TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 SEP 14 AM 11: 27

CHIEF CLERKS OFFICE

TCEQ AIR QUALITY PERMIT NO. 8597
TCEQ DOCKET NO. 2009-0848-AIR

APPLICATION BY	§	**BEFORE THE**
	§	
APAC-TEXAS, INC	§	**TEXAS COMMISSION ON**
	§	
FRISCO, COLLIN 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 Texas Water Code § 5.556.[1] This statute is implemented through the rules in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F.

A current compliance history report, technical review summary, and draft permit prepared by the ED's staff have been filed with the TCEQ's Office of Chief Clerk for the commission's consideration. In addition, 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

APAC-Texas, Inc. (Applicant) applied to the TCEQ for renewal of Air Quality Permit No. 8597. The renewal would authorize continued operation of Applicant's hot mix asphalt facility located at 14900 SR 121, Frisco, Collin County, Texas. As of the filing of this Response, Applicant's facility is operating. The facility will emit the following contaminants: particulate matter (PM) including particulate matter less than 10 microns in diameter (PM_{10}), nitrogen oxides, carbon monoxide, sulfur dioxide, and organic compounds, including but not limited to, asphalt, diesel, and kerosene vapors. This renewal will not authorize any change in currently authorized operations or change in currently authorized pollutants. As of September 11, 2009, Applicant is not delinquent on any administrative penalty payments to the TCEQ.

The application for renewal of the permit was received on November 12, 2007. The application was declared administratively complete November 28, 2007. The Notice of Receipt and Intent to Obtain (NORI) an Air Quality Permit was published December 20, 2007, in the *Dallas Morning News*. The comment period ended January 4, 2008. In response to public notice, six requests for a hearing were received. An informational meeting was held in Frisco on May 6, 2008. Subsequent to the

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[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.

NORI, The ED's RTC was mailed on August 26, 2009 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 to the RTC provided information about filing a response to hearing requests.

At the request of the TCEQ Air Permits Division (APD), Applicant performed air dispersion modeling to determine the off-property impacts of emissions from its facility operations. The modeling report was submitted to APD on September 30, 2008. The report was audited by members of the APD Air Dispersion Modeling Team and found to be acceptable on November 4, 2008. The results of the modeling were sent to the Toxicology Section for their review. They concluded that the impacts were acceptable and issued their memorandum on November 13, 2008.

The TCEQ received timely hearing requests during the public comment period from: Kerry Russell on behalf of the City of Frisco, the Commissioners Court of Collin County, Representative Ken Paxton, Carolyn Kresek-Lis, and Carolyn Kresek-Lis on behalf of her child.

II. Analysis

Applicant is seeking a renewal that would not result in an increase in allowable emissions and will not result in an emission of an air contaminant not previously emitted. Texas Health & Safety Code (THSC) § 382.056(g) states, "The commission may not seek further comment or hold a public hearing...in response to a request for a public hearing on an amendment, modification, or renewal that would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted."[2] Therefore, the commission should deny the hearing requests as a matter of law and approve the renewal of Applicant's Permit No. 8597.

Although this renewal application will not result in an increase in allowable emissions and will not result in an emission of an air contaminant not previously emitted, THSC § 382.056(o) states "Notwithstanding other provisions of this chapter, the commission may hold a hearing on a permit amendment, modification, or renewal if the commission determines that the application involves a facility for which the applicant's compliance history is in the lowest classification under Sections 5.753 and 5.754, Water Code, and rules adopted and procedures developed under those sections."[3] The commission adopted 30 TAC Chapter 60 to evaluate compliance history. The lowest classification under the Texas Water Code §§ 5.753 and 5.754 and 30 TAC § 60.2 is a "poor performer." Under 30 TAC § 60.3(a)(3)(B), the TCEQ may hold a hearing on an air permit renewal if the site is classified as a poor performer. The compliance history for the company and the site is

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

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

reviewed for the five-year period prior to the date the permit application was received by the ED. Applicant's company and this site have a rating of 3.08 and 1.50 respectively, and have been classified as "average" and not "poor" performers according to 30 TAC Chapter 60. Therefore, a hearing should not be granted under THSC § 382.056(o) based on the compliance history of Applicant.

III. Conclusion

The renewal of this permit would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted. Under these circumstances, THSC § 382.056(g) directs the commission to "not seek further comment or hold a public hearing." Because consideration of hearing requests on a "no increase" renewal application is governed by THSC § 382.056(g) and (o), this Response does not include an analysis of the individual hearing requests. Accordingly, the ED respectfully recommends the commission deny the hearing request as a matter of law and approve the renewal of Applicant's Permit No. 8597.

Respectfully submitted,

Texas Commission on Environmental Quality

Mark Vickery P.G.
Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services

Robert Martinez, Division Director
Environmental Law Division

Douglas M. Brown, Staff Attorney
Environmental Law Division
Bar No. 24048366

Representing the Executive Director of the Texas Commission on Environmental Quality

CERTIFICATE OF SERVICE

On the 14th day of September 2009, a true and correct copy of the foregoing instrument was served on all persons on the attached mailing list by the undersigned via deposit into the U.S. Mail, inter-agency mail, facsimile, or hand delivery.

Douglas M. Brown

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 SEP 14 AM 11: 28
CHIEF CLERKS OFFICE

MAILING LIST
APAC-TEXAS, INC.
DOCKET NO. 2009-0848-AIR; PERMIT NO. 8597

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Russell & Rodriquez LLP
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102 West Morrow Street, Ste. 103
Georgetown, Texas 78626

Commissioners Court of Collin County
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ATTACHMENT A:

COMPLIANCE HISTORY

Compliance History Report Pending

PENDING

Customer/Respondent/Owner-Operator:	CN600317473	Apac-Texas, Inc.	Classification: AVERAGE	Rating: 3.08
Regulated Entity:	RN104992276	HOT MIX PLANT NO 1	Classification: AVERAGE	Site Rating: 1.50

ID Number(s):

AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	908597A
AIR NEW SOURCE PERMITS	AFS NUM	4808500175
AIR NEW SOURCE PERMITS	PERMIT	8597
AIR NEW SOURCE PERMITS	PERMIT	23016
AIR NEW SOURCE PERMITS	REGISTRATION	83103L001
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	908597A

Location: 14900 STATE HIGHWAY 121, FRISCO, TX, 75035

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: September 11, 2009

Agency Decision Requiring Compliance History: Permit - issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Compliance Period: November 12, 2002 to September 11, 2009

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

Name: Alex Berksan Phone: 239 - 1595

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

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.)

1	06/14/2005	(393898)
2	10/24/2005	(432859)
3	08/07/2006	(485200)
4	08/07/2006	(485218)
5	08/07/2006	(485263)
6	02/25/2008	(619207)
7	08/19/2008	(688373)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 12/01/2003 (253680)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
8597 PERMIT

Description: Failure to maintain emission control equipment in good working order.

Date: 06/06/2005 (381197)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
No. 8597, Special Condition No. 5 PERMIT

Description: Failure to comply with Special Condition (SP) No. 5 of Permit No. 8597.

Date: 06/15/2005 (393898)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
No. 8597, Special Condition 19C PERMIT

Description: Failure to comply with Special Condition No. 19C of Permit No. 8597, which requires that records of all additives be kept and maintained on-site for a rolling two-year period.

Date: 11/05/2007 (597211)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: It is determined, based on the preponderance of the evidence collected during the investigation that odors emitted from APAC-Texas Hot Mix Plant No. 1 at the frequency, intensity, duration, and offensiveness create a nuisance condition.

Date: 06/12/2008 (682362)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
No. 8597, Special Condition No. 6C PERMIT

Description: Dust emissions from the in-plant road near stockpile area were noted. The dust was noted leaving the plant's northern property line.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

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 B:

TECHNICAL REVIEW SUMMARY

Permit Renewal
Source Analysis & Technical Review

Company	**APAC-Texas Inc**	Permit Number	**8597**
City	**Frisco**	Project Number	**134081**
County	**Collin**	Account Number	**90-8597-A**
Project Type	**Renewal**	Regulated Entity Number	**RN104992276**
Project Reviewer	**Alex Berksan, P.E.**	Customer Reference Number	**CN600317473**
Site Name	**Hot Mix Asphalt Plant**		

Project Overview

APAC-Texas applied for the renewal of the permit for their Frisco hot mix plant. More than 650 comments were received during the 15-day comment period, including hearing requests and public meeting requests. Senator Florence Shapiro and Representative Ken Paxton requested a public meeting. An informational public meeting was held in Frisco on May 6, 2008.

Emission Summary

Air Contaminant	Current Allowable Emission Rates (tpy)	Proposed Allowable Emission Rates (tpy)	Change in Allowable Emission Rates (tpy)
PM	14.49	14.45	-0.04
PM_{10}	9.69	9.27	-0.42
$PM_{2.5}$			0.00
VOC	49.64	16.14	-33.50
NO_X	13.50	20.98	7.48
CO	14.25	49.37	35.12
SO_2	13.88	23.24	9.36
HAPs			0.00

Compliance History Evaluation - 30 TAC Chapter 60 Rules

A compliance history report was reviewed on:	**3/2/2009**
Compliance period:	**11/12/2002 – 11/12/2007**
Site rating & classification:	**1.88 average**
Company rating & classification:	**3.18 average**
If the rating is 40<RATING<45, what was the outcome, if any, based on the findings in the formal report:	**NA**
Has the permit changed on the basis of the compliance history or rating?	**No**

Public Notice Information - 30 TAC Chapter 39 Rules

Rule Citation	Requirement	
39.403	Date Application Received:	**November 12, 2007**
	Date Administratively Complete:	**November 28, 2007**
	Small Business Source?	**No**
	Date Leg Letters mailed:	**11/28/2007**
39.603	Date Published:	**12/20/2007**
	Publication Name:	***Dallas Morning News***
	Pollutants:	**Particulate matter including particulate matter les than 10 microns in diameter, nitrogen oxides, sulfur dioxide, carbon monoxide, organic compounds including but not limited to asphalt, diesel and kerosene vapors**
	Date Affidavits/Copies Received:	**1/8/2008**
	Is bilingual notice required?	**No; no bilingual program**
39.604	Public Comments Received?	**Yes**

	Hearing Requested?	**Yes**
	Meeting Request?	**Yes**
	Date Meeting Held:	**Informational meeting held in Frisco 5/6/2008**
	Date Response to Comments sent to OCC:	
	Request(s) withdrawn?	**No**
	Date Withdrawn:	**NA**
	Consideration of Comments:	
	Is 2nd Public Notice required?	**No**
39.419	If no, give reason:	**No increase renewal. No further opportunity for comment after 1st notice.**
39.421	Request for Reconsideration Received?	
	Final Action:	
	Are letters Enclosed?	

Renewal Requirements - 30 TAC Chapter 116 Rules

Rule Citation	Requirement	
116.315(a)	Date of permit expiration:	**8/14/2008**
116.310	Date written notice of review was mailed:	**7/18/2007**
116.315(a)	Date application for Renewal (PI-1R) received:	**11/12/2007**
116.311(a)(1)	Do dockside vessel emissions associated with the facility comply with all regulations?	**NA**
116.311(a)(2)	Is the facility being operated in accordance with all requirements and conditions of the existing permit, including representations in the application for permit to construct and subsequent amendments, and any previously granted renewal, unless otherwise authorized for a qualified facility?	**Yes**
116.311(a)(3)	Subject to NSPS?	**Yes**
	Subparts A & I, Hot Mix Asphalt Plants	
116.311(a)(4)	Subject to NESHAPS?	**No**
116.311(a)(5)	Subject to NESHAPS (MACT) for source categories?	**No**
116.311(a)(6)	Does this project require case-by-case MACT?	**No**
116.311(b)	Was there a condition of air pollution that had to be addressed during this project review?	**No**
116.314(a)	Does the facility meet all permit renewal requirements?	**Yes**
116.313	Permit Renewal Fee: $4113 Fee certification:	**R808670**
	Applicable Outstanding Fees:	**None**

Request for Comments

Received From	Program/Area Name	Reviewed By	Comments
Region:	4	**Xin Rao**	**incorporated**
Toxicology:		**Jong-Song Lee, PhD**	**See memo 11/13/2008**
Legal:		**Douglas Brown**	**NA**

Process/Project Description

Aggregate and sand are delivered by truck and stockpiled. Various aggregates are placed into cold feed bins by a loader. The aggregate material is dropped on the belt feeders below, which moves the material to the gathering conveyor, which in turn takes the material to the scalping screen. Oversized material from the screen is removed. The material that passes through the screen is transferred to a

conveyor that in turn transfers it to another conveyor that delivers material to the dryer drum. When lime is required as part of the mix design, it is delivered by an enclosed auger from the lime storage silo to the screen. The lime silo is controlled by a silo top baghouse. When recycled asphalt product (RAP) is needed in the mix, RAP is delivered to a hopper and transferred to a conveyor that transfers the material to another conveyor. This conveyor transfers the material to a RAP screen. Oversized material from the RAP screen falls to a conveyor that delivers it to a RAP crusher. Material processed by the RAP crusher falls to the same underlying conveyor that receives material from the RAP hopper. Material that passes through the RAP screen is transferred to a conveyor that delivers it to the dryer drum. Fine aggregates recycled from the dryer baghouse are delivered back to the dryer drum by the enclosed dust return system screw conveyors and other authorized additives can also be added at this time according to mix design. The material is heated, dried, and passed through the mixing zone where it is mixed with liquid asphalt cement. The hot mix asphalt is discharged to the elevating drag conveyor, which transports it to the hot mix storage silos for temporary holding until truck loading.

Pollution Prevention, Sources, Controls and RACT- [30 TAC 116.311(b)(2)]

The drum dryer can be fired with natural gas, liquid petroleum gas, first-run No. 2 or No. 4 fuel oil, or reclaimed industrial oil and is a source of particulate matter, nitrogen oxides, carbon monoxide, sulfur dioxide, and volatile organic compounds. Currently drum dryer emissions are controlled by a wet scrubber but APAC registered a pollution control project standard permit to replace the scrubber with a baghouse (No. 83103L001, 10/30/2007). The permit renewal review was performed with the baghouse in place. APAC has to install and start operating the baghouse no later than 180 days following the issuance of the renewed permit (see Special Condition No. 6G).

Hot mix silo filling and truck loadout operations are sources of particulate matter, VOCs, and carbon monoxide and they are not controlled. The hot oil heater which provides the heat necessary to keep the liquid asphalt heated is fired with No. 2 fuel oil and is a source of particulate matter, nitrogen oxides, carbon monoxide, sulfur dioxide, and volatile organic compounds. The two liquid asphalt tanks, the fuel oil tank, the diesel tank, and two antistrip agent tanks are sources of VOCs. Stockpiles and material handling operations are sources of fugitive particulate matter and they are controlled by watering or maintaining the material washed and wet. The lime silo is controlled by its own baghouse.

All controls are consistent with reasonably available control technology, given the age of the facility.

Additional information

At the request of the Air Permits Division, APAC's technical consultants Westward Environmental performed air dispersion modeling to predict the off-property impacts of emissions from the facility operations. The modeling report was audited by Daniel Menendez and Justin Cherry of the Air Dispersion Modeling Team and the report was accepted. The results showed that except for asphalt vapors, the impacts of all modeled pollutants were below their respective ESLs. The short-term GLCmax for asphalt vapors was two times its ESL of 350 $\mu g/m^3$. The predicted frequency of exceedance was 18 hours per year. The frequency of two times the ESL exceedance was one hour per year. Jong-Song Lee of the Toxicology Section reviewed the modeling results and determined that based on the magnitude and frequency of exceedance, the predicted impacts for asphalt vapors were acceptable.

APAC was authorized to make cold mix asphalt in the previous version of their permit but they requested to remove this mix type from their permit. Also, during the review, APAC requested a decrease in the hourly production from the previous 450 tons to 300 tons.

All changes in emission rates are due to updated emission factors.

Permit Concurrence and Related Authorization Actions

Is the applicant in agreement with special conditions?	**Yes**
Company representative(s):	**Melissa Fitts, Westward Environmental**
Contacted Via:	**Email**
Date of contact:	**3/12/2009**
Other permit(s) or permits by rule affected by this action:	**No**
List permit and/or PBR number(s) and actions required or taken:	**NA**

Project Reviewer	Date	Team Leader/Section Manager/Backup	Date

ATTACHMENT C:

DRAFT PERMIT

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

Permit Number 8597

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**
14	Dryer Baghouse Stack	PM	9.90	12.38
		PM_{10}	6.90	8.63
		VOC	9.60	12.00
		NO_x	16.50	20.63
		SO_2	17.40	21.75
		CO	39.00	48.75
15	Silo Filling (4)	PM	0.15	0.19
		VOC	2.34	2.92
		CO	0.23	0.28
16	Truck Loadout (4)	PM	0.12	0.15
		VOC	0.75	0.94
		CO	0.26	0.32
17	Hot Oil Heater	PM	0.03	0.06
		VOC	<0.01	<0.01
		NO_x	0.16	0.35
		SO_2	0.68	1.49
		CO	0.01	0.02
18 – 21	Tanks (4)	VOC	0.04	0.27
STK	Stockpiles (4)	PM		0.36
		PM_{10}		0.18
1 - 13	Material Handling (4)	PM	1.08	1.31
		PM_{10}	0.38	0.46

(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 an area name or fugitive source name.
(3) VOC - volatile organic compounds as defined in Title 30 Texas Administrative Code § 101.1
NO_x - total oxides of nitrogen

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

SO_2 - sulfur dioxide
PM - particulate matter, suspended in the atmosphere, including PM_{10} and $PM_{2.5}$
PM_{10} - particulate matter equal to or less than 10 microns in diameter
CO - carbon monoxide

(4) Fugitive emissions are an estimate only and should not be considered as a maximum allowable emission rate.

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

10 Hrs/day 6 Days/week 52 Weeks/year or 3,120 Hrs/year

	Tons/hour	tons/year
Standard hot mix	300	750,000

** Compliance with annual emission limits is based on a rolling 12-month period.

Dated

SPECIAL CONDITIONS

Permit Number 8597

EMISSION STANDARDS AND FUEL SPECIFICATIONS

1. These facilities shall comply with all requirements of the U.S. Environmental Protection Agency (EPA) regulations on Standards of Performance for New Stationary Sources promulgated for Asphalt Concrete Plants in Title 40 Code of Federal Regulations Part 60 (40 CFR 60), Subparts A and I.

2. Total emissions from these facilities shall not exceed the values stated on the attached table entitled "Emission Sources - Maximum Allowable Emission Rates." Compliance with these permitted emission limits is based on a total maximum asphalt concrete production of 300 tons per hour and 750,000 tons per year. **(3/09)**

3. A. Fuel for the dryer shall be either pipeline sweet natural gas as defined in Title 30 Texas Administrative Code Chapter 101 (30 TAC Chapter 101) containing no more than 5 grains total sulfur and 0.25 grain hydrogen sulfide per 100 dry standard cubic feet (dscf), liquid petroleum gas, diesel fuel, first-run No. 2 fuel oil, first-run No. 4 fuel oil, or reclaimed industrial oil with a maximum sulfur content of 0.6 percent by weight. Reclaimed industrial oil shall meet all requirements specified in 40 CFR 279 - Standards for the Management of Used Oil and not contain more than the indicated amounts of the substances listed below in parts per million by weight (ppm):

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

Documentation from an approved independent testing laboratory that lists the concentrations of the above ingredients of the fuel shall be kept on-site at all times when a reclaimed industrial oil is used. Upon request by the Executive Director of the Texas Commission on Environmental Quality (TCEQ) or any local air pollution control program with jurisdiction, this documentation shall be provided to TCEQ staff to demonstrate compliance with the concentrations listed above and with the Federal Resource Recovery and Conservation Act (RCRA) Standards.

B. Fuel for the hot oil heater shall be first-run No. 2 fuel oil with a maximum sulfur content of 0.6 percent by weight. **(3/09)**

C. Use of any other fuels shall require prior written approval of the Executive Director of the TCEQ. Upon request by the Executive Director of the TCEQ or any local air pollution control program with jurisdiction, the holder of this permit shall provide a sample of the fuel(s) utilized in these facilities or shall allow air pollution control program representatives to obtain a sample for analysis. **(3/09)**

OPACITY/VISIBLE EMISSION LIMITATIONS

4. No visible fugitive emissions from the recycled asphalt product (RAP) breaker, screens, all material transfer points, stockpiles or active work areas shall leave the property. Visible emissions shall not exceed 30 seconds in duration in any six-minute period as determined using EPA Test Method 22. If this condition is violated, additional controls or process changes may be required to limit visible particulate matter emissions. Stack emissions may leave the plant property provided opacity restrictions are not violated.

5. According to EPA Test Method 9 or equivalent, opacity of emissions from the drum dryer fabric filter baghouse stack shall not exceed 5 percent averaged over a six-minute period, except for those times described in EPA document 40 CFR Part 60, Subpart A, Section 60.11 (c). If 5 percent opacity is exceeded, sampling may be required. **(3/09)**

OPERATIONAL LIMITATIONS AND WORK PRACTICES **(3/09)**

6. A. Normal asphalt plant operations shall be limited to daytime hours beginning one hour before sunrise and ending one hour after sunset. In the event that the plant must exceed these operating parameters, the appropriate TCEQ Regional Office and any local program having jurisdiction over the location shall be notified and approval received as soon as possible before actual nighttime operations commence.

B. Except for periods of start-up or shutdown not exceeding 20 minutes, the maximum mix temperature of the asphalt concrete shall not exceed 325°F. A temperature of asphalt concrete in excess of 325°F confirmed by the TCEQ or any local air pollution control program with jurisdiction shall be cause for stack sampling. There may be multiple periods of start-up and shutdown during an operating day.

A visibility problem or an odor nuisance condition, as confirmed by the TCEQ or any local air pollution control program with jurisdiction, created by the 325 °F temperature, shall be cause for additional controls and/or lowering of the asphalt concrete mixture temperature. If the nuisance condition persists, subsequent stack sampling may also be required. **(10/99)**

C. Plant roads shall be paved and swept and/or vacuumed as necessary to achieve maximum control of dust emissions.

D. Aggregate stockpiles shall be sprinkled with water and/or chemicals as necessary to achieve maximum control of dust emissions.

E. All material spills shall be cleaned up as soon as practicable. The cleanup of these spills shall be accomplished with no visible emissions.

F. Asphalt additives represented and approved for use at this facility are:

Additive	Maximum Concentration
Liquid Amine Antistrip Agents	1 percent by weight of liquid asphalt
Styrene-Butadiene-Styrene (SBS)	6 percent by weight of liquid asphalt
Styrene-Butadiene Rubberized Latex (SBR)	6 percent by weight of liquid asphalt
Recycled Asphalt Pavement (RAP)	25 percent displacement of aggregate

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

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

If the use of the liquid amine antistrip material creates an odor nuisance condition as confirmed by the TCEQ, then additional controls or substitution of alternate antistrip materials (a low and/or odorless antistrip agent) is required.

The RAP shall be added at a sufficient distance downstream from the combustion zone to prevent hot gas scorching. In addition, the RAP shall be shielded from the flame by a recycle collar.

G. Emissions from the drum/dryer shall be controlled by a fabric filter baghouse. This fabric filter baghouse shall be installed and fully operational no later than 180 calendar days of issuance of the renewed permit. **(3/09)**

MOVEMENT OF A PORTABLE PLANT **(3/09)**

7. The following are requirements for movement of portable plants:

A. Prior to moving permitted plants or sources to any new site (even if authorization for the site has previously been granted), the holder of the permit shall request relocation or change of location authorization and obtain written approval from a delegated representative of the TCEQ Executive Director. Additionally, once construction has begun at any site, the applicant shall notify the appropriate TCEQ Regional Office and local air pollution control programs in writing of the actual dates of start of construction and operation.

B. The appropriate TCEQ regional office may approve the following types of relocations:

(1) A permitted hot mix plant and associated equipment moving to a site for support of a public works project when the proposed site is located in or contiguous to the right-of-way of the public works project, or

(2) A portable hot mix plant moving to a site where a portable facility has been located at the site at any time during the previous two years.

C. If the holder of the permit meets either Special Condition No. 7.B. (1) or (2) above, then they shall submit a request letter to the appropriate TCEQ Regional Office prior to relocating. After evaluating the relocation request, the TCEQ Regional Office will send a written response to the permit holder. The permit holder shall submit the following information to the TCEQ Regional Office:

(1) Company name, address, company contact, and telephone number;

(2) Copy of existing permit conditions and maximum allowable emission rates table (MAERT) that are in effect for the permitted facility;

(3) Regulated entity number (RN), customer reference number (CN) and applicable permit or registration numbers, and if available, TCEQ account number;

(4) Location the facility is moving from (current location);

(5) Location description of the proposed site (city, county, and exact physical location description);

(6) A scaled plot plan that identifies the location of all equipment and stockpiles; and also indicates the required distances to the property lines can be met;

(7) A scaled area map that identifies the distance and direction to the closest off-property receptor (if required) and clearly indicates how the proposed site is contiguous or adjacent to a public works project (if required);

(8) Proposed date for start of construction and expected date for start of operation;

(9) Expected time period at the proposed site;

(10) If applicable, the permit or registration number of the facility that was located at the proposed site during the last two years and the date the facility was last located there;

(11) The permit or registration number of the facility that has accomplished public notice at the proposed site and the date notice was published; and

(12) The time (days, months, years) the facility operated at the site being vacated.

D. To move a permitted plant and associated equipment to a site that does not meet either Special Condition No. 7.B (1) or 7.B (2), the holder of this permit shall submit a change of location request to the TCEQ Air Permits Division, Air Permits Initial Review Team, MC-161, P.O. Box 13087, Austin, Texas 78711-3087 using Form PI-1, along with all supporting documents. In accordance with the Texas Health and Safety Code §382.056, the applicant may be required to publish public notice prior to being authorized for a change of location to a new site.

E. All relocation and change of location applications shall comply with the following conditions.

(1) This hot mix asphalt plant and all associated facilities and sources (except for stockpiles and traffic areas) shall be located a minimum of 450 feet from the property line and at least 1,300 feet from another hot mix asphalt plant, or 550 feet from a concrete batch plant or rock crushing plant. If the distances of 1,300 feet and/or 550 feet cannot be met, then this hot mix asphalt plant shall not be operated at the same time as any other hot mix asphalt plant, concrete batch plant or rock crushing plant located within these distances.

(2) Stockpiles and vehicle traffic areas (except for entrance and exit to the site) shall be located at least 25 feet from any property line. In lieu of meeting the distance

requirements for roads and stockpiles, the following must occur:

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

b. 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.

INITIAL DETERMINATION OF COMPLIANCE

8. After initial start-up of the plant, one of the following shall occur:

A. Stack sampling for particulate matter (PM) emissions shall occur after initial start-up of the plant to comply with NSPS Subpart A and I requirements. Additional time to comply with the applicable requirements of 40 CFR Part 60 requires EPA approval, and requests shall be submitted to the TCEQ Compliance Support Division.

B. Initial stack sampling analysis for PM shall not be required of the holder of this permit provided that all of the following conditions are met:

(1) Adequate documentation, including copies of past test results, demonstrates to the satisfaction of the TCEQ Executive Director that the model of the asphalt concrete plant being constructed has been tested and shown to meet the 0.04 gr/dscf allowable. Consideration must be given to establishing similar operating conditions between the permitted facility and the plant tested;

(2) The permitted plant's visible emissions are equal to or less than 5 percent opacity; and

(3) The permitted plant's maximum mix temperature is not exceeded.

CONTINUOUS DETERMINATION OF COMPLIANCE

9. Upon being informed by the TCEQ Executive Director that the staff has documented opacity exceeding 5 percent from any baghouse stack, averaged over six consecutive minutes, the holder of this permit may be required to conduct stack sampling analyses or other tests to prove satisfactory equipment performance and demonstrate compliance with the best available control technology approved in the permit application. Sampling must be conducted in accordance with appropriate procedures of the TCEQ Sampling Procedures Manual or in accordance with applicable EPA Code of Federal Regulations procedures. Any deviations from those procedures must be approved by the TCEQ Executive Director prior to sampling.

10. The holder of this permit may be required to perform stack sampling analysis for PM and total volatile organic compounds and other testing as required to establish the actual pattern and quantities of air contaminants being emitted into the atmosphere from the exhaust stack when the maximum asphalt concrete mix temperature is exceeded.
11. The TCEQ Regional Director may require the permit holder to perform stack sampling or ambient air monitoring to determine the opacity, rate, composition, and/or concentration of the plant's emissions. The holder of this permit may request the TCEQ Executive Director to approve alternate sampling techniques or other means to determine the opacity, rates, composition, and/or concentration of emissions in accordance with the 30 TAC § 101.8.

SAMPLING REQUIREMENTS

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

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

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

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

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

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

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

    D. The plant shall operate at maximum production rates during stack emissions testing. If the plant is unable to operate at the maximum rates during testing, then future production rates

shall be limited to the rates established during testing (+10 percent). Additional stack testing shall be required when higher production rates are achieved.

E. The sampling report shall include the following:

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

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

One copy to the appropriate TCEQ Regional Office.
One copy to the TCEQ Compliance Support Division.
One copy to each appropriate local air pollution control program.

RECORD KEEPING REQUIREMENTS **(3/09)**

14. In addition to the record keeping requirements specified in General Condition No. 7 and 40 CFR Part 60, Subparts A and I, the following records shall be kept and maintained on site for a rolling twenty-four month period:

A. Hourly and annual production rates of all mix types (records shall be summarized daily and monthly);

B. Continuous temperature of the mix as monitored in the discharge section of the drum;

C. Quantity of fuel used in hot oil heater;

D. Documentation from a laboratory listing concentrations of ingredients for reclaimed industrial oil;

E. Records of repairs and maintenance of all pollution abatement equipment;

F. Records showing concentrations of asphalt additives used, to show compliance with Special Condition No. 6F; and

G. Records of daily road cleaning, daily application of road dust control, or daily road maintenance for dust control.

Dated