements of 30 TAC § 101.6 or 30 TAC § 101.7, as appropriate.
- (i) An automatic shut-off device on the silo shall shut down the loading of the silo or auxiliary storage tank prior to reaching its capacity during loading operations, in order to avoid adversely impacting the pollution abatement equipment or other parts of the loading operation.
  - (ii) If a warning device is used, it shall alert operators in sufficient time to prevent an adverse impact on the pollution abatement equipment or other parts of the loading operation. Visible warning devices shall be kept free of particulate build-up at all times.
  - (iii) Silo and auxiliary tank warning devices or shut-off systems shall be tested at least once monthly during operations and records shall be kept indicating test and repair results according to subsection (3)(H) of this standard permit. Silo and auxiliary tank loading and unloading shall not be conducted with inoperative or faulty warning or shut-off devices.

- (E) Owners or operators shall control emissions from in-plant roads and traffic areas ~~Dust emissions from all in-plant roads and traffic areas associated with the operation of the concrete batch plant must be minimized at all times by at least one of the following methods:~~
- (i) watering them; or covered with a material such as, but not limited to, roofing shingles or tire chips (when used in combination with (ii) or (iii) of this subsection);
  - (ii) treating them ~~treated~~ with dust-suppressant chemicals as described in the application of aqueous detergents, surfactants, and other cleaning solutions in the de minimis list; or
  - (iii) watered; or covering them with a material such as, (but not limited to), roofing shingles or tire chips and used in combination with (i) or (ii) of this subsection; or
  - (iv) paving them ~~paved~~ with a cohesive hard surface that is maintained intact and cleaned.
- (F) Owners or operators shall use ~~All stockpiles shall be sprinkled with water, dust-suppressant chemicals, or cover stockpiles covered,~~ as necessary; to minimize dust emissions.
- (G) Owners or operators shall immediately clean up spilled materials. To minimize dust emissions, owners or operators shall contain, or dampen spilled materials. Spillage of materials used in the batch shall be immediately cleaned up and contained or dampened so that dust emissions are minimized.
- (H) There shall be no visible fugitive emissions leaving the property. Observations for visible emissions shall be performed and recorded quarterly. The visible emissions determination shall be made during normal plant operations. Observations shall be made on the downwind property line for a minimum of six minutes. If visible emissions are observed, an evaluation must be accomplished in accordance with U.S. Environmental Protection Agency (EPA) Title 40 Code of Federal Regulations Part 60 (40 CFR Part 60), Appendix A, TM 22, using the criteria that visible emissions shall not exceed a cumulative 30 seconds in duration in any six-minute period. If visible emissions exceed the Test Method 22 criteria, immediate action shall be taken to eliminate the excessive visible emissions. The corrective action shall be documented within 24 business hours of completion.
- (I) The owner or operator shall locate the concrete batch plant operating under this standard permit at least 550 feet from any crushing plant or hot mix asphalt plant. The owner or operator shall measure from the closest point on the concrete batch plant to the closest point on any other facility. If the owner or operator cannot meet this distance, then the owner or

operator shall not operate the concrete batch plant at the same time as the rock crusher, concrete crusher, or hot mix asphalt plant.

- (J) When operating multiple concrete batch plants on the same site, the owner or operator shall comply with the appropriate site production limits specified in sections (8), (9), or (10) of this standard permit. If engines are being used for electrical power or equipment operations, then the site is limited to a total of 1,000 hp in simultaneous operation. There are no restrictions to engine operations if the engines will be on site for less than 12 consecutive months.
- (K) Concrete additives shall not **emit** volatile organic compounds (VOCs).
- (L) Any claim under this standard permit shall comply with:
  - (i) 30 TAC § 116.604, Duration and Renewal of Registrations to Use Standard Permits;
  - (ii) 30 TAC § 116.605(d)(I), Standard Permit Amendment and Revocation;
  - (iii) 30 TAC § 116.614;
  - (iv) the public notice processes established in THSC, § 382.055, Review and Renewal of Preconstruction Permit;
  - (v) the public notice processes established in THSC, § 382.056;
  - (vi) the contested case hearing and public notice requirements established in 30 TAC § 55.152(a)(2), Public Comment Period; and
  - (vii) the contested case hearing and public notice requirements established in 30 TAC § 55.201(h)(i)(C), Requests for Reconsideration or Contested Case Hearing.

**(6) Engines**

- (A) This standard permit authorizes emissions from a stationary compression ignition internal combustion engine (or combination of engines) of no more than 1000 total horsepower.
- (B) Owners or operators of concrete batch plants that include a stationary compression ignition internal combustion engines shall comply with additional applicable engine requirements in 40 CFR 60 Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, 40 CFR 63, Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds, and any other applicable state or federal regulation.
- (C) Engine exhaust stacks shall be a minimum of eight feet tall.

- (D) Fuel for the engine shall be liquid fuel with a maximum sulfur content of no more than 0.0015 percent by weight and shall not consist of a blend containing waste oils or solvents.

**(7) Planned Maintenance, Startup, and Shutdown (MSS) Activities**

This standard permit authorizes operations including planned startup and shutdown emissions. Maintenance activities are not authorized by this standard permit and will need separate authorization, unless the activity can meet the conditions of 30 TAC § 116.119, De Minimis Facilities or Sources.

**(8) Additional Requirements for Temporary Concrete Plants**

- (A) The owner or operator shall limit site production to no more than 300 cubic yards in any one hour and no more than 6,000 cubic yards per day.
- (B) The owner or operator shall use a suction shroud or other pickup device at the batch drop point (drum feed for central mix plants) and vent it to a fabric or cartridge filter system operating with a minimum of 5,000 actual cubic feet per minute (acfm) of air.
- (C) For truck mix plants, the owner or operator shall shelter the drop point by an intact three-sided curtain, or equivalent dust control technology that extends below the mixer truck-receiving funnel.
- (D) The owner or operator shall maintain the following minimum plant buffer distances from any property line, except for temporary concrete plants approved to operate in the right of way of a public works project:
- (i) The suction shroud baghouse exhaust shall be at least 100 feet from any property line.
  - (ii) The owner or operator shall not locate or operate stationary equipment, stockpiles, or vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site) within 50 feet from any property line.
- (E) In lieu of meeting the buffer distance requirement for roads and stockpiles in subsection (8)(D) of this standard permit owners or operators shall:
- (i) construct dust suppressing fencing or other barriers as a border around roads, other traffic areas and work areas;
  - (ii) construct these borders to a height of at least 12 feet; and
  - (iii) contain stockpiles within a three-walled bunker that extends at least two feet above the top of the stockpile.
- (F) The appropriate TCEQ regional office may approve, without the need of public notice referenced in section (4) of this standard permit, the relocations of a temporary concrete batch plant that has previously been determined by the commission to be in compliance with the technical requirements of the concrete batch plant standard permit version adopted

at registration that provides the information listed under subsection (8)(G) and meets one of the following conditions:

- (i) A registered portable facility and associated equipment are moving to a site for support of a public works project in which the proposed site is located in or contiguous to the right-of-way of the public works project; or
  - (ii) A registered portable facility is moving to a site in which a portable facility has been located at the site at any time during the previous two years and the site was subject to public notice.
- (G) For relocations meeting subsection (8)(F) of this standard permit, the owner or operator must submit to the regional office and any local air pollution control agency having jurisdiction at least 12 business days prior to locating at the site:
- (i) The company name, address, company contact, and telephone number;
  - (ii) The regulated entity number (RN), customer reference number (CN), applicable permit or registration numbers, and if available, the TCEQ account number;
  - (iii) The location from which the facility is moving (current location);
  - (iv) A location description of the proposed site (city, county, and exact physical location description);
  - (v) A scaled plot plan that identifies the location of all equipment and stockpiles, and also indicates that the required distances to the property lines can be met;
  - (vi) A scaled area map that clearly indicates how the proposed site is contiguous or adjacent to the right-of-way of a public works project (if required);
  - (vii) The proposed date for start of construction and expected date for start of operation;
  - (viii) The expected time period at the proposed site;
  - (ix) The permit or registration number of the portable facility that was located at the proposed site any time during the last two years, and the date the facility was last located there. This information is not necessary if the relocation request is for a public works project that is contiguous or adjacent to the right-of-way of a public works project; and
  - (x) Proof that the proposed site had accomplished public notice, as required by 30 TAC Chapter 39. This proof is not necessary if the

relocation request is for a public works project that is contiguous or adjacent to the right-of-way of a public works project.

~~(4) Additional Requirements for Concrete Batch and Specialty Batch Concrete, Mortar, Grout Mixing, or Pre-cast Concrete Products Plants~~

- ~~(H) — (A) Site production shall not exceed 30 cubic yards per hour.~~
- ~~(I) — (B) As an alternative to the requirement in paragraph (3)(A) of this section, the cement/flyash weigh hopper may be vented inside the batch mixer.~~
- ~~(J) — (C) Dust emissions at the batch mixer feed shall be controlled by one of the following:
  - ~~(i) — a spray device which eliminates visible emissions;~~
  - ~~(ii) — a pickup device delivering air to a fabric or cartridge filter;~~
  - ~~(iii) — an enclosed batch mixer feed such that no visible emissions occur;  
or~~
  - ~~(iv) — conducting the entire mixing operation inside the enclosed process building such that no visible emissions from the building occur during mixing activities.~~~~
- ~~(K) — (D) Except for incidental traffic, vehicles used for the operation of the concrete batch plant may not be operated within 25 feet of any property line, except for entrance and exit to the site. In lieu of meeting this distance requirement, roads and other traffic areas must be bordered by dust preventive fencing or other barrier along all traffic routes or work areas within the 25-foot specified buffer area. These borders shall be constructed to a height of at least 12 feet.~~

~~(5) Additional Requirements for Temporary Concrete Plants~~

~~For the purposes of this section, a temporary concrete plant is one that occupies a designated site for not more than 180 consecutive days or supplies concrete for a single project (single contract or same contractor for related project segments), but not other unrelated projects.~~

- ~~(L) — (A) Site production shall be limited to no more than 300 cubic yards per hour.~~
- ~~(M) — (B) Dust control at the truck drop or mixing point shall comply with one of the following:
  - ~~(i) — Facilities which occupy a site for less than 180 consecutive days and have production rates less than 200 cy/hr may load rotary mix trucks through a discharge spout equipped with a water fog ring having low velocity fog nozzles spaced to create a continuous fog curtain that minimizes dust emissions. If a water fog ring is used at the truck drop point, the visible emissions limitations (and~~~~

~~associated compliance determination methods) of subsection (3)(B)(3) and (4) must be met.~~

~~(ii) All other facilities must use a suction shroud and fabric filter /cartridge filter system. The suction shroud or other pickup device shall be installed at the batch drop point (drum feed for central mix plants) and vented to a fabric or cartridge filter system with a minimum of 4,000 actual cubic feet per minute of air and must meet subsection (3)(B).~~

~~(N) (C) All of the following applicable distance limitations must be met. For concrete batch plants which supply concrete for a single public works project, the "property line" measurements for purposes of compliance with this standard permit and 30 TAC § 111.155 shall be made to the outer boundaries of the designated public property, roadway project and associated rights-of-way.~~

~~(i) The suction shroud baghouse exhaust or truck drop point shall be located at least 100 feet from any property line.~~

~~(ii) For those facilities with a water fog ring, the truck drop point shall be a minimum of 300 feet from the nearest non-industrial receptor.~~

~~(iii) Stationary equipment, stockpiles, or vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site) may not be located or operated, respectively, within the following specified distances from any property line:~~

~~(iv) or those facilities with production rates less than or equal to 200 cubic yards per hour, at least 25 feet; and~~

~~(v) for those facilities with production rates more than 200 and less than or equal to 300 cubic yards per hour, at least 50 feet.~~

~~(O) (D) In lieu of meeting the distance requirements for roads and stockpiles of (5)(C)(iii), the following may be followed:~~

~~(i) roads and other traffic areas within the buffer distance must be bordered by dust suppressing fencing or other barrier along all traffic routes or work areas. These borders shall be constructed to a height of at least twelve (12) feet; and~~

~~(ii) stockpiles within this buffer distance must be contained within a three-walled bunker which extends at least two (2) feet above the top of the stockpile.~~

~~(P) (E) The owner or operator of a temporary concrete plant that has previously been determined by the commission to be in compliance with the technical requirements of the standard permit in effect at the time of registration, which supplies concrete to a public works project~~

and is located in or contiguous to the right of way of that public works project may, in lieu of the registration requirement in subsection (1)(A) of this standard permit, register by notifying the appropriate TCEQ regional office and any local air pollution control agency having jurisdiction in writing at least 30 calendar days prior to locating at the site. The notification shall include the owner and, if applicable, the operator's name, address, and phone number as well as the physical description of the site, scaled plot plan of site with location of equipment authorized by this standard permit, concrete plant serial number, account number or regulated entity number, expected hours of operation, expected date of arrival on site and expected date to vacate the site, a completed Table 20, and a Concrete Batch Plant Standard Permit Checklist. Temporary concrete plants that do not supply concrete to a public works project must apply for a new registration under subsection (1)(A) of this standard permit in order to relocate at a new site.

**(9) Additional Requirements for Permanent ~~Other~~ Concrete Plants**

- (A) The owner or operator shall limit site production to no more than 300 cubic yards in any one hour and no more than 6,000 cubic yards per day.
- (B) The owner or operator shall install a A suction shroud or other pickup device shall be installed at the batch drop point (drum feed for central mix plants) and vent it vented to a fabric/\_or cartridge filter system with a minimum of 5,000 acfm. 4,000 actual cubic feet per minute of air.
- (C) For truck mix plants, the owner or operator shall shelter the drop point by an intact three-sided curtain, or equivalent dust control technology that extends below the mixer truck-receiving funnel. All entry and exit roads and main traffic routes associated with the operation of the concrete batch plant (including batch truck and material delivery truck roads) shall be paved with a cohesive hard surface that can be maintained intact and shall be cleaned. All batch trucks and material delivery trucks shall remain on paved surface when entering, conducting primary function, and leaving the property. Other traffic areas must comply with the control requirements of paragraph (3)(E).
- (D) The owner or operator shall maintain the following minimum plant buffer distances from any property line distance limitations must be met:
  - (i) The suction shroud baghouse exhaust shall be at least 100 feet from any property line;
  - (ii) The owner or operator shall not locate or operate stationary equipment, stockpiles, or vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site) may not be located or operated, respectively,

within the following specified distances 50 feet from any property line:

- (a) ~~for those facilities with production rates less than or equal to 200 cubic yards per hour, at least 25 feet; and~~
- (b) ~~for those facilities with production rates more than 200 and less than or equal to 300 cubic yards per hour, at least 50 feet.~~

(E) In lieu of meeting the buffer distance requirements for roads and stockpiles of paragraph (9)(D)(5)(C)(ii) of this standard permit, the owner or operator shall, the following may be followed:

- (i) construct dust suppressing fencing or other barriers as a border around roads, and other traffic areas, within the buffer distance must be bordered by dust suppressing fencing or other barrier along all traffic routes or and work areas;
- (ii) construct these These borders shall be constructed to a height of at least 12 feet; and
- (iii) contain stockpiles within this buffer distance must be contained within a three-walled bunker that which extends at least two feet above the top of the stockpile.

(F) The owner or operator shall pave all entry and exit roads and main traffic routes associated with the operation of the concrete batch plant (including batch truck and material delivery truck roads) with a cohesive hard surface that can be maintained intact and shall be cleaned. All batch trucks and material delivery trucks shall remain on the paved surface when entering, conducting primary function, and leaving the property. The owner or operator shall maintain other traffic areas using the control requirements of subsection (5)(E) of this standard permit.

**(10) Additional Requirements for Specialty Concrete Batch Plants**

- (A) The owner or operator shall limit site production to no more than 30 cubic yards per hour.
- (B) As an alternative to the requirement in subsection (5)(A) of this standard permit, the owner or operator may vent the cement/fly ash weigh hopper inside the batch mixer.
- (C) The owner or operator shall control dust emissions at the batch mixer feed so that no outdoor visible emissions occur by one of the following:
  - (i) using a suction shroud or other pickup device delivering air to a fabric or cartridge filter;
  - (ii) using an enclosed batch mixer feed; or

- (iii) conducting the entire mixing operation inside an enclosed process building.
- (D) The owner or operator shall not operate vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site) within a minimum buffer distance of 25 feet from any property line.
- (E) In lieu of meeting the buffer distance requirement for roads and other traffic areas in subsection (10)(D) of this standard permit, owners or operators shall:
  - (i) construct dust suppressing fencing or other barriers as a border around roads, other traffic areas, and work areas; and
  - (ii) construct these barriers borders to a height of at least 12 feet.

# Texas Commission on Environmental Quality



## **ORDER ISSUING AMENDMENTS TO AIR QUALITY STANDARD PERMIT**

**Docket No. 2012-1544-MIS**

On December 5, 2012, the Texas Commission on Environmental Quality (Commission) adopted amendments to the Air Quality Standard Permit for concrete batch plants.

Notice of the comment period and an announcement of the public meeting on proposed amendments to the standard permit were published in newspapers of general circulation in the Austin, Dallas and Houston, Texas metropolitan areas on August 27, 2012, and in the *Texas Register* (37 TexReg 6960-6962) on August 31, 2012.

The Commission finds that the Permit Amendments are enforceable, and the Commission can adequately monitor compliance with the terms of the Permit Amendments, and that changes within any facility that will be authorized by the Permit Amendments will not make a significant contribution of air contaminants to the atmosphere.

IT IS THEREFORE ORDERED BY THE COMMISSION that the amendments to the Air Quality Standard Permit for concrete batch plants are hereby adopted. The Commission further authorizes staff to make any non-substantive revisions to the rules necessary to comply with *Texas Register* requirements. The issued Air Quality Standard Permit for concrete batch plants together with introductory language, statutory authority and response to comments are incorporated by reference in this Order as if set forth at length verbatim in this Order.

This Order constitutes the Order of the Commission required by the Administrative Procedure Act, Government Code, § 2001.033.

If any portion of this Order is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.

Issued date:

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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Bryan W. Shaw, Ph.D., Chairman

Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (817) 588-5886, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding H & K BEVERAGE CORP. dba Kwik Stop Beer & Wine C, Docket No. 2011-2207-PST-E on August 9, 2012 assessing \$20,105 in administrative penalties with \$4,021 deferred.

Information concerning any aspect of this order may be obtained by contacting Jorge Ibarra, P.E., Enforcement Coordinator at (817) 588-5890, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Royse City, Docket No. 2011-2273-MWD-E on August 9, 2012 assessing \$6,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Steve Villatoro, Enforcement Coordinator at (512) 239-4930, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding BASF Corporation, Docket No. 2011-2315-AIR-E on August 9, 2012 assessing \$8,325 in administrative penalties with \$1,665 deferred.

Information concerning any aspect of this order may be obtained by contacting John Muennink, Enforcement Coordinator at (713) 422-8970, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding F.T. WOODS CONSTRUCTION SERVICES, INC., Docket No. 2011-2354-PST-E on August 9, 2012 assessing \$8,895 in administrative penalties with \$1,779 deferred.

Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (817) 588-5886, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Occidental Chemical Corporation, Docket No. 2011-2362-AIR-E on August 9, 2012 assessing \$10,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Rebecca Johnson, Enforcement Coordinator at (361) 825-3423, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding WESTOVER AND WESTOVER GROUP, LLC dba Conoco Express, Docket No. 2012-0119-PST-E on August 9, 2012 assessing \$15,971 in administrative penalties with \$3,194 deferred.

Information concerning any aspect of this order may be obtained by contacting Keith Frank, Enforcement Coordinator at (512) 239-1203, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Mostafa A. Soliman dba Willowbrook Subdivision, Docket No. 2012-0267-PWS-E on August 9, 2012 assessing \$293 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jeffrey Huhn, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Magellan Pipeline Terminals, L.P., Docket No. 2012-0632-AIR-E on August 9, 2012 assessing \$112,750 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Anna M. Treadwell, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An order was entered regarding City of Hawk Cove, Docket No. 2009-2074-MWD-E on August 7, 2012 assessing \$9,225 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Tammy L. Mitchell, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding SM & LEE, INC. dba On A Run Food Store, Docket No. 2011-1076-PST-E on August 7, 2012 assessing \$2,629 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Steven M. Fishburn, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-201204453  
Bridget C. Bohac  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: August 22, 2012

**Notice of Comment Period and Announcement of Public Meeting on Proposed Amendments to the Air Quality Standard Permit for Concrete Batch Plants**

The Texas Commission on Environmental Quality (TCEQ or commission) is providing an opportunity for public comment and will conduct a public meeting to receive comments regarding proposed amendments to the concrete batch plant standard air permit, under the requirements of the Texas Health and Safety Code, §382.05195, Standard Permit, and 30 Texas Administrative Code Chapter 116, Subchapter F, Standard Permits.

**Proposed Standard Permit Amendment**

TCEQ originally issued the concrete batch plant standard permit in 2000 and amended it in 2003. The proposed amendments will account for the 2006 AP-42 emission factors, address 24-hour particulate matter less than or equal to ten microns in diameter ( $PM_{10}$ ), annual  $PM_{2.5}$ , and will include engine requirements as promulgated by the United States Environmental Protection Agency.

The proposed amendments to the standard permit will be effective for standard permits issued after December 21, 2012. Those plants still permitted using a concrete batch plant permit by rule (PBR) will not need to register for a standard permit until there is a change in the facility that makes it unable to meet the requirements of the PBR. In this case, the facility would need to apply for a different method of authorization.

The New Source Review Program, under Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, requires any person who plans to construct any new facility or to engage in the modification of any existing facility which may emit air contaminants into the air of the state to obtain a permit in accordance with §116.111, General Application, satisfy the *de minimis* criteria of §116.119, De

Minimis Facilities or Sources, or satisfy the conditions of a standard permit or a PBR before any actual work is begun on the facility. A standard permit authorizes the construction of new facilities or modification of existing facilities that are similar in terms of operations, processes, and emissions.

A standard permit is subject to the procedural requirements of §116.603, Public Participation in Issuance of Standard Permits, which includes a 30-day public comment period and a public meeting to provide an additional opportunity for public comment. Any person is entitled to submit written or verbal comments regarding the proposed amendments to the standard permit.

#### Public Meeting

The commission will hold a public meeting on this proposal in Austin on October 3, 2012, at 10:00 a.m., in Building E, Room 201E, located at 12100 Park 35 Circle. TCEQ will structure the meeting for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion with the audience will not occur during the meeting; however, TCEQ staff members will be available to discuss the proposal 30 minutes prior to the meeting and staff will answer questions after the meeting.

Persons who have special communication or other accommodation needs who are planning to attend the meeting should contact Sandy Wong, Office of Legal Services, at (512) 239-1802. Make requests as far in advance as possible.

Obtain copies of the proposed amendments at [http://www.tceq.texas.gov/permitting/air/nav/nsr\\_news.html](http://www.tceq.texas.gov/permitting/air/nav/nsr_news.html) or by contacting TCEQ, Office of Air, Air Permits Division at (512) 239-1638. Mail comments to Ms. Becky Southard, TCEQ, Office of Air, Air Permits Division, MC 163, P.O. Box 13087, Austin, Texas 78711-3087 or fax them to (512) 239-1070. Submit electronic comments at <http://www5.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments submitted using the eComments system. All comments should reference Project Number 2012-017-OTH-NR. The comment period closes on October 5, 2012. For further information, please contact Ms. Becky Southard at (512) 239-1638.

Si desea información en español, puede llamar al (800) 687-4040.

TRD-201204383

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: August 20, 2012



#### Notice of Minor Amendment

Radioactive Material License Number R04100

APPLICATION. Waste Control Specialists LLC (WCS) applied to the Texas Commission on Environmental Quality (TCEQ) for various amendments to Radioactive Material License R04100 on January 25, 2011, August 2, 2011, and January 4, 2012, submittal which was revised and resubmitted on July 20, 2012, and two submissions on April 30, 2012. Radioactive Material License R04100 authorizes commercial disposal of low-level radioactive waste. WCS currently conducts a variety of waste management services at its site in Andrews County, Texas and is the licensed operator of the Compact Waste Disposal Facility (CWF) and Federal Facility Waste Facility (FWF) for commercial and federal low-level radioactive waste disposal. The land disposal facility for low-level radioactive waste disposal is located at 9998 State Highway 176 West in Andrews County,

Texas. The following link to an electronic map of the facility's general location is provided as a public courtesy and is not part of the application or notice: <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=32.4425&ing=-103.063055&zoom=13&type=>. For an exact location, refer to the application. The Executive Director has determined that the amendment requests constitute a minor amendment. The amendments to the license are as follows. License Condition 27 is amended to specify maintenance requirements for access roads. License Condition 97 is amended to authorize receipt of waste by rail. License Condition 143, Table 2 is amended to authorize disposal of both utility and non-utility decommissioning waste streams. License Condition 144 is amended to authorize the use of wastewater treatment plants at both the CWF and FWF for collected contact water. License Condition 186 is amended to reflect the previously noted submittals, including the August 2, 2011, and April 30, 2012 requests for design changes to the FWF which did not necessitate amendment to other license conditions. The TCEQ Executive Director has completed the technical review of the amendment application and supporting documents and has prepared a draft license. The draft license, if approved, would refine and add detail to the conditions under which the land disposal facility must operate with regard to existing authorized receipt of wastes and does not change the concentration limits of wastes to be received. The Executive Director has made a preliminary decision that this license, if issued, meets all statutory and regulatory requirements. The license amendment application with supporting documents, the Executive Director's technical summary, and the amended draft license are available for viewing and copying at the TCEQ's central office in Austin, Texas and at the Andrews Public Library in Andrews, Texas.

**PUBLIC COMMENT/PUBLIC MEETING.** The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. The TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the applications or if requested by a local legislator. A public meeting is not a contested case hearing. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments.

**EXECUTIVE DIRECTOR ACTION.** The application is subject to Commission rules which direct the Executive Director to act on behalf of the Commission and provide authority to the Executive Director to issue final approval of the application for amendment after consideration of all timely comments submitted on the application.

**MAILING LIST.** If you submit public comments or a request for reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and license or permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below. All written public comments and requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at [www.tceq.texas.gov/about/comments.html](http://www.tceq.texas.gov/about/comments.html) within 10 days from the date of this notice or 10 days from the date of publication in the *Texas Register*, whichever is later.

**AGENCY CONTACTS AND INFORMATION.** If you need more information about this license application or the licensing process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040. Si desea información en español, puede llamar al 1-800-687-4040. General information about the TCEQ can be found at our web site at [www.TCEQ.texas.gov](http://www.TCEQ.texas.gov). Further information may also be obtained