

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 18, 2009

LaDonna Castañuela  
Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Re: TCEQ DOCKET NUMBER 2009-0848-AIR

Dear Ms. Castanuela:

Enclosed you will find the original and seven copies of the documents for inclusion in the background material regarding the matter of APAC-Texas., Inc., Permit No. 8597

Attached to the Executive Director's Response to Hearing Requests you will find the original and seven copies of the backup filing for this matter.

The attachments include the following documents:

Attachment A - A Compliance History Report  
Attachment B - A Technical Review Summary  
Attachment C - A Draft Permit

If you have any questions about this matter, please call me at 239-2253.

Sincerely,

A handwritten signature in black ink that reads "Douglas M. Brown". The signature is written in a cursive style with a large, sweeping "D" and "B".

Douglas M. Brown  
Staff Attorney  
Environmental Law Division  
TCEQ Office of Legal Services

Attachment(s)



**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

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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

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

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TCEQ Region: REGION 04 - DFW METROPLEX

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Date Compliance History Prepared: September 11, 2009

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

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

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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)<br>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 <sub>10</sub>	9.69	9.27	-0.42
PM <sub>2.5</sub>			0.00
VOC	49.64	16.14	-33.50
NO <sub>x</sub>	13.50	20.98	7.48
CO	14.25	49.37	35.12
SO <sub>2</sub>	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: <span style="float: right;">November 12, 2007</span>
	Date Administratively Complete: <span style="float: right;">November 28, 2007</span>
	Small Business Source? <span style="float: right;">No</span>
	Date Leg Letters mailed: <span style="float: right;">11/28/2007</span>
39.603	Date Published: <span style="float: right;">12/20/2007</span>
	Publication Name: <span style="float: right;"><i>Dallas Morning News</i></span>
	Pollutants: <span style="float: right;">Particulate matter including particulate matter less than 10 microns in diameter, nitrogen oxides, sulfur dioxide, carbon monoxide, organic compounds including but not limited to asphalt, diesel and kerosene vapors</span>
	Date Affidavits/Copies Received: <span style="float: right;">1/8/2008</span>
	Is bilingual notice required? <span style="float: right;">No; no bilingual program</span>
39.604	Public Comments Received? <span style="float: right;">Yes</span>

**Permit Renewal**  
**Source Analysis & Technical Review**

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	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 1 <sup>st</sup> 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? <b>Subparts A &amp; I, Hot Mix Asphalt Plants</b>	Yes
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

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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 µg/m<sup>3</sup>. 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

***Permit Renewal***  
***Source Analysis & Technical Review***

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Project Reviewer	Date	Team Leader/Section Manager/Backup	Date
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**ATTACHMENT C:**

**DRAFT PERMIT**



## GENERAL CONDITIONS

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1. **Facilities** covered by this permit shall be constructed and operated as specified in the application for the permit. All representations regarding construction plans and operation procedures contained in the permit application shall be conditions upon which the permit is issued. Variations from these representations shall be unlawful unless the permit holder first makes application to the Texas Commission on Environmental Quality (commission) Executive Director to amend this permit in that regard and such amendment is approved. [Title 30 Texas Administrative Code § 116.116 (30 TAC § 116.116)]
2. **Voiding of Permit.** A permit or permit amendment is automatically void if the holder fails to begin construction within 18 months of the date of issuance, discontinues construction for more than 18 months prior to completion, or fails to complete construction within a reasonable time. Upon request, the executive director may grant an 18-month extension. Before the extension is granted the permit may be subject to revision based on best available control technology, lowest achievable emission rate, and netting or offsets as applicable. One additional extension of up to 18 months may be granted if the permit holder demonstrates that emissions from the facility will comply with all rules and regulations of the commission, the intent of the Texas Clean Air Act (TCAA), including protection of the public's health and physical property; and (b)(1) the permit holder is a party to litigation not of the permit holder's initiation regarding the issuance of the permit; or (b)(2) the permit holder has spent, or committed to spend, at least 10 percent of the estimated total cost of the project up to a maximum of \$5 million. A permit holder granted an extension under subsection (b)(1) of this section may receive one subsequent extension if the permit holder meets the conditions of subsection (b)(2) of this section. [30 TAC § 116.120(a), (b) and (c)]
3. **Construction Progress.** Start of construction, construction interruptions exceeding 45 days, and completion of construction shall be reported to the appropriate regional office of the commission not later than 15 working days after occurrence of the event. [30 TAC § 116.115(b)(2)(A)]
4. **Start-up Notification.** The appropriate air program regional office shall be notified prior to the commencement of operations of the facilities authorized by the permit in such a manner that a representative of the commission may be present. The permit holder shall provide a separate notification for the commencement of operations for each unit of phased construction, which may involve a series of units commencing operations at different times. Prior to operation of the facilities authorized by the permit, the permit holder shall identify to the Office of Permitting and Registration the source or sources of allowances to be utilized for compliance with Chapter 101, Subchapter H, Division 3 of this title (relating to Mass Emissions Cap and Trade Program). [30 TAC § 116.115(b)(2)(B)]
5. **Sampling Requirements.** If sampling is required, the permit holder shall contact the commission's Office of Compliance and Enforcement prior to sampling to obtain the proper data forms and procedures. All sampling and testing procedures must be

approved by the executive director and coordinated with the regional representatives of the commission. The permit holder is also responsible for providing sampling facilities and conducting the sampling operations or contracting with an independent sampling consultant. [30 TAC § 116.115(b)(2)(C)]

6. **Equivalency of Methods.** The permit holder must demonstrate or otherwise justify the equivalency of emission control methods, sampling or other emission testing methods, and monitoring methods proposed as alternatives to methods indicated in the conditions of the permit. Alternative methods shall be applied for in writing and must be reviewed and approved by the executive director prior to their use in fulfilling any requirements of the permit. [30 TAC § 116.115(b)(2)(D)]
7. **Recordkeeping.** The permit holder shall maintain a copy of the permit along with records containing the information and data sufficient to demonstrate compliance with the permit, including production records and operating hours; keep all required records in a file at the plant site. If, however, the facility normally operates unattended, records shall be maintained at the nearest staffed location within Texas specified in the application; make the records available at the request of personnel from the commission or any air pollution control program having jurisdiction; comply with any additional recordkeeping requirements specified in special conditions attached to the permit; and retain information in the file for at least two years following the date that the information or data is obtained. [30 TAC § 116.115(b)(2)(E)]
8. **Maximum Allowable Emission Rates.** The total emissions of air contaminants from any of the sources of emissions must not exceed the values stated on the table attached to the permit entitled "Emission Sources--Maximum Allowable Emission Rates." [30 TAC § 116.115(b)(2)(F)]
9. **Maintenance of Emission Control.** The permitted facilities shall not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations. The permit holder shall provide notification for upsets and maintenance in accordance with §§ 101.201, 101.211, and 101.221 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements; Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements; and Operational Requirements). [30 TAC § 116.115(b)(2)(G)]
10. **Compliance with Rules.** Acceptance of a permit by an applicant constitutes an acknowledgment and agreement that the permit holder will comply with all rules, regulations, and orders of the commission issued in conformity with the TCAA and the conditions precedent to the granting of the permit. If more than one state or federal rule or regulation or permit condition is applicable, the most stringent limit or condition shall govern and be the standard by which compliance shall be demonstrated. Acceptance includes consent to the entrance of commission employees and agents into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the permit. [30 TAC § 116.115(b)(2)(H)]
11. This permit may be appealed pursuant to 30 TAC § 50.139.

12. This permit may not be transferred, assigned, or conveyed by the holder except as provided by rule. [30 TAC § 116.110(e)]
13. There may be additional special conditions attached to a permit upon issuance or modification of the permit. Such conditions in a permit may be more restrictive than the requirements of Title 30 of the Texas Administrative Code. [30 TAC § 116.115(c)]
14. **Emissions** from this facility must not cause or contribute to a condition of "air pollution" as defined in TCAA § 382.003(3) or violate TCAA § 382.085, as codified in the Texas Health and Safety Code. If the executive director determines that such a condition or violation occurs, the holder shall implement additional abatement measures as necessary to control or prevent the condition or violation.



## SPECIAL CONDITIONS

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### 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):

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

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.

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- 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.

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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:

<u>Additive</u>	<u>Maximum Concentration</u>
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.

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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);

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- (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

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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.

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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, antistripping 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.

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## EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

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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 <sub>10</sub>	6.90	8.63
		VOC	9.60	12.00
		NO <sub>x</sub>	16.50	20.63
		SO <sub>2</sub>	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 <sub>x</sub>	0.16	0.35
		SO <sub>2</sub>	0.68	1.49
		CO	0.01	0.02
18 - 21 STK	Tanks (4)	VOC	0.04	0.27
	Stockpiles (4)	PM		0.36
			PM <sub>10</sub>	
1 - 13	Material Handling (4)	PM	1.08	1.31
		PM <sub>10</sub>	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<sub>x</sub> - total oxides of nitrogen

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

- SO<sub>2</sub> - sulfur dioxide
- PM - particulate matter, suspended in the atmosphere, including PM<sub>10</sub> and PM<sub>2.5</sub>
- PM<sub>10</sub> - 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

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

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

Dated