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VULCAN CONSTRUCTION
MATERIALS, LP
BEXAR COUNTY, TEXAS
PROPOSED PERMIT NO. 337M

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BEFORE THE TEXAS
COMMISSION ON ENVIRONMENTAL
QUALITY
CHIEF CLERKS OFFICE

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUEST

I. Application Request and Background Information

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) files this response to the requests for a contested case hearing submitted by William Mack Rigby and M. B. Farias on behalf of Concerned Citizens of Helotes, Texas. The Texas Health and Safety Code (THSC) § 382.056(n) requires the commission to consider hearing requests in accordance with the procedures provided in Tex. Water Code § 5.556. This statute is implemented through the rules found in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F. A copy of the draft permit, special conditions, technical review summary, compliance history report, map, and the ED's Response to Public Comment have been attached to this response and labeled Exhibits A through F respectively. They have also been provided to all persons on the attached mailing list.

On August 18, 2005, Vulcan Construction Materials, L.P., (Applicant), filed an application to renew Air Quality Permit Number 337M to authorize continued operation of a hot mix asphalt plant located at 12354 FM 1560 North, in Helotes, Bexar County, Texas. The application was determined to be administratively complete on August 25, 2005. The Applicant published the Notice of Receipt of Application and Intent to Obtain Air Permit Renewal on September 15, 2005 in the *San Antonio, Express News*. The alternative language (Spanish) NORI was published September 15, 2005, in *La Conexion*. The TCEQ received timely hearing requests from William Mack Rigby and M. B. Farias on behalf of Concerned Citizens of Helotes, Texas.

The facility is authorized to operate for 2,600 hours per year. Hourly production is limited to 400 tons, for both standard hot mix and hot mix with crumb rubber. Annual Production is limited to 500,000 tons per year (TPY) for standard hot mix, and 40,000 TPY for hot mix with crumb rubber. Air contaminants authorized under this permit consist of particulate matter, including particulate matter less than 10 microns in diameter, organic compounds, nitrogen oxides, sulfur dioxide and carbon monoxide.

II. Analysis

This renewal would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted. The THSC § 382.056(g) states "The commission may not seek further comment or hold a public hearing...in response to a request for a public hearing on an amendment, modification, or renewal that would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted."¹ The Applicant is seeking a renewal that would not result in an increase in allowable emissions and will not result in an emission of an air contaminant not previously emitted.²

However, the THSC § 382.056(o) states that "notwithstanding other provisions of this chapter, the commission may hold a hearing on a permit amendment, modification, or renewal if the commission determines that the application involves a facility for which the applicant's compliance history is in the lowest classification under Sections 5.753 and 5.754, Water Code, and rules adopted and procedures developed under those sections."³ The commission adopted 30 TAC Chapter 60 to evaluate compliance history. The

¹ See also rule 30 TAC § 55.201(i)(3)(C) (Renewals of air applications that "would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted" are applications for which there is no right to a contested case hearing).

² As allowed by rule, a previously authorized Permit by Rule and other authorizations have been rolled into this permit during this renewal process.

³ See also 30 TAC § 55.201(i)(3)(C) (stating the commission may hold a hearing if the application "involves a facility for which the applicant's compliance history contains violations which are unresolved and which constitute a recurring pattern of egregious conduct which demonstrates a consistent disregard for the regulatory process, including the failure to make a timely and substantial attempt to correct the violations").

lowest classification under the Texas Water Code §§ 5.753 and 5.754 and 30 TAC § 60.2 is a "poor performer." Under 30 TAC § 60.3(a)(3)(B), the TCEQ may hold a hearing on an air permit amendment if the site is classified as a poor performer. The compliance history for the company and the site is reviewed for the five-year period prior to the date the permit application was received by the Executive Director. The company and this site have been classified as "AVERAGE" and "AVERAGE BY DEFAULT" and not "POOR" performers according to 30 TAC § 60. Therefore, a hearing should not be granted under § 382.056(o) based on the compliance history of the applicant.

III. Conclusion

The renewal of this permit would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted. Under these circumstances, THSC § 382.056(g) directs the commission to "not seek further comment or hold a public hearing." Because consideration of hearing requests on a "no increase" renewal application is governed by THSC § 382.056(g) and (o), this response does not include an analysis of the individual hearing requests. Accordingly, the ED respectfully recommends that the commission deny the hearing requests as a matter of law and approve the renewal of Vulcan Construction Materials, L.P.'s permit no. 337M.

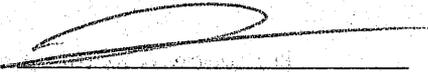
Respectfully submitted,

Texas Commission on
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DOCKET NO. 2006-2168-AIR; PERMIT NO. 337M

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INTERESTED PERSONS:

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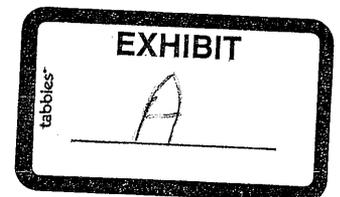
EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

Permit No. 337M

This table lists the maximum allowable emission rates and all sources of air contaminants on the applicant's property covered by this permit. The emission rates shown are those derived from information submitted as part of the application for permit and are the maximum rates allowed for these facilities. Any proposed increase in emission rates may require an application for a modification of the facilities covered by this permit.

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates *	
			lb/hr	TPY
EPN 10	Baghouse Stack	PM	13.20	8.91
		PM ₁₀	9.20	6.21
		VOC(a)	12.80	8.00
		VOC(b)	90.40	4.52
		NO _x	22.00	14.85
		SO ₂	23.20	15.66
		CO	52.00	35.10
EPN 18	Hot Oil Heater	PM ₁₀	0.05	0.21
		VOC(a)	<0.01	0.02
		NO _x	0.30	1.30
		SO ₂	0.67	2.92
		CO	0.02	0.08
EPN's 1-9 & 11-15	Material Handling (4)	PM	1.55	1.02
		PM ₁₀	0.73	0.48
STK	Stockpile Fugitives (4)	PM	---	2.53
		PM ₁₀	---	1.20
EPN 19A	Horizontal AC Tank (4)	VOC	<0.01	0.01
EPN 19B	Horizontal AC Tank (4)	VOC	<0.01	0.01
EPN 19 C	Vertical Fixed Roof AC Storage Tank (4)	VOC	<0.01	0.01
EPN 20 A	Fuel Tank (4)	VOC	<0.01	0.01
EPN 20 B	Fuel Tank (4)	VOC	<0.01	0.01
EPN 21	Diesel Tank (4)	VOC	<0.01	0.01
EPN 22	Antistrip Tank (4)	VOC	0.01	0.06



EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

EPN 16	Silo Filling	PM	0.49	0.17
		VOC	17.10	3.90
		CO	1.66	0.38
EPN 17	Truck Loadout	PM	0.55	0.16
		VOC	5.49	1.25
		CO	1.89	0.43
EPN 23	Fines Storage Silo Baghouse	PM ₁₀	0.05	0.02

- (1) Emission point identification - either specific equipment designation or emission point number from plot plan.
- (2) Specific point source name. For fugitive sources use area name or fugitive source name.
- (3)
 - PM - particulate matter (including PM₁₀)
 - PM₁₀ - particulate matter less than 10 microns
 - VOC - volatile organic compounds
 - VOC(a) - mainly asphalt vapors
 - VOC(b) - additional VOC due to the use of crumb rubber
 - NO_x - total oxides of nitrogen
 - SO₂ - sulfur dioxide
 - CO - carbon monoxide
- (4) Fugitive emissions are an estimate only and should not be considered as a maximum allowable emission rate.

* Emission rates are based on and the facilities are limited by the following maximum operating schedule and production rates:

24 Hrs/day 7 Days/week 52 Weeks/year Total: 2,600 Hrs/year

Standard Hot Mix: Tons/hour 400 Tons/year 500,000

Hot Mix w/Crumb Rubber option: Tons/hour 400 Tons/year 40,000

Total Hot Mix Production: Tons/year 540,000 from any combination of the above but not to exceed above limits

Dated_

SPECIAL CONDITIONS

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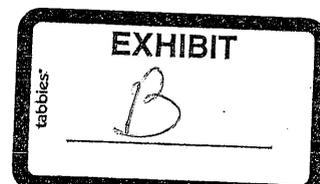
EMISSION STANDARDS AND FUEL SPECIFICATIONS

1. These facilities shall comply with all requirements of Environmental Protection Agency (EPA) Regulations on Standards of Performance for New Stationary Sources promulgated for Asphalt Concrete Plants in Title 40 Code of Federal Regulations Part 60 (40 CFR 60), Subparts A and I.
2. Total emissions from these facilities shall not exceed the values stated on the attached table entitled "Emission Sources - Maximum Allowable Emission Rates."
3. Fuel for the dryer shall be either pipeline sweet natural gas containing no more than 5 grains total sulfur and 0.25 grains hydrogen sulfide per 100 dscf, liquid petroleum gas, diesel fuel, first-run No. 2 fuel oil, first-run No. 4 fuel oil, or reclaimed industrial oil with a maximum sulfur content of 0.6 percent by weight. Reclaimed industrial oil shall meet all requirements specified in 40 CFR Part 279, Standards for the Management of Used Oil, and not contain more than the indicated amounts of the substances listed below in parts per million by weight (ppm):

<u>Substance</u>	<u>Concentration (ppm)</u>	<u>Substance</u>	<u>Concentration (ppm)</u>
Antimony	180	Selenium	75
Arsenic	3	Thallium	37
Beryllium	1	Vanadium	18
Cadmium	2	Lead	100
Chromium	9	Nickel	5
Mercury	37	Total Halogens	1,000

Upon request by the Executive Director of the TCEQ, and to demonstrate compliance with Federal Resource Recovery and Conservation Act (RCRA) Standards, documentation from an approved independent testing laboratory must be provided showing that constituents of the oil do not exceed the amounts tabulated above. Use of any other fuel will require prior written approval of the Executive Director of the TCEQ.

Whenever recycled rubber is used as an additive in the production of asphalt concrete, the fuel shall be limited to only natural gas or first-run No. 2 fuel oil.



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4. Upon request by the Executive Director of the TCEQ or any local air pollution control program having jurisdiction, the holder of this permit shall provide a sample and/or an analysis of the fuel(s) utilized in these facilities or shall allow air pollution control program representatives to obtain a sample for analysis.

OPACITY/VISIBLE EMISSION LIMITATIONS

5. No visible emissions shall leave the plant property. If this condition is violated, further controls shall be installed and/or implemented as required to limit visible emissions.
6. A fabric filter baghouse with a filterable outlet grain loading of 0.04 gr/dscf, properly installed and in good working order, shall control particulate matter (PM) emissions from the drum/dryer stack. According to EPA Test Method 9 or equivalent, opacity of emissions from the drum dryer fabric filter baghouse stack shall not exceed 5 percent averaged over a six-minute period, except for those times described in EPA document 40 CFR Part 60, Subpart A, Section 60.11 (c). If 5 percent opacity is exceeded, sampling may be required.
7. A fabric filter baghouse with a filterable outlet grain loading of 0.01 gr/dscf, properly installed and in good working order, shall control particulate matter (PM) emissions from the fines storage silo (EPN 23). Except for those periods described in EPA document 40 CFR 60, SubPart A, Section 60.11(c), opacity from the silo stack shall not exceed 5 percent averaged over a six-minute period. (10/06)

OPERATIONAL LIMITATIONS AND WORK PRACTICES

8. This plant is limited to maximum production rates of 400 tons per hour, 40,000 tons per year of hot mix with crumb rubber, and 500,000 tons per year of Standard Hot Mix Asphalt. Total annual production rates may not exceed 540,000 tons per year for both mix types. (10/06)
9. If the TCEQ regional office or local air pollution control program confirms a condition of air pollution due to the operation of this facility at times other than one hour before sunrise to one hour after sunset, the operating hours may be restricted by the TCEQ.
10. The maximum mix temperature of the asphalt concrete shall not exceed 325°F. When using performance grade binders the maximum mix temperature shall not exceed 375°F. (10/06)

A visibility problem or an odor nuisance condition, as confirmed by the TCEQ or

SPECIAL CONDITIONS

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any local air pollution control program with jurisdiction, created by exceeding the maximum temperature, shall be cause for additional controls and/or lowering of the asphalt concrete mixture temperature. If the nuisance condition persists, subsequent stack sampling may also be required.

Performance grade binders are authorized for use at this plant. The opacity and nuisance limitations are still in effect for this higher temperature.

11. The facility covered by this permit shall not be operated unless all associated air pollution abatement equipment is in good working order and in use during normal facility operations. All capture and collection systems shall be effective in controlling emissions produced by the facility's equipment.

Cleaning and maintenance of the abatement equipment shall be performed as recommended by the manufacturer. The capture and collection systems shall be maintained free of holes, cracks, and other conditions which would reduce the collection efficiency of the control system.

12. Plant roads shall be paved and cleaned as necessary to achieve maximum control of dust emissions.
13. Aggregate stockpiles shall be sprinkled with water and/or chemicals as necessary to achieve maximum control of dust emissions.
14. There shall be no excessive fugitive emissions from the rotary dryer or aggregate bins.
15. All material spills shall be cleaned up immediately. Cleanup of these spills shall be accomplished with no visible emissions.
16. Aggregate material shall be sprinkled with water as necessary to minimize dust emissions in all material transfers. (10/06)
17. Asphalt additives represented and approved for use at this facility are:

Liquid Amine Anti-Strip Agents
Styrene-Butadiene-Styrene (SBS)
Styrene-Butadiene Rubberized Latex (SBR)
Recycled Rubber
Low Density Poly Fiber
Gilsonite

Asphalt additives which have not been represented in the permit application shall not be used without prior written approval from the Executive Director of the TCEQ.

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If the use of any additive, including recycled rubber, results in an emission rate of any compound which results in predicted off-property impacts exceeding health effects screening levels, that additive will no longer be authorized for use by this facility. Off-property impacts shall be determined through models which are consistent with TCEQ guidelines or by measured ground level concentrations.

18. The use of liquid amine anti-strip material shall be limited to a maximum concentration of 1 percent anti-strip agent (by weight) of liquid asphalt. If the use of the liquid amine anti-strip material creates an odor nuisance condition as confirmed by the TCEQ, then additional controls or substitution of alternate anti-strip materials (a low and/or no-odor anti-strip agent) is required.
19. The use of liquid latex additives shall be limited to a maximum concentration of 10.0 percent latex (by weight) of liquid asphalt.
20. The use of recycled rubber additive shall be limited to a maximum concentration of 18 percent (by weight) of liquid asphalt. The production of recycled rubber modified mixes is restricted to no more than 400 tons per hour and 40,000 tons per year.
21. The feed material to the mixer shall consist of not more than 50 percent recycled asphalt products (RAP). The RAP shall be added at a sufficient distance downstream from the combustion zone to prevent hot gas scorching. In addition, the RAP shall be shielded from the flame by a material dam or recycle collar.

INITIAL DETERMINATION OF COMPLIANCE

22. Stack sampling for particulate matter (PM) emissions shall occur after initial start-up of the plant to comply with NSPS Subpart A and I requirements. Additional time to comply with the applicable requirements of 40 CFR Part 60 requires EPA approval, and requests shall be submitted to the TCEQ Compliance Support Division.
23. Initial stack sampling analysis for PM will not be required of the holder of this permit provided that all of the following conditions are met:
 - A. Adequate documentation, including copies of past test results, demonstrates to the satisfaction of the Executive Director that the model of the hot mix plant being constructed has been tested and shown to meet the 0.04 gr/dscf allowable.

Consideration must be given to establishing similar operating conditions between the permitted facility and the plant tested.

- B. The permitted facility's visible emissions are equal to or less than 5 percent opacity.

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- C. The permitted plant's maximum mix temperature is not exceeded.
24. Prior to commencing operations, the holder of this permit shall submit to the TCEQ Executive Director, or his representative, a certification documenting that the facilities or facility changes authorized by the permit have been completed as represented in the permit application.
25. The holder of this permit shall submit to the TCEQ Executive Director and the TCEQ Regional Manager documentation certifying that the facility complies with all the terms of the permit file and that operation of the facility is in compliance with all conditions of this permit, the Texas Clean Air Act, and the rules of the TCEQ. This certification shall consist of a statement explaining how each condition requirement is being satisfied, a sample of each record sheet required to be maintained by any condition, and a listing of all testing required with test dates. This documentation shall be submitted with any report of testing or monitoring results required by this permit or within 60 days of issuance of revised conditions.

CONTINUOUS DETERMINATION OF COMPLIANCE

26. Upon being informed by the Executive Director that the staff has documented visible emissions from these facilities exceeding five percent opacity, when adjusted for uncombined water vapor, averaged over six-consecutive minutes, the holder of this permit shall conduct stack sampling analyses or other tests to prove satisfactory equipment performance and demonstrate compliance with the 0.04 gr/dscf allowable. Sampling must be conducted in accordance with appropriate procedures of the TCEQ Sampling Procedures Manual or in accordance with applicable EPA Code of Federal Regulations procedures. Any deviations from those procedures must be approved by the Executive Director prior to sampling.
27. If emissions testing is required, the holder of this permit shall perform stack sampling analysis for PM and total VOC and other testing as required to establish the actual pattern and quantities of air contaminants being emitted into the atmosphere from the drum mixer stack.

SAMPLING REQUIREMENTS

28. Sampling ports and platform(s) shall be installed on the exhaust stack according to the specifications set forth in the attachment entitled "Chapter 2, Stack Sampling Facilities" prior to stack sampling. Alternate sampling facility designs may be submitted for approval by the Executive Director of the TCEQ.
29. The holder of this permit is responsible for providing sampling and testing facilities and conducting the sampling and testing operations at his expense.

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The holder of this permit shall forward to the staff of the TCEQ more detailed engineering data on the equipment used in recycled rubber processing as it becomes available. This information must be submitted prior to or during the pretest meeting with the regional office.

30. A pretest meeting concerning the required monitoring shall be held with personnel from the TCEQ before the required tests are performed. Air contaminants to be tested for and the test methods to be used shall be determined at this pretest meeting.

A. Sampling shall occur within 60 days of being informed that testing is required.

B. The TCEQ regional office shall be notified not less than 45 days prior to sampling to schedule a pretest meeting. The notice to the regional office shall include:

- (1) Date for pretest meeting.
- (2) Date sampling will occur.
- (3) Name of firm conducting sampling.
- (4) Type of sampling equipment to be used.
- (5) Method or procedure to be used in sampling.

The purpose of the pretest meeting is to review the necessary sampling and testing procedures, to provide the proper data forms for recording pertinent data, and to review the format procedures for submitting the test results.

C. The sampling report shall include the following:

- (1) Plant production rate during tests.
- (2) Type of fuel and consumption rates.
- (3) Mix type and temperature.
- (4) Percent sulfur in fuel.
- (5) Concentration (by weight) of liquid asphalt, antistripping agents, or any additive present in the asphalt concrete mix.

D. Copies of the final sampling report shall be submitted within 30 days after sampling is completed. Sampling reports shall comply with the provisions of Chapter 14 of the TCEQ Sampling Procedures Manual. The reports shall be distributed as follows:

One copy to the appropriate TCEQ Regional Office.

One copy to the TCEQ Compliance Support Division.

One copy to each appropriate local air pollution control program.

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31. A written proposed description of any deviation from sampling procedures specified in permit conditions or TCEQ or EPA sampling procedures shall be made available to the TCEQ prior to the pretest meeting. The regional office shall approve or disapprove of any deviation from specified sampling procedures.

RECORDKEEPING REQUIREMENTS

32. Daily production records shall be recorded and made available for inspection by the TCEQ and local air pollution control programs having jurisdiction. Preventative maintenance, scheduled maintenance, and repair maintenance performed on any abatement device shall be recorded as they occur; and the records shall be made available for inspection by the TCEQ and any local air pollution program having jurisdiction. Records shall also include daily asphalt production; daily usage rates of additives; daily usage rates of recycled rubber; duration of start-up, shutdown, or malfunctions in the process; and malfunctions of any air pollution abatement device system(s). These records shall be maintained on-site for a rolling two-year period.

Draft

Dated _____

Permit Renewal Technical Review Analysis

Company:	Vulcan Construction Materials LP	Permit No.:	337M
City:	Helotes	Project No.:	117569
County:	Bexar	Account No.:	90-0337-P
Project Type:	RNEW	Regulated Entity No.:	RN104990668
Project Reviewer:	David Trujillo	Customer Reference No.:	CN600355465
Facility Name:	Hot Mix Asphalt Plant No 1		

AUTHORIZATION CHECKLIST SECTION: (If YES to questions in this section, then ED signature required.)

Will a new policy/precedent be established? No

Is a state or local official opposed to the permit? No

Is waste or tire derived fuel involved? No

Are waste management facilities involved? No

Will action on this application be posted on the Executive Director's agenda? Yes

Have any changes to the application or subsequent proposals been required to increase protection of public health and the environment during the review? No

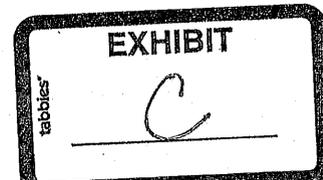
REVIEW SUMMARY SECTION:

Vulcan Construction Materials (Vulcan) operates Hot Mix Asphalt Plant No. 1 located at 12354 FM 1560 N. in Helotes, Bexar County, Texas currently authorized under permit 337M. This project is for the renewal of the permit. Two comments and hearing requests were received as a result of the public notice. Patricia Martin, from Air Permit Initial Review Team informed that the RN for this facility changed from RN101623908 to RN104990668. The facility operates 2,600 hours per year. Maximum production rates are 400 tons per hour (TPH) and 500,000 tons per year (TPY) of Standard Hot Mix, and 400 TPH and 40,000 TPY of Hot Mix with Crumb Rubber.

In March 2002, Vulcan submitted a SB 1126 change to a qualified facility notification. Changes requested were the authorization to use performance grade binders. The maximum temperature when using performance grade binders is 375° F. Vulcan represented that there would be no increase or change in the character of the emissions. Changes to the special conditions and MAERT were approved and should be incorporated into the permit with this renewal.

Permit by Rule Registration No. 41735 authorizing an additional silo for the storage of fines was also incorporated into the permit. Emissions from the silo are abated by a silo top filter baghouse, which meets BACT and has an outlet grain loading of 0.01 gr/ft³. The MAERT was updated with new emission factors. Additionally a number of tanks previously part of the permit, but not identified on the MAERT were included (EPN's 19-22). Finally, the Truck Loadout and Silo Filling emission points (already part of the process) were identified and added to the MAERT.

Any emission increases on the new MAERT are due to the identification of previously present sources, and to the use of new AP-42 emission factors. Actual emissions at the facility have not increased since the controls remain the same, no new sources have been constructed, and there has not been an increase or change in production rate. The following table summarizes the emission increases in the MAERT relative to the current permit allowables.



Review Analysis & Technical Review

Pollutant	Current		Proposed		Difference	
	(lb/hr)	(tpy)	(lb/hr)	(tpy)	(lb/hr)	(tpy)
PM	26.99	19.81	15.89	13.02	-11.1	-6.79
PM10	18.96	13.59	10.03	8.12	-8.93	-5.47
VOC	3.81	0.05	22.6	5.27	18.79	5.22
VOC(a)	42.4	14.4	12.8	8.02	-29.6	-6.38
VOC(b)	68.4	3.42	90.4	4.52	22	1.1
Nox	14.6	9.88	22.3	16.15	7.7	6.27
SO2	51.01	31.92	23.87	18.58	-27.14	-13.34
CO	15.25	9.72	55.57	35.99	40.32	26.27

All Emission increases due to emission factor changes and identification of previously existing facilities except for 0.05 (lb/hr) and 0.02 tpy increase due to incorporation of PBR No. 41735.

COMPLIANCE HISTORY SECTION:

In accordance with 30 TAC Chapter 60, a compliance history report was reviewed on:..... 10/04/2006
 The compliance period was from 08/31/2005 to 09/01/2000
 Was the application received after September 1, 2002? Yes
 If yes, what was the site rating & classification? 3.01 (ABD) Company rating & classification? 1.96(Average)
 Is the permit recommended to be denied on the basis of compliance history or rating? No
 Has the permit changed on the basis of the compliance history or rating? No

30 TAC CHAPTER 116 RULES:

116.315(b) Date of expiration of permit 02/26/2006
 116.310 Date application for Renewal (PI-1R) rec'd..... 08/18/2005
 116.311(a)(1) Do dockside vessel emissions associated with the facility comply with all regulations?.....N/A
 116.311(a)(2) Is the facility being operated in accordance with all requirements, conditions, and representations specified in the current permit and do the emissions from the facility comply with all TCEQ air quality rules and regulations, and with the intent of the Texas Clean Air Act? Yes
 116.311(a)(3) Compliance with applicable NSPS? Yes
 Subparts A & I
 116.311(a)(4) Compliance with applicable NESHAPS?N/A
 116.311(a)(5) Compliance with applicable NESHAPS for source categories?N/A
 116.311(a)(6) Compliance with applicable hazardous air pollutant requirements in 30 TAC " 116.180 - 116.183?N/A
 116.311(b)(1) Is additional information regarding emissions from the facility and their impacts on the surrounding area required? No
 116.311(b)(2) Were additional controls/permit conditions necessary to avoid a condition of air pollution or to ensure compliance with applicable federal or state rules? No
 116.311(c) Compliance History: Is the facility in substantial compliance with the TCAA and the terms of the current permit? Yes
 116.314(a) The facility meets all permit renewal requirements? Yes
 116.313(a) Permit Renewal Fee: \$ 3,396
 Paid? Yes

PUBLIC NOTICE INFORMATION SECTION:

39.403 Public notification required? Yes

Review Analysis & Technical Review

Permit No. 337M
Page 3

Regulated Entity No. RN104990668

- Date application received: 08/18/2005 Date Administrative Complete: 08/25/2005
- Small Business source? No
- 39.418 Date 1st Public Notice /Admin Complete/Legislators letters mailed:..... 08/25/2005
- 39.603 Pollutants: Particulate Matter (including PM₁₀), organic compounds, nitrogen oxides, sulfur dioxide and carbon monoxide.
- Date Published in Newspaper: 09/15/2005 in San Antonio Express News
- Date Affidavits/Copies received: 10/11/2005
- Bilingual notice required? Yes Language: Spanish
- Date Published in Newspaper: 09/15/2005 in Conexión
- Date Affidavits/Copies received: 10/11/2005
- 39.604 Certification of Sign Posting / Application availability..... Yes
- Public Comments Received? Yes
- Notice and Comment Hearing requested? Yes
- Hearing held?
- Was/were the request(s) withdrawn? Date:
- Replies to Comments sent to OCC:
- Consideration of Comments:
- 39.419 2nd Public Notification required? No
- If no, give reason: No emissions increase on a renewal. Acceptable compliance history.
- 39.420 Consideration of Comments:
- RTC, Technical Review & Draft Permit Conditions sent to OCC:
- Request for Reconsideration Received?
- Final action? Letters enclosed?

REQUEST FOR COMMENTS SECTION:

Region:	13	Reviewed by:	Bernice Beck
Compliance:	yes	Reviewed by:	David Trujillo
Legal:	yes	Reviewed by:	Alicia Lee

CHAPTER 113 RULES SECTION:

'113.100 Compliance with applicable MACT standards expected?N/A

PROCESS, SOURCES AND CONTROLS DESCRIPTION SECTION:

Aggregate and sand are placed in stockpiles (STK) on-site by haul trucks. Coarse and virgin aggregates are transported from the stockpiles and into their respective bins (EPNs 1 and 4) by a loader. The aggregates are transferred from the bin compartments onto the belt feeders (EPNs 2 and 5). The conveyor beneath the bins then transports the material onto the gathering conveyor (EPNs 3 and 6). The material is then transferred (EPN 7) onto another conveyor and passed to the scalping screen (EPN 8).

Material that passes through the screen is conveyed (EPN 9) to the parallel flow drum mixer, where it is heated, dried, and passed through the mixing zone. The material is then mixed with AC and aggregate fines recovered from the baghouse and delivered by the enclosed dust return system screw conveyors. The hot mix asphalt is discharged to the elevating drag conveyor, where it is transported into the mix storage silos (EPN 16) to await truck load-out (EPN 17).

Recycled Asphalt Pavement (RAP), when used (EPNs 11-15) replaces 50% of the aggregate in the mix. RAP is first broken up using the lump breaker. RAP is conveyed to the RAP collar on the drum, where it is shielded from the burner flame. Aggregates, AC, and RAP are mixed after passing the flame and discharged to the elevating drag conveyor.

Emissions from the drum mixer are released through the baghouse stack (EPN 10). Particulate removed by the baghouse falls into a collecting hopper, where it is recovered through the dust return system. Fines may be stored onsite at the fine dust silo. Emissions from the silo are controlled by silo top dust collector (EPN 23).

Three liquid asphalt tanks (EPNs 19 A, B, and C) are utilized on-site. A hot oil heater (EPN 18) is used to maintain the correct temperature. Vulcan also uses two fuel oil tanks (EPNs 20A and B), one diesel tank (EPN 21), and one anti-strip tank (EPN 22) on-site.

The controls used at the facility meet BACT requirements.

MISCELLANEOUS SECTION:

Is applicant in agreement with special conditions? Yes, December 13, 2005.
Company representative? Melissa Steele, Westward Environmental.
Are other permits affected by this permit action? Yes, PBR No. 41735 must be voided.

Permit Reviewer	Date	Team Leader/Section Manager/Backup	Date
-----------------	------	------------------------------------	------

Compliance History

Customer/Respondent/Owner-Operator:	CN600355465	Vulcan Construction Materials L.P.	Classification: AVERAGE	Rating: 1.96
Regulated Entity:	RN104990668	VULCAN HELOTES BATCH PLANT	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	AIR NEW SOURCE PERMITS	AFS NUM	4802900631	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	900337P	
	AIR NEW SOURCE PERMITS	PERMIT	337M	
	AIR NEW SOURCE PERMITS	REGISTRATION	41735	
Location:	PORTABLE 12354 FM 1560 Helotes TX 78023		Rating Date: September 01 06	Repeat Violator: NO
TCEQ Region:	REGION 13 - SAN ANTONIO			
Date Compliance History Prepared:	April 04, 2007			
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.			
Compliance Period:	September 01, 2001 to August 31, 2006			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: David Trujillo Phone: 512 239 1351

Site Compliance History Components

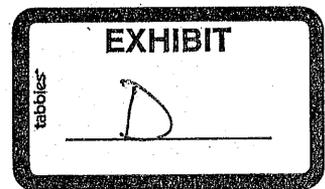
- | | |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A

Sites Outside of Texas

N/A





Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087

January 8, 2007



Projection: Texas Statewide Mapping System
(TSSMS)
Scale 1:23,746

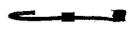
Legend

- WWTP
- (Requestors (By Geocoding)
- 1 Mile Radius

Source: The location of the WWTP site was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information and the requestor information from the applicant. The locations of the requestors were obtained by geocoding and web-based methods. The counties are U.S. Census Bureau 1992 TIGER/Line Data (1:100,000). The background of this map is a source photograph from the 2004 U.S. Department of Agriculture Imagery Program. The imagery is one-meter Color-Infrared (CIR). The image classification number is r029_1-1.

This map depicts the following:

- (1) The approximate location of the plant. This is labeled "Approx. Location of Plant".
- (2) Approximate locations of requestors.
- (3) A circle and arrow depicting the 1-mile radius of the facility. This is labeled "1 Mile Radius".



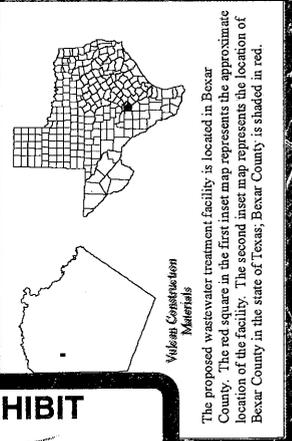
This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This map was not generated by a licensed surveyor, and is intended for illustrative purposes only. No claims are made to the accuracy or completeness of the data or to its suitability for a particular use. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

**Vulcan Construction Materials, L.P.
Hot Mix Asphalt Plant**
Map requested by TCEQ Office of Legal Services
for Commissioners Agenda

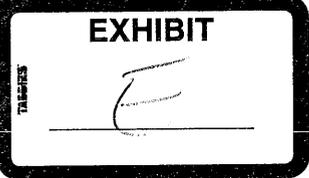


Requestors:

- 1 - M.B. Farias
- 2 - William Mack Rigby



The proposed wastewater treatment facility is located in Bexar County. The red square in the first inset map represents the approximate location of the facility. The second inset map represents the location of Bexar County in the state of Texas; Bexar County is shaded in red.



PERMIT NO. 337M

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
JUN 17 11 03 AM
CHIEF CLERK'S OFFICE

APPLICATION BY	§	BEFORE THE
	§	
Vulcan Construction Materials LP	§	TEXAS COMMISSION ON
Hot Mix Asphalt Plant No. 1	§	
Helotes, Bexar County	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the renewal application and Executive Director's preliminary decision filed by Vulcan Construction Materials, LP (Applicant). As required by Title 30 Texas Administrative Code § 55.156 (30 TAC § 55.156), before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk timely received comment letters from the following persons: William Mack Rigby, and M.B. Farias. This Response addresses all timely public comments received, whether or not withdrawn. If you need more information about this permit application or the permitting process please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.tx.us.

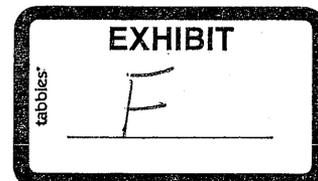
BACKGROUND

Description of Facility

Vulcan Construction Materials LP has applied to the TCEQ for renewal of Air Permit No. 337M under Texas Clean Air Act (TCAA) § 382.055.

This permit will authorize the applicant continued operation of a hot mix asphalt plant. The facility is located at 12354 FM 1560 North, in Helotes, Bexar County. The facility is authorized to operate for 2,600 hours per year. Hourly production is limited to 400 tons, for both standard hot mix and hot mix with crumb rubber. Annual production is limited to 500,000 tons per year (TPY) for standard hot mix, and 40,000 TPY for hot mix with crumb rubber.

Contaminants authorized under this permit consist of particulate matter, including particulate matter less than 10 microns in diameter, organic compounds, nitrogen oxides, sulfur dioxide and carbon monoxide.



Procedural Background

Before work is begun on the construction of a new facility or a modification of an existing facility that may emit air contaminants, the person planning the construction or modification must obtain a permit or permit amendment from the commission. This permit application is for a renewal. The permit application was received on August 18, 2005, and declared administratively complete on August 25, 2005. The Notice of Receipt and Intent to Obtain an Air Quality Permit (public notice) for this permit application was published on September 15, 2005, in the *San Antonio, Express News*. The alternate (Spanish) language public notice was published on September 15, 2005, in *Conexion*. Since this application was administratively complete after September 1, 1999, this action is subject to the procedural requirements adopted in accordance with House Bill 801, 76th Legislature, 1999.

COMMENTS AND RESPONSES

COMMENT 1: Mr. Rigby commented that he, his family, and his neighbors would be adversely affected by the renewal of this permit, which would allow the applicant to continue emitting organic compounds, nitrogen oxides, sulfur dioxides, and carbon monoxide. Mr. Rigby is concerned about the effects of particulate matter, nitrogen oxides, and sulfur dioxide on health, the environment, and property.

RESPONSE 1: The facility will emit the pollutants listed in the comment. However, the permit includes a Maximum Allowable Emission Rates Table, which limits the amounts that can be emitted for each pollutant. These limits were evaluated to ensure they are protective of the public's health and physical property.

The objective of an air permit issued by the TCEQ is to protect the State's air quality by controlling air pollution, so as to protect the public's health, general welfare, and property. The TCEQ applies national health based standards for certain pollutants, including those emitted by this facility. The National Ambient Air Quality Standards (NAAQS) include both primary and secondary standards. The primary standards are those which the U.S. Environmental Protection Agency (EPA) determines are necessary (with a reasonable margin of safety) to protect the public health, including sensitive members of the population. The secondary NAAQS were developed to protect the public welfare and the environment, including animals, crops, vegetation, and buildings, from any known or anticipated adverse effects associated with the presence of an air contaminant in the ambient air. The evaluation performed on this facility predicted that the resulting emissions would comply with the NAAQS for all pollutants, thus off-property concentrations should not present a health risk.

Compliance with permit conditions should not result in concentrations of pollutants that exceed these standards. If citizens believe the Applicant is causing a nuisance or violating the terms of the permit or other TCEQ rules or regulations, they are encouraged to call the TCEQ Environmental Complaints Hotline at 1-888-777-3186, or the TCEQ San Antonio Regional

Office at (210) 490-3096. If the facility is found to be out of compliance with the terms and conditions of the permit, it will be subject to possible enforcement action.

COMMENT 2: Mr. Rigby commented that the trucks carrying the asphalt from the plant spill the asphalt on Leslie Road.

RESPONSE 2: The air permit authorizes the facility to emit air pollutants that result from the production of hot mix asphalt. The TCEQ does not have jurisdiction to consider material spills that occur during transportation as part of the air permitting process. Please contact your local TDPS officials to address this issue.

COMMENT 3: M. B. Farias commented that the applicant has produced blasts without notifying anyone in proximity. Mr. Rigby commented that a gas build-up led to an explosion that was investigated by the TCEQ regional office.

RESPONSE 3: This air permit authorizes the operation of a hot mix asphalt plant; it does not authorize any blasting, or the emissions that may result. Conducting activities not authorized by the draft permit could subject the Applicant to possible enforcement action.

COMMENT 4: Mr. Rigby commented that the Vulcan facility sits right in the middle of the Helotes Creek and/or its drainage and is in the transition area of the recharge zone of the Edwards Aquifer. Mr. Rigby is concerned about standing water that may be contaminated with chemicals, particularly asphalt, seeping into the water table.

RESPONSE 4: Under the proposed permit, Vulcan is not authorized to contaminate bodies of water. Should a citizen observe that such activities are being conducted, he/she is encouraged to contact the TCEQ, as indicated in Response to Comment Number 1. If proposed operations require permits or review for water issues, the applicant is required to submit the appropriate application to the TCEQ or appropriate authority. However such reviews are separate from the air quality permit application procedure.

COMMENT 5: Mr. Rigby is concerned about the emission of greenhouse gases (water vapor, nitrogen oxides and carbon dioxide, and other gases) into the atmosphere, as well as the removal of some trees within the property.

RESPONSE 5: The air permit which would allow Vulcan to continue with its current operation has a list of specific pollutants it regulates. Emission limits for these pollutants are set at concentrations lower than the National Ambient Air Quality Standards and State regulations. The permit does not set limitations on emission rates for greenhouse gases, other than the ones included in the Maximum Allowable Emission Rates Table.

Further, on July 5, 2000, the agency received a petition for rulemaking from the law firm of Henry, Lowerre, and Frederick on behalf of Public Citizen's Texas Office, Clean Water Action, Lone Star Sierra Club, Sustainable Energy and Economic Development Coalition, and Texas Campaign for the Environment. The petition requested the TCEQ to create new air rules

to encourage reductions in greenhouse gases, promote the efficient use of energy, offer training in methods to reduce carbon dioxide and methane, and develop a climate change action plan. On August 23, 2000, the Commission responded to the petition by issuing a commission decision (Docket No. 2000-0845-RUL). The Commission declined to regulate CO₂ as a greenhouse gas.

COMMENT 6: M. B. Farias commented that, "Vulcan has neglected to personally notify each of us that they are operating a Hot Mix Asphalt Plant at the particular location."

RESPONSE 6: The Executive Director directs applicants to provide public notice as required by commission rules, in accordance with statutory requirements. The required newspaper notice invites citizens to request mailed notice on matters of interest by submitting their contact information to the Office of the Chief Clerk, so that they may receive information regarding particular matters. The Executive Director is required to mail notice to persons on mailing lists maintained by the Office of the Chief Clerk. Additionally, for certain air quality applications, including this application, applicants are required to post signs at the site that provide notice of the filing of an application and commission contact information.

COMMENT 7: M. B. Farias requested the name and qualification of the qualitative and quantitative chemist who is overlooking environmental checks and to be provided collected monitoring data at the site. M. B. Farias also requested the name and qualification of the organic chemist who overlooks the emissions and up to date collected data, along with a personal statement that this environment is safe.

RESPONSE 7: The proposed permit includes requirements for a variety of controls to limit emissions and establishes production and opacity limits as a means to demonstrate compliance with state and federal air quality standards.

The TCEQ does not assign personnel to perform continuous air monitoring at individual facilities. However, if it is determined that the facility exceeded the opacity limits mandated by the permit, the company may be required to perform stack sampling. These tests must prove satisfactory equipment performance, and demonstrate compliance with permit conditions.

The company is required to maintain records of its daily operations over a rolling two year period. These records include maintenance on emission control devices, daily production, and duration of start-up and shutdown, and equipment malfunctions.

Permits are issued by the TCEQ with the legal requirement that the permit holder will comply with the permit conditions and maximum allowable emissions rate table. Funding resource considerations do not allow the TCEQ to make regular visits to all permitted facilities. However, the Agency does have procedures in place to conduct investigations. Please refer to Response to Comment Number 1, which details some of the investigative efforts pursued by the TCEQ.

COMMENT 8: M. B Farias requested to be sent the date of hearing by October 10, 2005.

RESPONSE 8: Under 30 TAC §55.209(c), the chief clerk shall mail notice to the applicant, executive director, public interest counsel, and all timely commenters and requestors at least 35 days before the first meeting at which the commission considers the requests. The notice shall explain how to participate in the commission decision, describe alternative dispute resolution under commission rules, and explain the relevant requirements of this chapter.

This application, however, may be one for which there is no right to a contested case hearing. Under 30 TAC §55.201(i)(3)(C), there is no right to a contested case hearing on an air application for amendment, modification, or renewal that would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted. The commission may hold a contested case hearing if the application involves a facility for which the applicant's compliance history contains violations that are unresolved and that constitute a recurring pattern of egregious conduct that demonstrates a consistent disregard for the regulatory process, including the failure to make a timely and substantial attempt to correct the violations.

COMMENT 9: Mr. Rigby commented that the plant is close enough that he hears noise from the plant almost every day.

RESPONSE 9: The TCEQ's jurisdiction in a permit application is limited to the issues set out by statute. TCEQ does not have jurisdiction to consider noise in determining whether to approve or deny an application. However, the draft permit does not allow the Applicant to create or maintain a condition of nuisance that interferes with a landowner's use and enjoyment of his property. Nor does it limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of his property.

COMMENT 10: Mr. Rigby commented that he would adjust the permit by denying renewal. He stated that denying renewal would help assure a better environment and quality of life for all people, animals, and plants that live near the Vulcan plant.

RESPONSE 10: Air quality permit applications are evaluated to determine whether standards outlined in the Texas Clean Air Act (TCAA) and applicable state and federal rules and regulations are met. As part of the permit evaluation process, the permit reviewer identifies all sources of air contaminants at the proposed facility, assures that the facility will be using the best available control technology (BACT) applicable for the sources and types of contaminants emitted, and determines that no adverse effects to public health, general welfare, or physical property are expected to result from a facility's proposed emissions. The TCEQ cannot deny a permit if the applicant demonstrates that all applicable statutes, rules, and regulations will be met. Special conditions and a maximum allowable emission rates table are created to establish guidelines for the operation of the facility. The permit conditions are developed such that a facility that is operated within the terms and conditions of the permit should be able to operate in compliance with standards outlined in the TCAA and applicable state and federal rules and regulations.

COMMENT 11: Mr. Rigby commented that on occasion he can smell sulfur being emitted from the plant.

RESPONSE 11: Permit applicants must comply with 30 Texas Administrative Code § 101.4, which prohibits nuisance conditions. The rule states that “no person shall discharge from any source” air contaminants which are or may “tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.” “Air contaminant” is defined in the Texas Clean Air Act (TCAA) § 382.003(2), to include “particulate matter, radioactive material, dust, fumes, gas, mist, smoke, vapor, or odor.” Emissions from the facility are not expected to produce nuisance odors. However, individuals are encouraged to report any concerns about nuisance issues by contacting the Regional Office at 210-490-3096, or by calling the twenty-four hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The TCEQ investigates all complaints received. If the facility is found to be out of compliance with the terms and conditions of the permit, it will be subject to possible enforcement action.

CHANGES MADE IN RESPONSE TO COMMENT

No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Glenn Shankle, Executive Director

Robert Martinez, Director
Environmental Law Division

Alicia M. Lee, Staff Attorney
Environmental Law Division

State Bar No. 24032665

P.O. Box 13087, MC 173

Austin, Texas 78711-3087

(512) 239-0600

(512) 239-0606 FAX

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Martin A. Hubert, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 28, 2006

TO: Persons on the attached mailing list.

RE: Vulcan Construction Materials, L.P.
Permit No. 337M

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter is a copy of the Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the TCEQ central office, TCEQ San Antonio regional office, and the Bexar County Courthouse, 100 Dolorosa #108, San Antonio, Bexar County, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

How To Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group; and
 - (B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities. A person who may be affected by emissions of air contaminants from the facility is entitled to request a contested case hearing.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk's office at the address below.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

How To Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be in writing and must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter: You should submit your request to the following address:

LaDonna Castañuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

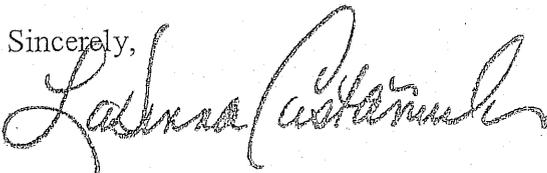
Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Office of Public Assistance, Toll Free, at 1-800-687-4040.

Sincerely,



LaDonna Castañuela
Chief Clerk

LDC/cz

Enclosures

MAILING LIST

for

Vulcan Construction Materials, L.P.
Permit No. 337M

FOR THE APPLICANT:

Aleisha Knochenhauer, Environmental
Services Manager
Vulcan Construction Materials, LP
P.O. Box 791550

Debbie Mathews, Office Manager
Westward Environmental, Inc.
P.O. Box 2205
Boerne, Texas 78006

INTERESTED PERSONS:

M. B. Farias
10608 Saltillo Flat
Helotes, Texas 78023

William Mack Rigby
11075 Leslie Road
Helotes, Texas 78023

Melissa Steele
P.O. Box 2205
Boerne, Texas 78006

FOR THE EXECUTIVE DIRECTOR:

Alicia Lee, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

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