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TCEQ AIR QUALITY STANDARD PERMIT REGISTRATION NO. 80840
TCEQ DOCKET NO. 2008-0141-AIR

CHIEF CLERKS OFFICE

APPLICATION BY	§	BEFORE THE
	§	
TRANSIT MIX CONCRETE & MATERIALS COMPANY	§	TEXAS COMMISSION ON
	§	
KAUFMAN COUNTY, TEXAS	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

The Executive Director (ED) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this response (Response) to the requests for a contested case hearing submitted by persons listed herein. The Texas Clean Air Act (TCAA) § 382.056(n) requires the commission to consider hearing requests in accordance with the procedures provided in Tex. Water Code § 5.556.¹ This statute is implemented through the rules in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F.

A map (Attachment A) showing the location of the site for the proposed facility is included with this response and has been provided to all persons on the attached mailing list. In addition, a current compliance history report, technical review summary, and the Air Quality Standard Permit for Concrete Batch Plants, labeled Attachment B, C, and D, respectively, have been filed with the TCEQ's Office of Chief Clerk for the commission's consideration. Finally, the ED's Response to Public Comments (RTC), which was mailed by the chief clerk to all persons on the mailing list, is on file with the chief clerk for the commission's consideration.

I. Application Request and Background Information

Transit Mix Concrete & Materials Company ("Transit Mix" or "Applicant") submitted an application to the TCEQ on January 8, 2007, requesting the registration of a concrete batch plant ("CBP") under a Standard Permit.² The CBP is to be located at the 3372 US Highway 175 Kaufman, Kaufman County, Texas. The proposed facility will emit the following air contaminants: particulate matter including, but not limited to, aggregate, cement, road dust, and particulate matter less than 10 microns in diameter.

The application was declared administratively complete on January 23, 2007. The Notice of Receipt and Intent to Obtain (NORI) an Air Quality Permit was published on February 1, 2007, in the

¹ Statutes cited in this response may be viewed online at www.capitol.state.tx.us/statutes/statutes.html. Relevant statutes are found primarily in the Texas Health and Safety Code and the Texas Water Code. The rules in the Texas Administrative Code may be viewed online at www.sos.state.tx.us/tac/index.shtml, or follow the "Rules, Policy & Legislation" link on the TCEQ website at www.tceq.state.tx.us.

² 30 TAC § 116.611

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Kaufman Herald. The Notice of Application and Preliminary Decision (NAPD) was published on May 24, 2007, also in the *Kaufman Herald*. A Public Meeting was held in the in Kaufman on June 26, 2007, and a second Public Meeting was held on October 16, 2007. The public comment period ended on October 16, 2007. As of January 31, 2008, the Applicant was not delinquent on any administrative penalty payments to the TCEQ. Since this application was declared administratively complete after September 1, 1999, this action is subject to the procedural requirements adopted pursuant to House Bill 801.

The ED's RTC was mailed on December 20, 2007, to all interested persons, including those who asked to be placed on the mailing list for this application and those who submitted comment or requests for contested case hearing. The cover letter attached to the RTC included information about making requests for contested case hearing or for reconsideration of the ED's decision.³ The letter also explained hearing requesters should specify any of the ED's responses to comments they dispute and the factual basis of the dispute, in addition to listing any disputed issues of law or policy.

The TCEQ received timely hearing requests during the public comment period from the following persons: The Honorable Texas State Representative Betty Brown, on behalf of her constituents; Curtis Snow, City Manager, on behalf of the City of Kaufman; Karel Holloway; Dr. Brent Getzel, Kaufman's First Baptist Church; Lana McCallie, President, Kaufman County Credit Union; Anne Glasscock, President, Kaufman Chamber of Commerce; Jennifer McBride; Brian W. Chambers; Amy and Larry Walker; James Ashton; Michael Ashton; Frankie and Dianne Garcia; Jennifer and Aaron Bynum; Keith and Karen Torres; Marcos and Margaret Mendoza; Louis W. Heath; Logan W. Heath; Joyce Heath; and Todd Williams, Superintendent, Kaufman Independent School District (KISD).

II. Applicable Law

The commission must assess the timeliness and form of the hearing requests, as discussed below. The form requirements are set forth in 30 TAC § 55.201(d):

(d) A hearing request must substantially comply with the following:

- (1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and, where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
- (2) identify the person's personal justiciable interest affected by the

³ See TCEQ rules at Chapter 55, Subchapter F of Title 30 of the Texas Administrative Code. Procedural rules for public input to the permit process are found primarily in Chapters 39, 50, 55 and 80 of Title 30 of the Code.

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application, including a brief, but specific, written statement explaining in plain language the requester's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requester believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;

(3) request a contested case hearing;

(4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requester should, to the extent possible, specify any of the executive director's responses to comments the requester disputes and the factual basis of the dispute and list any disputed issues of law or policy; and

(5) provide any other information specified in the public notice of application.

The next necessary determination is whether the requests were filed by "affected persons" as defined by Tex. Water Code § 5.115, implemented in commission rule 30 TAC § 55.203. Under 30 TAC § 55.203, 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. An interest common to members of the general public does not qualify as a personal justiciable interest. Local governments with authority under state law over issues raised by the application receive affected person status under 30 TAC § 55.203(b).

However, hearing requests on a concrete batch plant standard permit are considered under § 382.058(c) of the Texas Clean Air Act (TCAA).⁴ The statute states "only those persons actually residing in a permanent residence within 440 yards of the proposed plant may request a hearing ... as a person who may be affected." A requester (or an individual represented by a group or association) who actually resides in a permanent residence within 440 yards of the proposed facility has standing to request a hearing as an affected person. Therefore, it is not necessary to consider the factors listed in 30 TAC § 55.203(c) to determine affected party status. A requester must meet the distance requirement of § 382.058(c) of the TCAA to qualify for affected party status.

If the commission determines a hearing request is timely and fulfills the requirements for proper form, and the hearing requester is an affected person, the commission must apply a three-part test to the issues raised in the matter to determine if any of the issues should be referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing. The three-part test in 30 TAC § 50.115 is as follows:

- (1) The issue must involve a disputed question of fact;

⁴ TEX. HEALTH AND SAFETY CODE, Chapter 382

- (2) The issue must have been raised during the public comment period; and
- (3) The issue must be relevant and material to the decision on the application.

The law applicable to the proposed facility may generally be summarized as follows. A person who owns or operates a facility or facilities that will emit air contaminants is required to obtain authorization from the commission prior to the construction and operation of the facility or facilities.⁵ Thus, the location and operation of the proposed facility requires authorization under the TCAA. Permit conditions of general applicability must be in rules adopted by the commission.⁶ Those rules are found in 30 TAC Chapter 116. In addition, a person is prohibited from emitting air contaminants or performing any activity that violates the TCAA or any commission rule or order, or that causes or contributes to air pollution.⁷ The relevant rules regarding air emissions are found in 30 TAC Chapters 101 and 111-118. In addition, the commission has the authority to establish and enforce permit conditions consistent with this chapter.⁸ The materials accompanying this response list and reference permit conditions and operational requirements and limitations applicable to this proposed facility.

III. Analysis of Hearing Requests

A. Were the requests for a contested case hearing in this matter timely and in proper form?

All hearing requests were submitted during the public comment period or during the period for requesting a contested case hearing after the close of the comment period. Furthermore, the ED has determined the hearing requests of Amy and Larry Walker, James Ashton, Michael Ashton, Frankie and Diane Garcia, Jennifer and Aaron Bynum, Brian Chambers, Karel Holloway, Todd Williams, Keith and Karen Torres, and Marcos and Margaret Mendoza substantially comply with all of the requirements for form in 30 TAC § 55.201(d).

However, the ED has determined the hearing requests of the Honorable Texas Representative Betty Brown, Curtis Snow, Dr. Brent Gentzel, Lana McCallie, Anne Glasscock, Jennifer McBride, Louis Heath, Logan Heath, Joyce Heath and Todd Williams do not substantially comply with all the requirements for form in 30 TAC § 55.201(d), because they failed to provide a residential address. Without a residential address, the ED is unable to determine whether the requestor (or an individual the requestor is acting on behalf of) actually resides within 440 yards.

The Honorable Texas Representative Betty Brown requested a hearing on behalf of her constituents. She did not provide information on a particular individual and their address and distance to the proposed facility, with the exception that her letter states "[t]he Kaufman area has more than 4000

⁵ TEX. HEALTH AND SAFETY CODE § 382.0518

⁶ TEX. HEALTH AND SAFETY CODE § 382.0513

⁷ TEX. HEALTH AND SAFETY CODE § 382.085

⁸ TEX. HEALTH AND SAFETY CODE § 382.0513

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households directly downwind from the proposed site.” Likewise, Curtis Snow requests a contested case hearing on behalf of the City of Kaufman. He does not provide any information on a Kaufman resident who resides within 440 yards of the proposed plant, but he provides comments which include the statement that “the area... is surrounded currently by residential uses.”

The requestor Jennifer McBride indicates she is the part owner of *The Dance Factory* (along with requestor Brian Chambers) located at 3260 E. Highway 175, Kaufman, Texas 75142.⁹ Requestors Louis Health, Logan Heath, and Joyce Heath, indicate they are tenants of *The Dance Factory* Building. It is the ED's understanding that this building is not used as a residence. Lana McCallie, Dr. Brent Gentzel, and Anne Glasscock provide a workplace or post office box address. Todd Williams' request for a contested case hearing and comment letter include the address for KISD, which is approximately 3 miles away.¹⁰ At this time the ED recommends denial of these hearing requests without information the requestor or the individual the requestor acts on behalf of actually resides in a permanent residence within 440 yards.

Therefore, with available information, it is impossible for the ED to determine the proximity of the above-described requesters (or an individual they are acting on behalf of) relative to the proposed facility, and it is difficult to determine whether the requesters meet the distance requirement in THSC § 382.058(c). However, if any of the requestors provide the necessary information at a later date, the ED may reconsider his decision.

The ED addressed all public comments in this matter by providing responses in the RTC. The cover letter from the Office of the Chief Clerk that was attached to the RTC states requesters should, to the extent possible, specify any of the ED's responses in the RTC the requesters dispute and the factual basis of the dispute, and list any disputed issues of law or policy.¹¹ In the absence of a response from any of the hearing requesters or their representatives within the thirty-day period after the RTC was mailed, the ED cannot determine or speculate whether the hearing requesters continue to dispute issues of fact, or whether there are any outstanding issues of law or policy. The ED nevertheless has evaluated the merits of the requests before action is taken regarding this application.

B. Are those who requested a contested case hearing in this matter affected persons?

Texas Health & Safety Code § 382.058(c) provides only those persons actually residing within 440 yards of the proposed facility may request a hearing as an affected party. None of the hearing requesters who provided a residential address reside within 440 yards of the CBP.¹²

⁹ *The Dance Factory* building is within 440 yards of the proposed plant.

¹⁰ It is not clear whether Todd Williams' request for a hearing was for himself or the school district. If he is requesting the hearing on behalf of himself, the hearing request should be denied because he has not complied with the form requirements of 30 TAC § 55.201(d). If he has requested the hearing on behalf of KISD, the hearing request should be denied pursuant to 382.058(c).

¹¹ 30 TAC § 55.201(d)(4)

¹² See attached map.

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Karel Holloway resides approximately 19.8 miles away. Brian Chambers resides approximately 2.1 miles away. Amy and Larry Walker reside about 0.38 miles away, James Ashton resides 0.38 miles away, and Michael Ashton resides 0.36 miles away. Frankie and Diane Garcia, and Jennifer and Aaron Bynum all reside approximately 0.33 miles away. Keith and Karen Torres are approximately .44 miles away, and Marcos and Margaret Mendoza are 0.56 miles away. Because the remaining requesters do not actually reside in a permanent residence within 440 yards (equal to 0.25 miles) of the proposed plant, they do not have standing to request a hearing as an affected person.

A requester's failure to meet the distance requirement of § 382.058(c) is an absolute bar to affected party status. However, if new information at a later date that indicates an individual does reside within 440 yards, the ED may reconsider his recommendation to deny the hearing request.

C. Which issues in this matter should be referred to SOAH for hearing?

If the commission determines any of the hearing requests in this matter are timely and in proper form, and some or all of the hearing requesters are affected persons, the commission must apply the three-part test discussed in Section II to the issues raised in this matter to determine if any of the issues should be referred to SOAH for a contested case hearing. The three-part test asks whether the issues involve disputed questions of fact, whether the issues were raised during the public comment period, and whether the issues are relevant and material to the decision on the permit application, in order to refer them to SOAH.

The ED addressed all public comments in this matter by providing responses in the RTC. The cover letter from the Office of the Chief Clerk transmitting the RTC cites 30 TAC § 55.201(d)(4), which states requesters should, to the extent possible, specify any of the ED's responses in the RTC the requesters dispute and the factual basis of the dispute, and list any disputed issues of law or policy. In the absence of a response from any of the hearing requesters within the thirty-day period after the RTC was mailed, the ED cannot determine or speculate whether the remaining issues of fact continue to be disputed by the hearing requesters, or any alleged outstanding issues of law or policy. However, the ED acknowledges the hearing requesters have one more opportunity to identify disputed issues of fact in their replies to the positions of the ED, Office of Public Interest Counsel and the Applicant regarding the hearing request. Therefore, to facilitate the commission's consideration of this matter, the ED has analyzed the remaining two parts of the test, assuming the issues raised in the comments in this matter remain disputed.

1. Seven issues

The requesters raise the following seven issues were timely raised during the comment period, and have not been withdrawn:

1. Whether air emissions from the proposed facility will adversely affect public health and

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- welfare, including but not limited to the children attending the dance studio within 300 feet, those living within 440 yards who have existing health problems, the nearby city water treatment plant, the nearby Kaufman County Jail prisoners, and the 4000 Kaufman households downwind from the proposed site.
2. Whether the proposed site location is inappropriate; including but not limited to whether the site should be farther away from city limits, in any area with applicable building codes, standards and zoning that would require the applicant to minimize dust, not in an area that is being considered for annexation, and/or in an industrial area rather than a residential and/or unincorporated area.
 3. Whether the use of the proposed site is in conflict with the City of Kaufman's Comprehensive Plan and Future Land Use Plan.
 4. Whether there should be regulations in place to require the operator to pave all road and parking surfaces, maintain a properly clean site and to assure the operation will not be a nuisance or health hazard to the surrounding residential and retail areas.
 5. Whether the dust and noise from the facility will adversely affect the 100+ community planned to be located on the SW corner of Fair Road and Hwy 175, and the single family homes nearby on both side of Hwy 175.
 6. Whether the applicant has an acceptable compliance history, and how many violations this applicant has at all its sites?
 7. Whether the facility will adversely affect water quality, specifically the tributaries that feed into the Trinity River, Kings Creek, or Cedar Creek Lake.

As stated above, the three-part test asks whether the issues involve disputed questions of fact, whether the issues were raised during the public comment period, and whether the issues are relevant and material to the decision on the permit application, in order to refer them to SOAH. All seven issues were raised during the comment period.

2. Were the issues raised a question of law and/or fact?

All the above issues involve at least in part disputed questions of fact. Issues 2 through 4 also include questions of law.

4. Whether the issues are relevant and material to the decision on the application.

In making the determination of relevance in this case, the commission should review each issue to see if it is relevant to these statutory and regulatory requirements that must be satisfied by this permit application.

Issue no. 1 is relevant and material to permit issuance, which deals with protection of public health and welfare. The TCAA directs the TCEQ to determine whether the emissions from the proposed facility will not contravene the intent of the TCAA, including the protection of the public's health and welfare.

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To the extent Issue No. 2 raises the issue of whether the applicant has met all property boundaries and any applicable distance requirements, this issue is material and relevant to the application. However, to the extent this issue deals with zoning, other city, county, or municipal rules or regulations, this is not relevant or material to the application. As stated in the ED's Response to Comments, the TCEQ does not have jurisdiction under the TCAA to consider facility location choices made by an applicant when determining whether to approve or deny a permit application.

Issue no. 3 is not relevant or material to this application. The TCAA does not give the TCEQ jurisdiction to consider zoning or land use in determining whether to issue a permit.

To the extent issue no. 4 deals with city, county, or municipal regulations this issue is not relevant or material to this permit application review, as stated above. However, to the extent this issue deals with nuisance, this issue is relevant and material to the application. All facilities are required to comply with 30 Tex. Admin. Code §101.4, which prohibits any person from causing or maintaining a nuisance.

To the extent issue no. 5 raised the issue of whether dust and noise from the facility will adversely affect any existing residents is relevant and material to the application. However, whether the dust and noise will affect any possible future residents is not relevant or material to the application.

Issue no. 6 is relevant and material to the application. The compliance history of the applicant, including any violations at other sites, can be considered in whether to issue a permit under the TCAA.

Issue no. 7 is not relevant or material to the application. While the TCEQ is responsible for the environmental protection of all media, including water, the law governing air permits deals specifically with air-related issues. The scope of this air quality permit application review does not include water assessment or consideration of issues involving water quality, and therefore the ED concludes this issue is not relevant or material to this permit application.

In sum, if the commission finds some or all of the requesters affected persons in this matter, the ED recommends the commission refer issues 1 and 6, refer issues 2, 4, and 5 but limit the issues as discussed above, and not refer issues no. 3 and 7.

In this case, the permit would be issued under the commission's authority in Tex. Water Code § 5.013(11) (assigning the responsibilities in Chapter 382 of the Tex. Health & Safety Code) and the TCAA. The relevant sections of the TCAA are found in Subchapter C, Permits. Subchapter C requires the commission to grant a permit to construct or modify a facility if the commission finds the proposed facility will use at least BACT and the emissions from the facility will not contravene the intent of the TCAA, including the protection of the public's health and physical property. In making this permitting decision, the commission may consider the applicant's compliance history.

The commission by rule has also specified certain requirements for permitting. Therefore, in making the determination of relevance in this case, the commission should review each issue to see if it is relevant to these statutory and regulatory requirements that must be satisfied by this permit application.

IV. Maximum Expected Duration of the Contested Case Hearing

The ED recommends the contested case hearing, if held, should last no longer than six months from the preliminary hearing to the proposal for decision.

V. Executive Director's Recommendation

The Executive Director respectfully recommends the commission:

- A. Find all hearing requests in this matter were timely filed;
- B. Find the hearing requests of Amy and Larry Walker, James Ashton, Michael Ashton, Frankie and Diane Garcia, Jennifer and Aaron Bynum, Brian Chambers, Karel Holloway, Todd Williams, Keith and Karen Torres, and Marcos and Margaret Mendoza substantially comply with all of the requirements for form in 30 TAC § 55.201(d). However, find the hearing requests of Honorable Texas Representative Betty Brown, Curtis Snow, Dr. Brent Gentzel, Lana McCallie, Anne Glasscock, Jennifer McBride, Louis Heath, Logan Heath, Joyce Heath and Todd Williams do not substantially comply with all the requirements for form in 30 TAC § 55.201(d).
- C. Find Karel Holloway, Brian Chambers, Amy and Larry Walker, James Ashton, Michael Ashton, Frankie and Diane Garcia, Jennifer and Aaron Bynum, Keith and Karen Torres, Marcos and Margaret Mendoza and Todd Williams are not affected persons in this matter.
- D. If the commission does find some or all of the requesters are affected persons, then the ED recommends the following issues be referred to the State Office of Administrative Hearings:
 1. Whether air emissions from the proposed facility will adversely affect public health and welfare, including but not limited to the children attending the dance studio within 300 feet, those living within 440 yards who have existing health problems, the nearby city water treatment plant, the nearby Kaufman County Jail prisoners, and the 4000 Kaufman households downwind from the proposed site;
 2. Whether the applicant has met all property boundaries and any applicable distance requirements;
 3. Whether the operation of the facility will be a nuisance, including but not limited to dust and noise, and whether the operator should be required to pave all road and parking surface and maintain a properly clean site;
 4. Whether the dust and noise from the facility will adversely affect the single family

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homes nearby on both side of Hwy 175.

5. Whether the applicant has an acceptable compliance history, and how many violations this applicant has at all its sites?

E. If the commission does find some or all of the requestors affected persons, then the ED recommends the commission find issues nos. 3 and 7 not relevant or material to the application and therefore not refer those issues to SOAH.

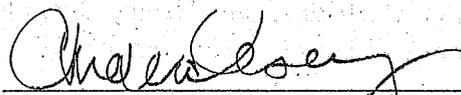
F. Find the maximum expected duration of the contested case hearing, if held, would be six months.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Glenn Shankle
Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services



Andrea Casey, Staff Attorney
Environmental Law Division
State Bar No. 24050930
P.O. Box 13087, MC 173
Austin, Texas 78711-3087

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that true and correct copies of the foregoing Executive Director's Response To Hearing Request has been served on the following in the manner indicated below on this 24th day of February, 2008.

FOR THE APPLICANT

Via regular mail and fascimile
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FOR THE EXECUTIVE DIRECTOR:

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FOR ALTERNATIVE DISPUTE

RESOLUTION:

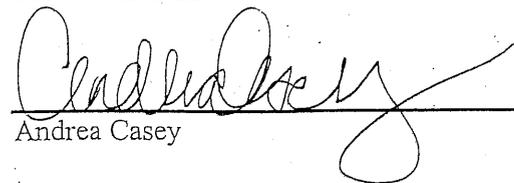
Via interagency mail
Mr. Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
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FOR THE CHIEF CLERK:

Via hand delivery
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Office of Chief Clerk, MC-105
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Tel: (512) 239-3300
Fax: (512) 239-3311

REQUESTORS AND INTERESTED PERSONS:

Via regular mail
See attached List



Andrea Casey

MAILING LIST
TRANSIT MIX & CONCRETE MATERIALS, INC.
PERMIT NO.: 80840

FOR PUBLIC OFFICIALS REQUESTER(S):

The Honorable Betty Brown
Texas House of Representatives, District 4
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Austin, Texas 78768-2910

REQUESTERS:

James Ashton
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Michael Ashton
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Aaron & Jennifer Bynum
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Brian W. Chambers
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Diane and Frankie Garcia
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Curtis Snow
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Kaufman, Texas 75142

Karen and Keith Torres
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Kaufman, Texas 75142

Amy and Larry Walker
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Kaufman, Texas 75142

Todd Williams
1000 S. Houston Street
Kaufman, Texas 75142

FOR PUBLIC OFFICIALS—INTERESTED
PERSON(S):

The Honorable Robert F. Deuell
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Austin, Texas 78711-2068

FOR INTERESTED PERSONS:

William Fortner
Mayor of Kaufman
PO Box 351
Kaufman, Texas 75142

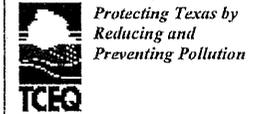
Roy Gardner
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ATTACHMENT A

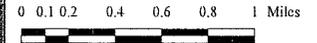
Transit Mix, 80840 Kaufman

Map Requested by TCEQ Office of Legal Services
for Commissioners Agenda



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

March 14, 2008



Projection: Texas Statewide Mapping System
(TSMSS)
Scale 1:50,000

Legend

- Requestors
- ◻ Proposed Plant Location

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information and the requestor information from the applicant. 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 tx257_1-1.

This map depicts the following:
(1) The approximate location of the plant. This is labeled "Proposed Plant Site."
(2) Circle and arrow depicting 440 yard-radius. This is labeled "440 Yds."
(3) The requestors. They are labeled with a number corresponding to the names on the list.
(4) A zoom-in inset shows the area of interest in better detail. This is labeled "Area of Interest."

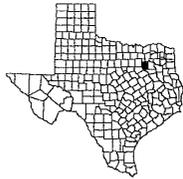


This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This map was not generated by a licensed surveyor, and is intended for illustrative purposes only. No claims are made to the accuracy or completeness of the data or to its suitability for a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

MAI/Danough CRF-080313024



Transit Mix, 80840



The plant is located in Kaufman County. The red square in the first inset map represents the approximate location of the plant. The second inset map represents the location of Kaufman County in the state of Texas; Kaufman County is shaded in red.

Requestors & Distance from Plant

- 1 - Brian Chambers --- 2.1 Miles
- 2 - The Dance Factory --- 160 Feet
- 3 - Amy and Larry Walker --- .3 Miles
- 4 - James Ashton --- .38 Miles
- 5 - Michael Ashton --- .36 Miles
- 6 - Frankie and Diane Garcia --- .33 Miles
- 7 - Jennifer and Aaron Bynum --- .33 Miles
- 8 - Keith and Karen Torres --- .44 Miles
- 9 - Marcos and Margaret Mendoza --- .56 Miles
- 10 - KISD --- 3.0 Miles

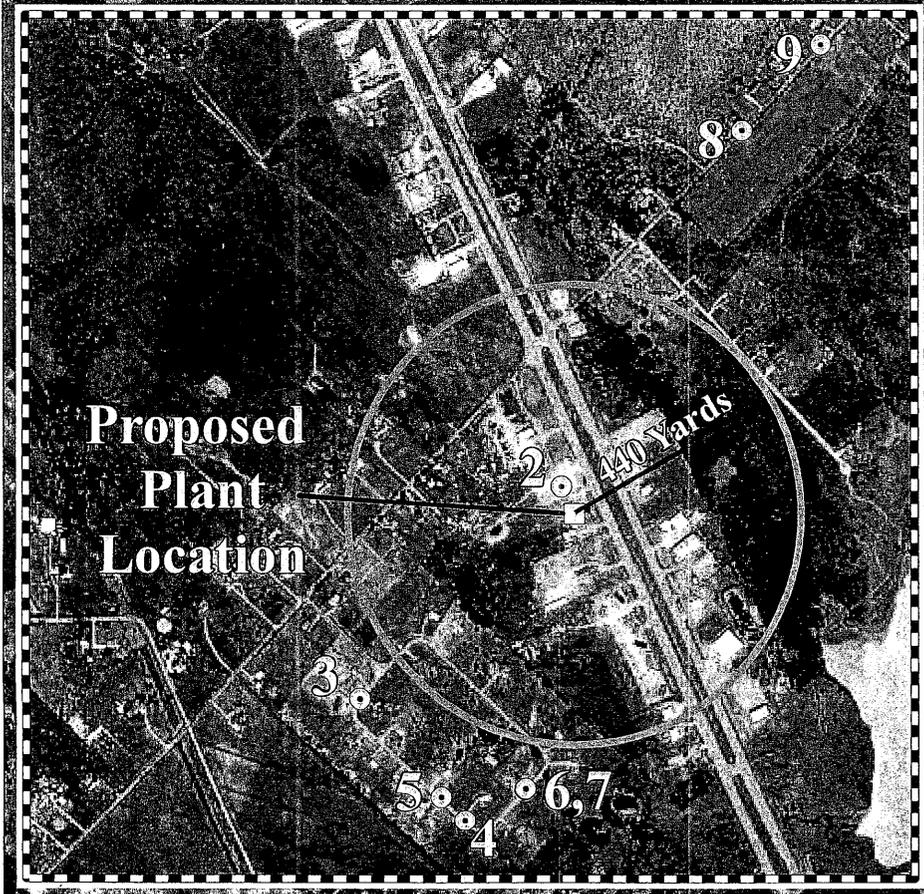
Not Shown: Karel Holloway

Area of Interest

Proposed
Plant
Location

440 Yards

Zoom-in



ATTACHMENT B

Compliance History

Customer/Respondent/Owner-Operator:	CN600408009 Transit Mix Concrete & Materials Company	Classification: AVERAGE	Rating: 2.98
Regulated Entity:	RN105138499 TRANSIT MIX CONCRETE KAUFMAN PLANT	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	AIR NEW SOURCE PERMITS	REGISTRATION	80840
Location:	3372 E US HIGHWAY 175, KAUFMAN, TX, 75142	Rating Date: 9/1/2007	Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	January 10, 2008		
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.		
Compliance Period:	January 10, 2003 to January 10, 2008		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Shelley Stratmann	Phone:	239-3752

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? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

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

ATTACHMENT C

CONCRETE BATCH PLANT STANDARD PERMIT REVIEW ANALYSIS & TECHNICAL REVIEW

Company:	Transit Mix Concrete & Materials Company	Permit No.:	80840
City:	Kaufman	Project No.:	126795
County:	Kaufman	Account No.:	
TCEQ Date Received:	January 08, 2007	Regulated Entity No.:	RN105138499
Project Reviewer:	Ms. Shelley Stratmann	Customer Reference No.:	CN600408009
Site Address:	3372 US Highway 175		

INFORMATION RECEIVED:

<p><input checked="" type="checkbox"/> PI-S-CBP</p> <p><input checked="" type="checkbox"/> Franchise Tax Certificate</p> <p><input checked="" type="checkbox"/> CBP Standard Permit Checklists</p> <p><input checked="" type="checkbox"/> Tables 11 for each Fabric Filter</p> <p><input checked="" type="checkbox"/> Table 20</p>	<p><input checked="" type="checkbox"/> Table 29 (If applicable)</p> <p><input checked="" type="checkbox"/> Location Description</p> <p><input checked="" type="checkbox"/> Area Map</p> <p><input checked="" type="checkbox"/> Plot Plan</p> <p><input checked="" type="checkbox"/> Emissions Information</p>
--	---

PROJECT OVERVIEW:

This is the proposed authorization of a permanent concrete batch plant with a production rate of 150 cubic yards per hour and an operating schedule of 24 hours/day, 7 days/week, and 52 weeks/year or 8,736 hours/year.

POWER SOURCE INFORMATION:

Is this facility utilizing an Engine or Generator? No

DEFICIENCIES:

Above items missing or incomplete? Yes

Date company notified of deficient items? 02/20/2007

Comments: Plot plan does not represent the truck loading point at a minimum of 100 feet from nearest property line; Resolved

Date registration claim complete: 02/20/2007

SITE REVIEW REQUEST FOR COMMENTS:

Region:	4	By local program OR Regional investigator:	Regional Investigator
Date sent:	02/21/2007	Inspection by:	Jason Cooper
Response:	03/16/2007	Approved?	Yes
Comments:	Proceed with Permit Review		

PUBLIC NOTICE INFORMATION:

Public Notice Information Required? Yes

Has the applicant submitted information that indicates that the proposed plant site is adjacent and contiguous to the right of way of a public works project? No

Comments:

PUBLIC NOTICE INFORMATION:

§39.403 Date Administrative Complete: 01/23/2007

Small Business Source? No

§39.418 Date 1st Notice and legislator letters mailed: 01/23/2007

§39.603 Date Published in Newspaper: 02/01/2007 in The Kaufman Herald

Pollutants: Particulate matter including (but not limited to) aggregate, cement, road dust, and particulate matter less than 10 microns in diameter.

Date Affidavits/Copies received: 02/21/2007

Bilingual notice required? Yes

The applicant certifies that no such newspaper was found for the language in which notice is required.

§39.419 2nd Public Notification required? Yes

Date 2nd Public Notice mailed: 05/04/2007

Preliminary Determination Issue

§39.603 Date Published: 05/24/2007 in The Kaufman Herald

Date Affidavits/Copies received: 07/12/2007

**CONCRETE/BATCH PLANT STANDARD PERMIT
REVIEW ANALYSIS & TECHNICAL REVIEW**

Regulated Entity Number: RN105138499

Page 2

Bilingual notice required? Yes
The applicant certifies that no such newspaper was found for the language in which notice is required.

PUBLIC COMMENT INFORMATION:

Public Comments Received? Yes
Meeting requested? Yes Hearing requested? Yes
Was the request(s) withdrawn? No
If not, was a public meeting(s) held? Yes Date of public meeting: 06/26/2007
Note: Additional meeting requested by Senator Robert F. Deuell, M.D. due to the adverse weather conditions on the night of the 1st public meeting.
Date of public meeting: 10/16/2007
Was the hearing request(s) withdrawn? No Date withdrawn: N/A
If no, was the hearing held? Pending
If no, was the hearing request denied by the commission? Pending
Date of hearing or commission agenda? 04/16/2008
Comments:

RESPONSE TO COMMENT (RTC) INFORMATION:

RTC received by OCC: Yes
Date RTC received by OCC: 12/13/2007
Final Action letters sent to all commenters: Yes

COMPLIANCE HISTORY:

In accordance with 30 TAC Chapter 60, a compliance history report was reviewed on: 02/20/2007
The compliance period was from 01/08/2007 to 01/08/2002
Was the application received after September 1, 2002? Yes
If yes, what was the site rating & classification? 3.01 Average by Default Company rating & classification? 2.98 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

RECOMMENDATIONS:

All Conditions of Standard Permit Satisfied? Yes
Final Action: Issue
Comments:

Permit Reviewer	Date	Team Leader/Section Manager/Backup	Date
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ATTACHMENT D

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

MR MATTHEW HALLMARK
ENVIRONMENTAL MANAGER
TRANSIT MIX CONCRETE & MATERIALS COMPANY
2525 N STEMMONS FWY
DALLAS TX 75207

Re: Air Quality Standard Permit for Concrete Batch Plants
(As amended effective July 10, 2003)
Permit Number: 80840
Concrete Batch Plant
Kaufman, Kaufman County
Regulated Entity Number: RN105138499
Customer Reference Number: CN600408009

Dear Mr. Hallmark:

This is in response to your Form PI-1S (Air Quality Standard Permit Registration for Concrete Batch Plants) concerning the proposed construction of a permanent concrete batch plant to be located at 3372 US HWY 175, Kaufman, Kaufman County.

After evaluation of the information which you have furnished, we have determined that your proposed construction is authorized under Title 30 Texas Administrative Code § 116.611 (30 TAC § 116.611), as codified in the Texas Health and Safety Code § 382.05195, if constructed and operated as described in your registration. This standard permit was authorized by the Texas Commission on Environmental Quality (TCEQ) in accordance with 30 TAC Chapter 116. This standard permit for concrete batch plants was amended and became effective on July 10, 2003.

A copy of the air quality standard permit for concrete batch plants with an effective date of July 10, 2003 is enclosed. You must begin construction or modification of these facilities in accordance with the standard permit no later than 18 months after the date of this letter. After completion of construction or modification, the appropriate TCEQ Regional Office must be notified prior to commencing operation and the facility shall be operated in compliance with all applicable conditions of the claimed standard permit (enclosed). Also enclosed is a notification form for you to complete and send in prior to your construction or site move.

This standard permit authorizes operations including planned startup and shutdown emissions. Maintenance activities are not authorized by this standard permit. These maintenance activities will need to be authorized separately prior to January 5, 2013.

Mr. Matthew Hallmark
Page 2

Re: Permit Number 80840

You are reminded that regardless of whether a permit is required, these facilities must be in compliance with all rules and regulations of the TCEQ and of the U.S. Environmental Protection Agency at all times.

Your cooperation in this matter is appreciated. If you need further information or have any questions, please contact Ms. Shelley Stratmann at (512) 239-3752 or write to the Texas Commission on Environmental Quality, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-163), P.O. Box 13087, Austin, Texas 78711-3087.

This action is taken under authority delegated by the Executive Director of the TCEQ.

Sincerely,

Richard A. Hyde, P.E., Director
Air Permits Division
Office of Permitting, Remediation, and Registration
Texas Commission on Environmental Quality

RAH/SS/

Enclosures

cc: Air Section Manager, Region 4 - Fort Worth

Project Number: 126795

**MOVING A PORTABLE FACILITY AUTHORIZED TO
OPERATE UNDER A STANDARD PERMIT***

TCEQ Air Quality Regulated Entity Number: RN105138499

1.	Company name:	Transit Mix Concrete & Materials Company		
	Office address:	2525 N Stemmons Fwy		
		Dallas, TX 75207		
	Contact name and title:	Matthew Hallmark, Environmental Manager		
	Telephone:		Fax:	
2.	Type of facility:	Concrete Batch Plant		
3. A.	Location from which plant is moving:			
		(address, city, county, project name, exact location description)		
	B. Standard Permit or Permit by Rule Registration No. for previous			
	C. Last TCEQ Record No. (Found at end of approval letter):			
	D. Date actually started operating at site:			
	E. Last date at site:			
4. A.	Location to which the plant is to be moved:			
		(address, city, county, project name, exact location description)		
	B. Proposed start of construction date:			
	C. Proposed start of operation date:			
	D. Expected length of time at new location:			
5.	Was this notification sent to:	Yes	No	TCEQ Air Permits Division, Austin?
		Yes	No	TCEQ Regional Office?
		Yes	No	Local air pollution program (if applicable)?

Signature _____ Date: _____

Name: _____ Title: _____

Please fax this form to the appropriate TCEQ Region and Local Program(s) no later than 24 hours prior to moving the plant.

- Note - This form cannot be used to register a facility at a new site. It should be completed only when a facility is about to be moved to a site which has already been registered and approved by the TCEQ Executive Director

This form has been developed as part of an effort by the TCEQ Office of Permitting, Remediation, and Registration, Air Permits Division to streamline standard permit registration reviews and the tracking of facilities that frequently relocate. This form confirms requested and approved locations for your portable facility and ensures that the Agency has accurate records to expedite future registration requests. This form should be used to notify the TCEQ Regional Offices and local air pollution control programs when relocating.

Whenever possible, please fax the completed form 24 hours prior to moving the plant. Copies should be faxed to the Air Permits Division in Austin (512) 239-1300 and the appropriate TCEQ Regional Office and Local Program(s).

Regional Office FAX Numbers:			
Region 1 - Amarillo	(806) 358-9545	Region 9 - Waco	(254) 772-9241
Region 2 - Lubbock	(806) 796-7107	Region 10 - Beaumont	(409) 892-2119
Region 3 - Abilene	(915) 692-5869	Region 11 - Austin	(512) 339-3795
Region 4 - Dallas/Ft. Worth	(817) 588-5700	Region 12 - Houston	(713) 767-3761
Region 5 - Tyler	(903) 595-1562	Region 13 - San Antonio	(210) 545-4329
Region 6 - El Paso	(915) 834-4940	Region 14 - Corpus Christi	(512) 825-3101
Region 7 - Midland	(915) 570-4795	Region 15 - Harlingen	(956) 412-5059
Region 8 - San Angelo	(915) 658-5431	Region 16 - Laredo	(956) 791-6716

Local Program FAX Numbers:			
Austin-Travis County	(512) 469-2030	City of Houston	(713) 640-4343
City of Austin	(512) 499-2859	City of Irving	(972) 721-3634
Brazoria County	(409) 849-0324	City of Lewisville	(972) 219-3414
City of Carrollton	(972) 466-3175	City of Nacogdoches	(409) 560-5137
City of Dallas	(214) 948-4426	City of Richardson	(972) 644-2618
El Paso City-County Health Dist.	(915) 771-5714	City of San Antonio	(210) 207-8039
City of Farmers Branch	(972) 241-6305	City of Sugar Land	(281) 275-2771
Fort Worth Dept. of Env. Mgmt.	(817) 871-5464	City of Webster	(281) 332-5834
Galveston County	(409) 938-2321	Wichita Falls-Wichita County	(940) 761-7821
Harris County	(713) 475-8906		

In addition, if a facility is not moving to a site that has been registered, please forward this form to the TCEQ Regional Offices and any affected local air pollution control programs.

Please send all correspondence or comments to the TCEQ, Office of Permitting, Remediation, and Registration, Air Permits Division, Mechanical/Combustion Section, MC-163, P.O. Box 13087, Austin, Texas 78711-3087, FAX (512) 239-1300

Standard Permit General Conditions

The following general conditions are applicable to holders of standard permits, but will not necessarily be specifically stated within the standard permit document.

- (1) Protection of public health and welfare. The emissions from the facility must comply with all applicable rules and regulations of the commission adopted under the Texas Health and Safety Code, Chapter 382, and with intent of the TCAA, including protection of health and property of the public.
- (2) Standard permit representations. All representations with regard to construction plans, operating procedures, and maximum emission rates in any registration for a standard permit become conditions upon which the facility or changes thereto, must be constructed and operated. It is unlawful for any person to vary from such representations if the change will affect that person's right to claim a standard permit under this section. Any change in condition such that a person is no longer eligible to claim a standard permit under this section requires proper authorization under Title 30 Texas Administrative Code § 116.110 (30 TAC § 116.110) of this title (relating to Applicability). If the facility remains eligible for a standard permit, the owner or operator of the facility shall notify the TCEQ Executive Director of any change in conditions which will result in a change in the method of control of emissions, a change in the character of the emissions, or an increase in the discharge of the various emissions as compared to the representations in the original registration or any previous notification of a change in representations. Notice of changes in representations must be received by the TCEQ Executive Director no later than 30 days after the change.
- (3) Standard permit in lieu of permit amendment. All changes authorized by standard permit to a facility previously permitted under 30 TAC § 116.110 of this title (relating to Applicability) shall be administratively incorporated into that facility's permit at such time as the permit is amended or renewed.
- (4) Construction progress. Start of construction, construction interruptions exceeding 45 days, and completion of construction shall be reported to the appropriate TCEQ Regional Office not later than 15 working days after occurrence of the event, except where a different time period is specified for a particular standard permit.
- (5) Start-up notification. The appropriate TCEQ air program regional office of the commission and any other air pollution control program having jurisdiction shall be notified prior to the commencement of operations of the facilities authorized by the standard permit in such a manner that a representative of the TCEQ Executive Director may be present. For phased construction, which may involve a series of units commencing operations at different times, the owner or operator of the facility shall provide separate notification for the commencement of operations for each unit. A particular standard permit may modify start-up notification requirements.
- (6) Sampling requirements. If sampling of stacks or process vents is required, the standard permit holder shall contact the TCEQ Office of Permitting, Remediation, and Registration and any other air pollution control program having jurisdiction prior to sampling to obtain the proper data forms and procedures. All sampling and testing procedures must be approved by the TCEQ Executive Director and coordinated with the regional representatives of the commission. The standard permit holder is also responsible for providing sampling facilities and conducting the sampling operations or contracting with an independent sampling consultant.

- (7) Equivalency of methods. The standard permit holder shall demonstrate or otherwise justify the equivalency of emission control methods, sampling or other emission testing methods, and monitoring methods proposed as alternatives to methods indicated in the conditions of the standard permit. Alternative methods must be applied for in writing and must be reviewed and approved by the TCEQ Executive Director prior to their use in fulfilling any requirements of the standard permit.
- (8) Recordkeeping. A copy of the standard permit along with information and data sufficient to demonstrate applicability of and compliance with the standard permit shall be maintained in a file at the plant site and made available at the request of representatives of the TCEQ Executive Director, the EPA, or any air pollution control program having jurisdiction. For facilities that normally operate unattended, this information shall be maintained at the nearest staffed location within Texas specified by the standard permit holder in the standard permit registration. This information must include, but is not limited to, production records and operating hours. Additional recordkeeping requirements may be specified in the conditions of the standard permit. Information and data sufficient to demonstrate applicability of and compliance with the standard permit must be retained for at least two years following the date that the information or data is obtained. The copy of the standard permit must be maintained as a permanent record.
- (9) Maintenance of emission control. The facilities covered by the standard permit may not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations. Notification for upsets and maintenance shall be made in accordance with 30 TAC §§ 101.6 and 101.7 of this title (relating to Upset Reporting and Recordkeeping Requirements; and Maintenance, Start-up and Shutdown Reporting, Recordkeeping, and Operational Requirements).
- (10) Compliance with rules. Registration of a standard permit by a standard permit applicant constitutes an acknowledgment and agreement that the holder will comply with all rules, regulations, and orders of the commission issued in conformity with the TCAA and the conditions precedent to the claiming of the standard permit. If more than one state or federal rule or regulation or permit condition is applicable, the most stringent limit or condition shall govern. Acceptance includes consent to the entrance of commission employees and designated representatives of any air pollution control program having jurisdiction into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the standard permit.

Air Quality Standard Permit for Concrete Batch Plants

Standard Permit No. 4

Effective Date 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) Administrative Requirements

- (A) Any concrete batch plant authorized under this standard permit shall be registered in accordance with Title 30 Texas Administrative Code § 116.611 (30 TAC § 116.611), Registration to use a Standard Permit. Owners or operators shall submit a completed Form PI-1S entitled "Air Quality Standard permit Registration for Concrete Batch Plants," Table 20 entitled, "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) Applications shall also comply with 30 TAC § 116.614 "Standard Permit Fees" when the registration is required to complete public notification under paragraph 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 Texas Commission on Environmental Quality (TCEQ), Executive Director. The time period in 30 TAC § 116.611(b) (45 days) does not apply to facilities registering under this 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 TCEQ Executive Director. Start of construction of any facility registered under this standard permit shall comply with 30 TAC § 116.115(b)(2)(A) and commence within 18 months of written approval from the TCEQ.
- (D) 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.
- (E) Applicants are not required to submit air dispersion modeling as a part of any concrete batch plant standard permit application.
- (F) Records shall be maintained on-site for the following:
 - (i) production rates for each hour of operation which demonstrate compliance with the most applicable of paragraphs (4)(A), (5)(B) and (C), or (6)(C) and (D); and

- (ii) 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.

(2) Public Notice

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 and 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."

(3) General Requirements

- (A) All cement/fly ash storage silos and weigh hoppers shall be equipped with a fabric or cartridge filter or vented to a fabric or cartridge filter system.
- (B) Fabric filters and collection systems shall meet all of the following:
 - (i) 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) all filter systems (including any central filter system) shall be designed to meet at least 0.01 outlet grain loading (grains/dry standard cubic foot);
 - (iii) 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 U.S. Environmental Protection Agency (EPA) Test Method (TM) 22; and
 - (iv) 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 (3)(B)(iii) of this permit.
- (C) Conveying systems for the transfer of cement/fly ash shall meet all of the following:
 - (i) conveying systems to and from the storage silos shall be totally enclosed, operated properly, and maintained with no tears or leaks; and
 - (ii) these systems, except during cement/fly ash tanker connect and disconnect, shall meet a performance standard of no visible emissions exceeding 30 seconds in any six-minute period as determined using EPA TM 22.
- (D) 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 101.7, as appropriate.

- (E) 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) 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) treated with dust-suppressant chemicals;
 - (iii) watered; or
 - (iv) paved with a cohesive hard surface that is maintained intact and cleaned.
- (F) All stockpiles shall be sprinkled with water, dust-suppressant chemicals, or covered, as necessary, to minimize dust emissions.
- (G) Spillage of materials used in the batch shall be immediately cleaned up and contained or dampened so that dust emissions are minimized.

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

- (A) Site production shall not exceed 30 cubic yards per hour.
- (B) As an alternative to the requirement in paragraph (3)(A) of this section, the cement/fly ash weigh hopper may be vented inside the batch mixer.
- (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.
- (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.

- (A) Site production shall be limited to no more than 300 cubic yards per hour.

- (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)(III) and (IV) 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).
- (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) for 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.
- (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 12 feet; and
 - (ii) stockpiles within this buffer distance must be contained within a three-walled bunker which extends at least two feet above the top of the stockpile.
- (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.

(6) Additional Requirements for Other Concrete Plants

- (A) Site production shall be limited to no more than 300 cubic yard per hour.
- (B) A 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.
- (C) 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 following distance limitations must be met:
 - (i) the suction shroud baghouse exhaust shall be at least 100 feet from any property line;
 - (ii) 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:
 - (iii) for those facilities with production rates less than or equal to 200 cubic yards per hour, at least 25 feet; and
 - (iv) 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 distance requirements for roads and stockpiles of (5)(C)(ii), 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 12 feet; and
 - (ii) stockpiles within this buffer distance must be contained within a three-walled bunker which extends at least two feet above the top of the stockpile.