

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 9, 2008

TO: Persons on the attached mailing list.

RE: Caviness Beef Packers, Ltd.
Permit No. 81570

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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, the TCEQ Amarillo Regional Office, and at the Hereford City Hall, 224 North Lee, Hereford, Deaf Smith County, Texas. The facility's compliance file, if any exists, is available for public review at the Texas Commission on Environmental Quality Amarillo Regional Office, 3918 Canyon Drive, Amarillo, 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/er

Enclosures

MAILING LIST
for
Caviness Beef Packers, Ltd.
Permit No. 81570

FOR THE APPLICANT:

Terry Caviness, CEO
Caviness Beef Packers, Ltd.
P.O. Box 790
Hereford, Texas 79045-0790

Anissa Purswell, Consultant
Enviro-Ag Engineering, Inc.
3404 Airway Boulevard
Amarillo, Texas 79118

INTERESTED PERSONS:

Juanita Coker
P.O. Box 1044
Hereford, Texas 79045

Dick and Patricia Hill
3321 Tierra Blanca Road
Hereford, Texas 79045

Mike and Evelyn Morrison
3380 County Road H.H.
Hereford, Texas 79045

Kevin Sanders
3331 Tierra Blanca Road
Hereford, Texas 79045

FOR THE EXECUTIVE DIRECTOR:

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

Stephanie Howell, Technical Staff
Texas Commission on Environmental Quality
Air Permits Division MC-163
P.O. Box 13087
Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE:

Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC-108
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK:

LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087

TCEQ AIR QUALITY PERMIT NO. 81570

2008 OCT -8 AM 11: 46

APPLICATION BY	§	BEFORE THE	CHIEF CLERKS OFFICE
	§		
CAVINESS BEEF PACKERS, LTD.	§	TEXAS COMMISSION ON	
RENDERING PLANT	§		
HEREFORD, DEAF SMITH COUNTY	§	ENVIRONMENTAL QUALITY	

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (RTC or Response) on Air Quality Permit No. 81570 filed by Caviness Beef Packers, Ltd. (Applicant or Caviness Packers), and the ED's preliminary decision. As required by 30 Texas Administrative Code (30 TAC) §55.156, before an application is approved, the ED prepares a response to all timely, relevant and material, or significant comments.

The Office of the Chief Clerk timely received comment letters from the following persons: Dick & Patricia Hill, Juanita Coker, Kevin Sanders, and Mike & Evelyn Morrison. 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

Caviness Packers has applied to the TCEQ for a New Source Review Authorization under Texas Clean Air Act (TCAA) §382.0518. This permit will authorize the Applicant to construct a beef rendering facility. The facility will be located at 3255 West US Highway 60, Hereford, Deaf Smith County, Texas. Contaminants to be authorized under this permit include: volatile organic compounds, sulfur dioxide, carbon monoxide, nitrogen oxides, particulate matter including particulate matter less than 10 microns in diameter, hydrogen sulfide, and ammonium.

Procedural Background

The permit application to construct a new facility was received on April 9, 2007 and declared administratively complete on April 27, 2007. The Notice of Receipt and Intent to Obtain an Air Quality Permit (public notice) for this permit application was published on May 8, 2007 in the *Hereford Brand*. The Notice of Application and Preliminary Decision was published on June 13, 2008 in the *Hereford Brand*. Although not required, Caviness Packers voluntarily published Alternative Language Notices on May 8, 2007 and June 13, 2008, in the *Hereford Brand*. The public comment period ended on July 14, 2008. Because this application was administratively

complete after September 1, 1999, this action is subject to the procedural requirements adopted pursuant to House Bill 801.

COMMENTS AND RESPONSES

COMMENT 1: Commenters express concern regarding the impact to air quality from air emissions from the proposed facility. (Juanita Coker, Dick & Patricia Hill, Mike & Evelyn Morrison, Kevin Sanders).

Commenters express concern regarding the impact to health from air emissions from the proposed facility. (Dick & Patricia Hill, Mike & Evelyn Morrison, Kevin Sanders).

Commenter expresses concern regarding the impact to the environment from the proposed facility. (Kevin Sanders).

RESPONSE 1: For many permits, potential impacts to human health and welfare or the environment are determined by comparing air dispersion modeling predicted emission concentrations from the proposed facility to appropriate state and federal standards and effects screening levels.^{1, 2, 3} The specific health-based standards or guidance levels employed in evaluating this facility's potential emissions include the National Ambient Air Quality Standards (NAAQS); TCEQ standards contained in 30 Texas Administrative Code (30 TAC) § 111 and 30 TAC § 112; and TCEQ Effects Screening Levels (ESLs).³

NAAQS are created by the United States Environmental Protection Agency (EPA) and, as defined in the federal regulations (40 C.F.R. § 50.2), include both primary and secondary standards. The primary standards are those which the Administrator of the EPA determines are necessary, with an adequate margin of safety, to protect the public health, including sensitive members of the population such as children, the elderly, and individuals with existing lung or cardiovascular conditions. Secondary NAAQS are those which the Administrator determines are necessary 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 standards are set for the following criteria pollutants: ozone, lead, carbon monoxide, sulfur dioxide, nitrogen dioxide, and respirable particulate matter. "Criteria pollutants" are those pollutants for which a NAAQS has been established.

¹ See the document "Air Quality Modeling Guidelines" for details on air modeling at the TCEQ website at <http://www.tceq.state.tx.us/assets/public/permitting/air/Guidance/NewSourceReview/rg25.pdf>. Also visit the agency air modeling page at http://www.tceq.state.tx.us/permitting/air/nav/modeling_index.html.

² Documents referenced in this response that are available on the TCEQ website are also available in printed form at a small cost from the TCEQ Publications office at 512-239-0028.

³ To view the ESL list or obtain more information on ESLs, visit the TCEQ website at http://www.tceq.state.tx.us/implementation/tox/esl/list_main.html.

In order to demonstrate compliance with the NAAQS and any applicable ESLs, air dispersion modeling was conducted to determine off-property concentrations of volatile organic compounds, sulfur dioxide, carbon monoxide, nitrogen oxides, particulate matter including particulate matter less than 10 microns in diameter and hydrogen sulfide. Ammonium (NH₄) emissions are insignificant at 0.001 pounds per hour and do not require modeling. The likelihood of whether adverse health effects caused by emissions from the Applicant's facility could occur in members of the general public, including sensitive subgroups such as children, the elderly, or people with existing respiratory conditions, was determined by comparing the facility's predicted air dispersion computer modeling concentrations to the relevant state and federal standards and effects screening levels. The permit reviewer used modeling results to verify that predicted ground level concentrations from the proposed facility are not likely to adversely impact off-property receptors. Screening background concentrations⁴ from the geographic area surrounding the site or other appropriate background concentrations are added to the modeled concentrations when applicable. The overall evaluation process provides a conservative prediction that is protective of the public. The modeling predictions were reviewed by the TCEQ Air Permits Division, and the modeling analysis was determined to be acceptable. The model predicted that emissions resulting from the proposed operations at this facility would not cause an exceedence of the NAAQS or any state standards for the above-mentioned pollutants. Based on TCEQ review, it was determined that when the proposed facility operates in compliance with the permit, no adverse health impacts are expected from emissions of receiving, cooking, meal handling, loadout and wastewater treatment operations.

Emissions of particulate matter (PM) were evaluated for the Applicant's facility. Particulate matter consists of solid particles and liquid droplets found in the air. Particulate matter includes TSP, PM_{2.5}, and PM₁₀. Particles up to 50 microns (µm) in diameter are collectively referred to as "total suspended particulates" (TSP). Particles less than 10 µm in diameter (PM₁₀) are referred to as "coarse" particles, and particles less than 2.5 µm in diameter are referred to as "fine" particles (PM_{2.5}). Sources of coarse particles include wind-blown dust, dust generated by vehicles traveling on unpaved roads, and material handling. Fine particles are usually produced via industrial and residential combustion processes and vehicle exhaust.

The NAAQS for PM₁₀ are based on 24-hour and annual time periods. The standards and the measurements for predicted concentrations of air contaminants in modeling exercises is expressed in terms of micrograms per cubic meter (µg/m³). One microgram is 1/1,000,000 of a gram, or 2.2/1,000,000,000 of a pound (approximately the weight of a dust mite), of air contaminant per cubic meter of ambient air. The air volume of a cubic meter is approximately the size of a washing machine. Predicted air concentrations occurring below the 24-hour and annual NAAQS of 150 µg/m³ and 50 µg/m³, respectively, are not expected to deteriorate existing conditions or cause adverse health effects. Modeling for this facility resulted in predicted PM₁₀ concentrations, at the facility's property line, to be 101 µg/m³ (24-hour) and 8.2 µg/m³ (annual), which are both below the NAAQS.

⁴ Background concentrations are concentrations of constituents present in the ambient air that are not attributed to the source or site being evaluated

Sulfur dioxide (SO₂) was also evaluated for the Applicant's facility. The SO₂ NAAQS are based on one-hour, three-hour, 24-hour, and annual time periods. Predicted SO₂ air concentrations occurring below the one-hour, three-hour (which is also the Secondary NAAQS), 24-hour, and annual NAAQS of 1021 µg/m³, 1,300 µg/m³, 365 µg/m³, and 80 µg/m³, respectively, are not expected to deteriorate existing conditions or cause adverse health effects. Modeling of this facility resulted in predicted air concentrations of SO₂ to be 632 µg/m³ (one-hour), 256 µg/m³ (three-hour), 330 µg/m³ (twenty-four hour) and 45 µg/m³ (annual), which are each below the NAAQS.

Nitrogen dioxide (NO₂) was also evaluated for Applicant's facility. The NO₂ NAAQS is based on an annual time period. Predicted NO₂ air concentrations occurring below the annual NAAQS of 100 µg/m³ are not expected to deteriorate existing conditions or cause adverse health effects. Modeling of this facility resulted in predicted air concentrations of NO₂ to be 45 µg/m³ (annual), which is below the NAAQS.

Carbon monoxide (CO) was also evaluated for Applicant's facility. The CO NAAQS are based on one-hour and eight-hour time periods. Predicted CO air concentrations occurring below the one-hour and eight-hour NAAQS of 40,000 µg/m³ and 10,000 µg/m³, respectively, are not expected to deteriorate existing conditions or cause adverse health effects. Modeling of this facility resulted in predicted air concentrations of CO to be 5,925 µg/m³ (one-hour) and 2,347 µg/m³ (eight-hour), which is below the NAAQS.

Hydrogen Sulfide (H₂S) was evaluated for the Applicant's facility. The H₂S state regulation found in 30 TAC § 112.31 is based on a 30-minute time period. Predicted H₂S air concentrations occurring below the 30-minute state regulation of 109 µg/m³ are not expected to deteriorate existing conditions or cause adverse health effects. Modeling of this facility resulted in predicted H₂S concentrations of 5.15 µg/m³ (1-hr), which is below the state regulation.

Increases in volatile organic compound (VOC) emissions were considered to be de minimis and do not require evaluation per air quality modeling guidelines.

In summary, based on the potential concentrations reviewed by the Executive Director's staff, it is not expected that existing health conditions will worsen, or that there will be adverse health effects in the general public, sensitive subgroups, or animal life as a result of exposure to the expected levels of PM, PM₁₀, SO₂, NO_x, CO, or VOCs.

COMMENT 2: Commenters express concern about the Applicant's alleged failure to use Best Available Control Technology (BACT) to control the emission of air contaminants. (Dick & Patricia Hill).

RESPONSE 2: The TCAA and TCEQ rules require an evaluation of air quality permit applications to determine whether adverse effects to public health, general welfare, or physical property are expected to result from a facility's proposed emissions. As part of the evaluation of applications for new or amended permits, the permit reviewer identifies all sources of air contaminants at the proposed facility and assures that the facility will be using the BACT for reducing or eliminating the emissions from the facility. The reviewer also verifies that the

proposed facility will be in compliance with applicable federal and state standards.

The BACT is based upon control measures that are designed to minimize the level of emissions from specific sources at a facility. Applying BACT results in requiring technology that best controls air emissions with consideration given to the technical practicability and economic reasonableness of reducing or eliminating emissions.⁵ The Applicant has represented in the permit application that BACT will be used at the proposed site. Use of appropriate control measures will decrease the amount of air contaminants and odor emitted into the atmosphere by this facility. Contaminants authorized under this permit include: VOCs, SO₂, CO, NO_x, PM, PM₁₀, H₂S, and NH₄. The primary control measures applied to this facility are: venturi scrubbers, packed bed scrubbers, cyclone separators, and the facility's processes are performed under negative pressure inside the building. Other control measures required by the permit to reduce nuisance odor include: enclosed receiving and loadout areas, paved roads, storage of raw materials shall not exceed 24 hours, truck trailers shall be cleaned inside the receiving bay, and the facility will be kept clean and free from any collection of raw and/or finished products, refuse or waste materials.

COMMENT 3: Commenters express concern about nuisance conditions related to odor. (Juanita Coker, Dick & Patricia Hill, Mike & Evelyn Morrison, Kevin Sanders).

RESPONSE 3: In addition to the BACT mentioned in Response 2, applicants must also comply with 30 TAC § 101.4, which prohibits nuisance conditions including offensive odors. Specifically the rule states: "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to 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."

According to the facility's maximum allowable⁶ emission rates table in the permit, the facility will emit approximately 3.12 tons per year (tpy) of PM, 20.50 tpy of NO_x, 36.99 tpy of SO₂, 23.46 tpy of CO, 2.57 tpy of VOCs, 0.03 tpy of H₂S, and <0.01 tpy of NH₄. As long as the facility is operated in compliance with the terms of the permit, odor nuisance conditions or conditions of air pollution are not expected.

Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting the TCEQ Amarillo Regional Office at (806) 353-9251, or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. If the facility is found to be out of compliance with the terms and conditions of the permit, it will be subject to possible

⁵ TCAA § 382.0518; 30 TAC § 116.111

⁶ The term "allowable" means the maximum emission rate of a specific pollutant from a given source, as specified in the permit.

enforcement action. Citizen-collected evidence may be used in such an action. See 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. The TCEQ has long had procedures in place for accepting environmental complaints from the general public but now has a new tool for bringing potential environmental problems to light. Under the citizen-collected evidence program, individuals can provide information on possible violations of environmental law and the information can be used by the TCEQ to pursue enforcement. For additional information, see the TCEQ publication, "Do You Want to Report an Environmental Problem? Do You Have Information or Evidence?" This booklet is available in English and Spanish from the TCEQ Publications office at 512-239-0028, and may be downloaded from the agency website at www.tceq.state.tx.us (under Publications, search for document no. 278).

COMMENT 4: Commenter expresses concern regarding the facility's impact on his personal welfare. (Kevin Sanders).

RESPONSE 4: In addition to protecting health, the NAAQS are also set to address welfare effects such as visibility reduction, crop damage, and material damage. Section 302(h) of the Federal Clean Air Act (FCAA) defines effects on welfare to include effects on soils, water, crops, vegetation, manmade materials, animals, wildlife, weather, visibility and climate, damage to and deterioration of property, hazards to transportation, and impacts to personal comfort and well-being, whether caused by transformation, conversion, or combination with other air pollutants. Because the emissions from this facility should not cause an exceedance of the NAAQS, no impact to land, livestock, crops, or visibility is expected, nor should emissions interfere with the use and enjoyment of surrounding land. The Secondary NAAQS are set below levels which would be expected to cause nuisance conditions (dust accumulation, decreased visibility) or eye and throat irritation, and, therefore, should not impact the personal welfare of those living near the proposed facility. In addition to criteria pollutants demonstrating compliance with the NAAQS, H₂S emissions are also predicted to be in compliance with the applicable state regulation, and NH₄ emissions are considered insignificant according to the TCEQ's Modeling and Effects Review Applicability guidance document. Therefore, H₂S and NH₄ emissions are not expected to adversely affect human health and welfare.

COMMENT 5: Commenters express concern regarding the Applicant's compliance history. (Dick & Patricia Hill, Kevin Sanders).

RESPONSE 5: During the technical review, a compliance history review of the company and the site is conducted based on the criteria in Title 30, Chapter 60 of the TAC. These rules may be found at the following website: <http://www.tceq.state.tx.us/rules/index.html>. In most cases, the compliance history for the company and site is reviewed for the five-year period prior to the date the permit application was received by the ED. In this case, the compliance period has been updated to include a notice of violation issued to the Applicant on October 11, 2007. The compliance history includes multimedia compliance-related components about the site under review. These components include the following: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs and

early compliance.

This permit application was received after September 1, 2002, and the company and site have been rated and classified pursuant to Title 30, Chapter 60 of the TAC. A company and site may have one of the following classifications and ratings:

High: rating < 0.10 (above-average compliance record)

Average by Default: rating =3.01 (these are for sites which have never been investigated)

Average: 0.10 < rating < 45 (generally complies with environmental regulations)

Poor: 45 < rating (performs below average)

This site has a rating of 3.01 and a classification of AVERAGE BY DEFAULT. The company rating and classification, which is the average of the ratings for all sites the company owns, is 3.01 and AVERAGE.

COMMENT 6: Commenters inquire as to the exact location of the Applicant's proposed facility. (Mike & Evelyn Morrison).

RESPONSE 6: According to Caviness Packers, the company moved their meat packing operations to a new facility in July 2005, which is currently authorized under 30 TAC §§ 321.51-321.57 and 30 TAC §106.241. This new meat packing facility is located at 3255 West U.S. Highway 60, five miles southwest of Hereford, Texas. The old facility, located further east of Hereford at 3500 West U.S. Highway 60, is no longer in operation. This application is to authorize the proposed rendering operation at the new location.

COMMENT 7: Commenter requests that the TCEQ address issues relating to water quality in the proposed permit. Commenter further expresses concern over the increase in the amount of wastewater that would be added to lagoons at the proposed facility. (Kevin Sanders).

RESPONSE 7: According to representations in the permit application, a four-stage wastewater treatment system will be used for both the beef packing operation and the proposed rendering plant. The uncovered wastewater treatment lagoon system will emit hydrogen sulfide, which is currently authorized under 30 TAC §§ 321.51-321.57. TCEQ has not documented hydrogen sulfide emissions exceeding the net ground level concentration of 0.08 parts per million (ppm) for residential, business or commercial properties. The Applicant proposes to authorize the existing wastewater treatment system under the New Source Review permit, and utilize BACT to minimize and reduce H₂S emissions and odors from the wastewater treatment system.

In accordance with BACT, all anaerobic lagoons in a wastewater treatment system receiving effluent from a rendering process shall be enclosed. All air emissions captured from the anaerobic lagoons shall be controlled by a flare or routed to a boiler for destruction. The facultative lagoons immediately following the anaerobic lagoons shall use in-situ biological inoculation to degrade odor-causing solids in wastewater. The applicant also proposes to use mechanical aeration in the aerobic lagoons for increased oxygen transfer to promote nitrification for odor control. When the wastewater treatment system is operated in accordance with the permit limitations, hydrogen sulfide emissions and odors are not expected to cause nuisance conditions.

COMMENT 8: Commenters express concern over the possibility that operation of the proposed facility would attract more flies, thereby creating a health hazard. (Mike & Evelyn Morrison).

RESPONSE 8: While the TCEQ is responsible for the environmental protection of all media, the statutes governing air permits deals specifically with air-related issues. The scope of this air quality permit application review does not include on-site population of vectors.⁷ However, controls and procedures required by the permit to reduce nuisance and odorous conditions may assist in reducing the potential for attracting vectors. The controls and procedures required by the permit include: enclosed receiving and loadout areas, paved roads, storage of raw materials shall not exceed 24 hours, truck trailers shall be cleaned inside the receiving bay, and the facility will be kept clean and free from any collection of raw and/or finished products, refuse or waste materials.

COMMENT 9: Commenters express concern regarding the proposed facility's impact on their ability to recruit employees. (Mike & Evelyn Morrison).

RESPONSE 9: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider effects on recruiting employees when determining whether to approve or deny an air quality permit application.

COMMENT 10: Commenters request that the TCEQ enforce applicable rules to protect air quality. (Dick & Patricia Hill, Kevin Sanders).

RESPONSE 10: The ED has reviewed the permit application in accordance with the applicable law, policy and procedures, and the Agency's mission to protect the State's human and natural resources consistent with sustainable economic development. If the facilities are operated as specified in the permit terms and conditions, the emissions from the equipment covered by this permit should not adversely impact people or air quality. Individuals are encouraged to report any environmental concerns at the site by contacting the Amarillo Regional Office at (806) 353-9251, 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,

⁷ The TCEQ's Municipal Solid Waste rules define a vector as an agent, such as an insect, snake, rodent, bird, or animal, capable of mechanically or biologically transferring a pathogen from one organism to another.

Texas Commission on Environmental Quality

Mark R. Vickery, P.G., Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services



Tim Eubank, Staff Attorney
Environmental Law Division
State Bar No. 24048458
P.O. Box 13087, MC 173
Austin, Texas 78711-3087

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY