

TCEQ INTERAGENCY TRANSMITTAL MEMO

DATE: 10/17/08

TO: LaDonna Castañuela
Chief Clerk
Building F, MC105

FROM: Erin Selvera
Environmental Law Division
Building A, MC 173

Attached: Agenda Backup Documents

Agenda Date: November 5, 2008
Applicant: Wheatcraft, Inc.
Proposed Permit No.: 76508
Program: Air
TCEQ Docket No.: 2008-0870-AIR

Documents with this transmittal are indicated below:

- Final Draft Permit, including any special provisions or conditions
- Maximum Allowable Emission Rate Table (MAERT)
- The summary of the technical review of the permit application.
- The compliance summary of the applicant.
- Modeling Audit Report

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CHIEF CLERKS OFFICE

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY

SPECIAL CONDITIONS

Permit Number 76508

EMISSION STANDARDS

1. This permit covers only those sources of emissions listed in the attached table entitled "Emission Sources - Maximum Allowable Emission Rates," and those sources are limited to the emission limits and other conditions specified in the attached table.
2. All equipment shall comply with all requirements of the U.S. Environmental Protection Agency (EPA) regulations on Standards of Performance for New Stationary Sources (NSPS) promulgated for Nonmetallic Mineral Processing Plants in Title 40 Code of Federal Regulations Part 60, Subparts A and OOO except as otherwise represented in the permit application.

OPACITY/VISIBLE EMISSION LIMITATIONS

3. Opacity of emissions from any transfer point on belt conveyors or any screen shall not exceed 10 percent and from any crusher shall not exceed 15 percent, averaged over a six-minute period as determined by EPA Test Method 9 or equivalent.
4. No visible fugitive emissions from the crusher, screens, transfer points on belt conveyors, material storage or feed bins, or stockpiles shall leave the property. Visible emissions shall be determined by a standard of no visible emissions exceeding 30 seconds in duration in any six-minute period as determined using EPA Test Method 22 or equivalent. If this condition is violated, additional controls or process changes may be required to limit visible particulate matter (PM) emissions.

OPERATIONAL REPRESENTATIONS

5. The company has represented the following:
 - A. Permanently mounted spray bars shall be installed at the inlet and outlet of all crushers, at all shaker screens, and at all material transfer points. All water spray systems shall be operated as necessary to control dust.
 - B. Plant roads shall be paved with a cohesive hard surface which can be cleaned by sweeping or washing. All roads and stockpiles shall be sprinkled with water and/or environmentally sensitive chemicals upon detection of visible particulate emissions to maintain compliance with all Texas Commission on Environmental Quality (TCEQ) rules and regulations.

SPECIAL CONDITIONS

Permit Number 76508

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- C. Raw material stockpile heights shall not exceed 45 feet unless approved by the TCEQ Regional Office.
- D. This permit does not authorize the operation of an internal combustion engine in conjunction with this facility. The holder of this permit shall obtain prior authorization for any engine which remains or will remain at a single point or location for more than 12 consecutive months. Any portable engine which remains or will remain at a single point or location for less than or equal to 12 consecutive months is not considered stationary and no authorization is required.

DETERMINATION OF COMPLIANCE

- 6. Performance testing required by NSPS Subparts A and OOO shall be performed and the test report shall be submitted to the TCEQ San Antonio Regional Office within the deadlines stated in Subpart A. A copy of the test report shall be kept at the plant site indefinitely.
- 7. Upon request of the TCEQ Regional Director having jurisdiction, the holder of this permit shall perform ambient air monitoring, or other testing as required to establish the actual pattern and quantities of air contaminants being emitted into the atmosphere.

RECORDKEEPING REQUIREMENTS

- 8. The following records shall be kept and maintained at the plant site for a rolling two-year period to demonstrate compliance with General Condition No. 7, the maximum allowable emission rates table, and NSPS requirements, including the following:
 - A. Daily hours of operation;
 - B. Daily and annual amounts of materials processed;
 - C. Daily road maintenance for dust control; and
 - D. Records of all repairs and maintenance of abatement systems.

Dated

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

Permit Number 76508

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
10	Jaw Crusher (4)	PM	0.04	0.09
		PM ₁₀	0.02	0.04
F1	Screening (4)	PM	1.04	2.27
		PM ₁₀	0.50	1.08
F2	Truck Loading (4)	PM	0.05	0.11
		PM ₁₀	0.02	0.05
F3	Material Handling (4)	PM	0.14	0.30
		PM ₁₀	0.06	0.13
F4	Stockpiles (4)	PM		0.29
		PM ₁₀		0.14

- (1) Emission point identification - either specific equipment designation or emission point number from a plot plan.
- (2) Specific point source names. For fugitive sources use area name or fugitive source name.
- (3) PM - particulate matter, suspended in the atmosphere, including PM₁₀.
 PM₁₀ - particulate matter equal to or less than 10 microns in diameter. Where PM is not listed, it shall be assumed that no PM greater than 10 microns is emitted.
- (4) Fugitive emissions are an estimate only.

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

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

12 Hrs/day 7 Days/week 52 Weeks/year or 4,368 Hrs/year

Maximum production rates:

Jaw crusher: 200 Tons/hour 874,000 Tons/year

Total facility: 200 Tons/hour 874,000 Tons/year

Dated

Construction Permit Review Analysis & Technical Review

Company:	Wheatcraft Inc	Permit No.:	76508
City:	Center Point	Record No.:	117194
County:	Kerr	Regulated Entity No.:	RN104712625
Project Type:	CRVW	Customer Reference No.:	CN600848832
Project Reviewer:	Alex Berksan, P.E.	Facility Name:	Rock Crushing Plant

Authorization Checklist

Will a new policy/precedent be established? (ED signature required if yes) **No**
 Is a state or local official opposed to the permit?(ED signature required if yes) **No**
 Is waste or tire derived fuel involved? (ED signature required if yes) **No**
 Are waste management facilities involved?(ED signature required if yes) **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**

Project Overview

The application for a new permit was received August 1, 2005. The application was declared administratively complete August 12, 2005. The Notice of Receipt and Intent to Obtain (NORI) an Air Quality Permit was published September 6, 2005 in *Kerrville Daily Times*. More than 85 letters were received during the first comment period. These included 80 hearing requests, and public meeting requests from Senator Fraser and Rep. Hilderbran. A public meeting held in Center Point on January 24, 2006, was attended by 168 persons, including Rep. Hilderbran. Upon resolution of all technical deficiencies, the technical review was completed in August 2006. The Notice of Application and Preliminary Decision (NAPD) was published August 8, 2006 in *Kerrville Daily Times*. A second public meeting was requested by Rep. Harvey Hilderbran. The public meeting was held in Center Point on November 9, 2006. The comment period that started on September 7, 2005 closed at the end of the second public meeting on November 9, 2006 (428 days). This application received 296 hearing requests and 118 meeting requests. Comments were received from 133 persons and/or groups. 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.

Since the inception of the permit time frame reduction (PTR) project in March 2002, Office of Permitting, Remediation, and Registration (OPRR) has significantly reduced its permitting backlogs and increased permit efficiencies. In 2002, the Air Permits Division (APD) had a backlog of 1150 permits; APD has decreased that backlog to less than 270 projects currently. This represents a 76% reduction over this time period. Part of PTR is to identify older projects (greater than 2 yrs) and place the needed resources to resolve the issues and to ultimately process the application. Prior to eliminating the division's backlog this was very difficult to do on a consistent basis. Since the reduction of the backlog, all of the projects that are greater than 2 years old are being processed. Currently there are appropriately 60 projects within the division that are greater than 24 months old. Over that same time period this represents less than 1.0% of all applications completed by the division. Additionally, control measures have been put in place to identify problem projects early on in the review, highlight them, and focus on their completion within the expected backlog timeframes for the air permits division.

Compliance History

In compliance with 30 TAC Chapter 60, a compliance history report was prepared on: **July 18, 2006**
 Was the application received after September 1, 2002? **Yes**
 If yes, what was the site rating? **3.01 average by default** Company rating? **2.0 average**
 Is the permit recommended to be denied or has the permit changed on the basis
 of compliance history or rating? **No**

A Notice of Violation (NOV) was issued to Wheatcraft on December 20, 2005 for starting construction of the facility prior to obtaining a permit. Wheatcraft responded by their letter dated December 29, 2005, informing the TCEQ San Antonio Region that they halted construction of the plant as of December 27, 2005.

Public Notice Information

§39.403 Public notification required? **Yes**
 A. Date application received: **August 01, 2005** Date Administrative Complete: **8/12/2005**
 B. Small Business source? **Yes**

Review Analysis & Technical Review

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Regulated Entity No. RN104712625

- §39.418 C. Date 1st Public Notice /Admin Complete/Legislators letters mailed: 8/12/2005, 8/18/2005
§39.603 D. Pollutants: Particulate matter
E. Date Published: 9/6/2005 in Kerrville Daily Times
Date Affidavits/Copies received: 9/14/2005
F. Bilingual notice required? No; no bilingual program.
§39.604 G. Certification of Sign Posting / Application availability Received 10/14/2005
H. Public Comments Received? Yes
Meeting requested? Yes Meeting held? Yes; 1/24/2006
Hearing requested? Yes Hearing held? No
Was/were the request(s) withdrawn? No
Replies to Comments sent to OCC: N/A; comment period has not ended.
Consideration of Comments:
§39.419 2nd Public Notification required? Yes
A. Date 2nd Public Notice mailed: 7/28/2006
B. Preliminary determination Issue
§39.603 C. Pollutants: Particulate matter
D. Date Published: 8/8/2006 in Kerrville Daily Times
Date Affidavits/Copies received: 8/16/2006
E. Bilingual notice required? No; no bilingual program.
F. Public Comments Received? Yes
Meeting requested? No
Hearing requested? Yes Hearing held? No
Was/were the request(s) withdrawn? No
§39.420 G. Consideration of Comments:
RTC, Technical Review & Draft Permit Conditions sent to OCC: 4/21/2008
Request for Reconsideration Received? No
H. Final action: NA Letters enclosed? NA

Emission Controls

- §116.111(a)(2)(G) Is the facility expected to perform as represented in the application? Yes
§116.140 Permit Fee: \$900 Fee certification provided? Yes, E557121

Sampling and Testing

- §116.111(a)(2)(A)(i) Are the emissions expected to comply with all TCEQ air quality rules and regulations, and the intent of the Texas Clean Air Act? Yes
§116.111(a)(2)(B) Will emissions be measured? Yes
Method: Record keeping and AP-42 emission factors.

Federal Program Applicability

- §116.111(a)(2)(D) Compliance with applicable NSPS expected? Yes
Subparts A and OOO, Nonmetallic Mineral Processing
§116.111(a)(2)(E) Compliance with applicable NESHAP expected? N/A
§116.111(a)(2)(F) Compliance with applicable MACT expected? N/A
§116.111(a)(2)(H) Is nonattainment review required? No
A. Is the site located in a nonattainment area? No
116.111(a)(2)(I) Is PSD applicable? No
A. Is the site a federal major source (100/250 tons/yr)? No
B. Is the project a federal major source by itself? No
C. Is the project a federal major modification? No

Mass Cap and Trade Applicability

- §116.111(a)(2)(L) Is Mass Cap and Trade applicable? No
Did the proposed facility, group of facilities, or account obtain allowances to operate? N/A

Review Analysis & Technical Review

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Regulated Entity No. RN104712625

Title V Applicability

- §122.10(13)(A) Is the site a major source under FCAA Section 112(b)? **No**
 (i) The site emits 10 tons or more of any single HAP? **No**
 (ii) The site emits 25 tons or more of a combination **No**
 §122.10(13)(C) Does the site emit 100 tons or more of any air pollutant? **No**
 §122.10(13)(D) Is the site a nonattainment major source? **No**

Request for Comments

Region: 13 San Antonio Reviewed by: Bernice Beck
 Legal: Yes Reviewed by: Brad Patterson

Process Description

Raw material is loaded into a hopper and moved to the first screen by a conveyor. Part of the screened material is sent to a stockpile using a classifier, a screw and a conveyor. The remainder is sent to the crusher for size reduction. Crushed material is sorted by three more screens and the material stockpiled.

Sources, Controls, Source Reduction and BACT [§116.111(a)(2)(C)]

The crusher, the four screens, material transfer points, and truck loading are sources of fugitive particulate matter emissions. Water spray bars will be used to control emissions from the crusher and screens. Stockpiles will be watered. Material loaded into trucks will be wet. Roads will be paved and watered to control emissions. All proposed controls are consistent with current BACT for crushing operations.

Impacts Evaluation

1. Was modeling done? **Yes** Type? **Screen**
2. Will GLC of any air contaminant cause violation of NAAQS? **No**
3. Is this a sensitive location with respect to nuisance? **No**
4. Is the site within 3000 feet of any school? **No**
5. Toxics Evaluation:

The applicant's consultant submitted screen modeling to predict the off-property concentration of PM and PM₁₀ in order to demonstrate compliance with state and federal standards. The model was audited by members of the Emissions Banking and Modeling Team (Keith Zimmermann, P.E. and Karianne Kurth) and the results were determined to be acceptable. The results are as follows:

Table 1. Sitewide Modeling Results for State Property Line			
Pollutant	Averaging Time	GLCmax (µg/m ³)	Standard (µg/m ³)
PM	1-hr	127	400
	3-hr	127	200

Table 2. Total Concentrations for State NAAQS (Concentrations > De Minimis)					
Pollutant	Averaging Time	GLCmax (µg/m ³)	Background (µg/m ³)	Total Conc = [Background + GLCmax] (µg/m ³)	Standard (µg/m ³)
PM ₁₀	24-hr	24	60	84	150
	Annual	5	20	25	50

Review Analysis & Technical Review

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It should be noted that at the time modeling was requested and performed, TCEQ Regulation 30 TAC 111.155 was in effect (one- and three-hour standards for PM). This rule was repealed on June 11, 2006.

Miscellaneous

- 1. Is applicant in agreement with special conditions? Yes
- Company representative? Wei Liu, AARC Environmental for Wheatcraft, Inc., email 6/28/2006
- 2. Other permit(s) affected by this action? No

Alex Berkman 10/14/08 Michael Stadel 10/16/2008
Project Reviewer Date Team Leader/Section Manager/Backup Date

Compliance History

Regulated Entity

Number: RN104712625
 Name: RHODES PIT
 Classification: AVERAGE BY DEFAULT
 Rating: 3.0F
 Publication Date: 03/14/2006

Customer

Number: CN600848832
 Name: Wheatcraft, Inc.
 Classification: AVERAGE
 Rating: 2
 Publication Date: 03/14/2006

Repeat Violator Ind: NO

Compliance History Start: End:

Enforcement Actions

Type	Effective Date	Violations		
		Citation/Requirement Provision	Abbv. Description	Classification

Criminal Convictions

Conviction Date	Number of		Violations		
	Felonies	Misdemeanors	Citation/Requirement Provision	Abbv. Description	Classification

Chronic Excessive Emissions Events

<input type="text" value="Start Date"/>

Investigations

<input type="text" value="Date"/>	<input type="text" value="Type"/>
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Notices of Violation

Date	Status	Citation/Requirement Provision	Abbv. Description	Classification	Self Reported
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Environmental Audits

Notice of Audit Date	Disclosure Of Violation			
	DOV Date	Violations		
		Classification	Citation/Requirement Provision	Abbv. Description

Environmental Management Systems

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Type	Tier	Date of Certification	Implementation Date
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Voluntary On-Site Compliance Assessments

Date

Voluntary Pollution Reduction Programs

Name	Level	Start Date of Participation
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Early Compliance

Date	Description
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Texas Commission On Environmental Quality

INTEROFFICE MEMORANDUM

To: Alex Berksan, P.E. Date: April 27, 2006
Mechanical/Agricultural Section

Thru: Robert Opiela, Team Leader
Emissions Banking/Modeling Team (EBMT)

From: Keith Zimmermann, P.E., Karianne Kurth
EBMT

Subject: Modeling Audit – Wheatcraft, Inc. (RN104712625)

1.0 Project Identification Information.

Permit Application Number: 76508
NSR Project Number: 117194
EBMT Project Number: 2314
NSRP Document Number: 325339
County: Kerr

Modeling Report: Submitted by AARC, December 2005, on behalf of Wheatcraft, Inc.
Supplemental modeling was received from AARC, April 2006, on behalf of Wheatcraft, Inc.

2.0 Report Summary. The modeling analysis is acceptable for all review types and pollutants. The results are summarized below.

Pollutant	Averaging Time	GLCmax ($\mu\text{g}/\text{m}^3$)	Standard ($\mu\text{g}/\text{m}^3$)
PM	1-hr	127	400
	3-hr	127	200

EBMT practice is to use the 1-hr maximum predicted PM concentration from SCREEN3 for the 3-hr concentration since concentrations close to an area source do not vary much and meteorological conditions likely to give maximum 1-hr concentrations can persist for several hours.

Table 2. Total Concentrations for State NAAQS (Concentrations > De Minimis)					
Pollutant	Averaging Time	GLCmax ($\mu\text{g}/\text{m}^3$)	Background ($\mu\text{g}/\text{m}^3$)	Total Conc. = [Background + GLCmax] ($\mu\text{g}/\text{m}^3$)	Standard ($\mu\text{g}/\text{m}^3$)
PM ₁₀	24-hr	24	60	84	150
	Annual	5	20	25	50

The 24-hr maximum predicted concentration was derived by multiplying the 1-hr maximum predicted PM₁₀ concentration by 0.4. The annual maximum predicted concentration was derived by multiplying the 1-hr maximum predicted PM₁₀ concentration by 0.08. This is appropriate.

The screening background concentrations for PM₁₀ from Region 13 were used in the modeling demonstration. This is appropriate.

Concentrations from low-level fugitive sources were reduced by 40% which is consistent with TCEQ guidance for these types of sources.

- 3.0 Land Use. Rural dispersion coefficients and flat terrain were used in the modeling analysis. These selections are consistent with the topographic map and aerial photography.
- 4.0 Modeling Emissions Inventory. The modeled emission area source parameters and rates were consistent with the modeling report. The source characterization used to represent the source was appropriate.
- 5.0 Building Wake Effects (Downwash). Downwash was not modeled since there are no structures on-site that would impact the flow of emissions and since downwash is not applicable to area sources.
- 6.0 Meteorological Data. The full meteorology option was chosen.
- 7.0 Receptor Grid. Receptors were placed beginning at the nearest property line and were spaced every 100 meters to a distance of 5,000 meters. This captured the maximum predicted concentration in the SCREEN3 model.
- 8.0 Model Used and Modeling Techniques. SCREEN3 (Version 96043) was used.