

TCEQ AIR QUALITY STANDARD PERMIT NUMBER 85181
TCEQ DOCKET NUMBER 2009-1483-AIR

APPLICATION BY	§	BEFORE THE
	§	
Quality Readymix Ltd., LLP	§	TEXAS COMMISSION ON
Concrete Batch Plant	§	
Mathis, San Patricio County	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

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

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

I. Application Request and Background Information

Quality Readymix Ltd., LLP has applied to the TCEQ for a Standard Permit under Texas Clean Air Act (TCAA) § 382.05195. This permit will authorize the applicant to construct a permanent concrete batch plant. The facility is located approximately one mile north of Farm-to-Market Road 3377 on County Road 441/15, Mathis, San Patricio County, Texas. Contaminants authorized under this permit include particulate matter including (but not limited to) aggregate, cement, road dust, and particulate matter less than 10 microns in diameter (PM₁₀). It appears the Applicant is not delinquent on any administrative penalty payments to the TCEQ. The TCEQ Enforcement Database was searched and no enforcement activities were found that are inconsistent with the compliance history.

The permit application was received on September 5, 2008, and declared administratively complete on September 16, 2008. The Notice of Receipt and Intent to Obtain an Air Quality Standard Permit Registration (first public notice) for this registration application was published on October 16, 2008, and again on February 12, 2009, in the *Mathis News*. The Notice of Application and Preliminary Decision (second public notice) for this registration application was published on March 12, 2009, in

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.

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the *Mathis News*. A public meeting was held on May 19, 2009, in Mathis. The public comment period ended on May 19, 2009, at the adjournment of the public meeting. The ED's RTC was mailed on July 30, 2009, to all interested persons, including those who asked to be placed on the mailing list for this application and those who submitted comments or requests for a contested case hearing. The cover letter attached to the RTC included information about making requests for contested case hearing or for reconsideration of the ED's decision.² The letter also explained that hearing requestors should specify any of the ED's responses to comments they dispute and the factual basis of the dispute, in addition to listing any disputed issues of law or policy.

The TCEQ received timely hearing requests during the public comment period that were not withdrawn from the following persons:

Allbright, John A.
Anderson, Ann and Terry
Baggs, Hazel
Barksdale, Alexis and Coy
Bauch, Wesley
Bennett, Harold E.
Berthold, Arty
Bland, Katharine W.
Boultinghouse, Bill
Bowman, Gene and Teena
Braun, Cheryl and Nickolas
Brissard, Clarence and Susan
Brown, Cheryl
Brown, Dalton
Brown, Ina
Buff, Lloyd and Rita
Burkhart, Joe and Susan
Carr, David and Julie
Chopelas, Clarence C.
Chopelas, Concerned Citizen
Concerned Citizen
Concerned Citizen
Concerned Citizen
Concerned Citizen
Concerned Citizen

Concerned Citizen
Concerned Citizen, Patty
Cummings, Daryl and Sally
Daley, L.E.
Dieringer, Darwin
Duckene, Thomas
Eramest, James
Finch, Kathy
Foye, Patrick and Tommie J.
Galloway, Audrey
Gillenwater, Cheryl
Gray, Michael
Green, Bill
Hammon, John and Lisa
Harris, Ruby
Hawkins, John R. and Norma J.
Hedgcoth, John and Regina
Heflin, Chester and Patty
Herndon, Patti
Hilzinger, Cristi J. and Lou E.
Hinton, Ann, Billy and Terry
Howard, Beverly and Johnnie
Ingleston, Ronnie
Jerkins, Jeung and Norman
Karkoska, Laura and Thomas

² See TCEQ rules at Chapter 55, Subchapter F of Title 30 of the Texas Administrative Code. Procedural rules for public input to the permit process are found primarily in Chapters 39, 50, 55 and 80 of Title 30 of the Code.

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Kidd, Billie	Perrin, Becky and Lynn
King, Lois	Peterman, Tammy
LeBoeuf, Ron	Pham, John
Lechner, Dan and Denise	Pickard, Marneta J.
Lemmons, Pat and Paul	Porch, B.
Lopez Jr., Alberto and Rosemary	Robertson, Mary Jane
Lucinia, Diane	Rodgers, Christina and Richard
Lumpkin, Michael T. and Linda	Ross, Beverly and Michael
Luthall, Bill	Simmons, Cynthia
McElhaney, C	Smith, Sylvia
McKellar, Ray and Steff M.	Stewart, Martin J.
Mengers, Roberta and Scott	Strong, Steve and Adrienne
Miller, Cathy, Joyce & Tamia	Szalwinski, Robert and Shawna
Miller, Cheryl	Tate, Ronald V.
Moreno, Gary	Trevino, Henry
Murray, Dorothy and Erwin	Ussery, Rickey
Morse, Bob	VanBlarcum, Clara and Concerned Citizen
Muetzl, Mary	Walters, Fay
Nichols, Gay	Warner, Paulette
O'Neal, James	West, Gay
Ortmayer, David and Ulrike	

II. Applicable Law

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

- (d) A hearing request must substantially comply with the following:
- (1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and, where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
 - (2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
 - (3) request a contested case hearing;
 - (4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the

commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the executive director's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law or policy; and
(5) provide any other information specified in the public notice of application.

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

In determining whether a person is affected, 30 TAC § 55.203(c) requires all factors be considered, including, but not limited to, the following:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person; and
- (6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

Additionally, this application is for registration for the Standard Permit for Permanent Concrete Batch Plants. Hearing requests on a concrete batch plant standard permit are considered under TCAA § 382.058(c), which states that "only those persons actually residing in a permanent residence within 440 yards of the proposed plant may request a hearing . . . as a person who may be affected."

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

- (1) The issue must involve a disputed question of fact;
- (2) The issue must have been raised during the public comment period; and

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- (3) The issue must be relevant and material to the decision on the application.

The law applicable to the proposed facility may generally be summarized as follows. A person who owns or operates a facility or facilities that will emit air contaminants is required to obtain authorization from the commission prior to the construction and operation of the facility or facilities.³ Thus, the location and operation of the proposed facility requires authorization under the TCAA. Permit conditions of general applicability must be in rules adopted by the commission.⁴ Those rules are found in 30 TAC Chapter 116. In addition, a person is prohibited from emitting air contaminants or performing any activity that violates the TCAA or any commission rule or order, or that causes or contributes to air pollution.⁵ The relevant rules regarding air emissions are found in 30 TAC Chapters 101 and 111-118. In addition, the commission has the authority to establish and enforce permit conditions consistent with this chapter.⁶ The materials accompanying this response list and reference permit conditions and operational requirements and limitations applicable to this proposed facility.

III. Analysis of Hearing Requests

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

The hearing requests were submitted during the public comment period. Furthermore, the ED has determined the hearing requests of the following persons substantially comply with all of the requirements for form in 30 TAC § 55.201(d):

Allbright, John A.	Brissard, Clarence and Susan
Anderson, Ann and Terry	Brown, Cheryl
Baggs, Hazel	Brown, Dalton
Barksdale, Alexis and Coy	Brown, Ina
Bauch, Wesley	Buff, Lloyd and Rita
Bennett, Harold E.	Burkhart, Joe and Susan
Berthold, Arty	Carr, David and Julie
Bland, Katharine W.	Chopelas, Clarence C.
Boultinghouse, Bill	Cummings, Daryl and Sally
Bowman, Gene and Teena	Daley, L.E.
Braun, Cheryl and Nickolas	Dieringer, Darwin

³ TEXAS HEALTH & SAFETY CODE § 382.0518.

⁴ TEXAS HEALTH & SAFETY CODE § 382.0513.

⁵ TEXAS HEALTH & SAFETY CODE § 382.085.

⁶ TEXAS HEALTH & SAFETY CODE § 382.0513.

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Duckene, Thomas	Mengers, Roberta and Scott
Eramest, James	Miller, Cathy, Joyce & Tamia
Finch, Kathy	Miller, Cheryl
Foye, Patrick and Tommie J.	Moreno, Gary
Galloway, Audrey	Murray, Dorothy and Erwin
Gillenwater, Cheryl	Morse, Bob
Gray, Michael	Muetzl, Mary
Green, Bill	Nichols, Gay
Hammon, John and Lisa	O'Neal, James
Harris, Ruby	Ortmayer, David and Ulrike
Hawkins, John R. and Norma J.	Perrin, Becky and Lynn
Hedgcoth, John and Regina	Peterman, Tammy
Heflin, Chester and Patty	Pham, John
Herndon, Patti	Pickard, Marneta J.
Hilzinger, Cristi J. and Lou E.	Porch, B.
Hinton, Ann, Billy and Terry	Robertson, Mary Jane
Howard, Beverly and Johnnie	Rodgers, Christina and Richard
Ingleston, Ronnie	Ross, Beverly and Michael
Jerkins, Jeung and Norman	Simmons, Cynthia
Karkoska, Laura and Thomas	Smith, Sylvia
Kidd, Billie	Stewart, Martin J.
King, Lois	Strong, Steve and Adrienne
LeBoeuf, Ron	Szalwinski, Robert and Shawna
Lechner, Dan and Denise	Tate, Ronald V.
Lemmons, Pat and Paul	Trevino, Henry
Lopez Jr., Alberto and Rosemary	Ussery, Rickey
Lumpkin, Michael T. and Linda	VanBlarcum, Clara and Concerned Citizen
Luthall, Bill	Walters, Fay
McElhaney, C	Warner, Paulette
McKellar, Ray and Steff M.	West, Gay

The ED has determined that Diane Lucinia did not provide an address, and those requestors listed as "Concerned Citizen" did not adequately provide full names. Therefore, the ED finds that those requestors did not meet the requirements for form in 30 TAC § 55.201(d).

The ED addressed all public comments in this matter by providing responses in the RTC. The cover letter from the Office of the Chief Clerk attached to the RTC states that requestors should, to the extent possible, specify any of the ED's responses in the RTC that the requestors dispute and the factual basis of the dispute, and list any disputed issues of law or policy.⁷ In the absence of any response by the hearing requestors within the thirty-day period after the RTC was mailed, the ED

⁷ See 30 TAC § 55.201(d)(4).

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cannot determine or speculate whether the hearing requestors continue to dispute issues of fact, or whether there are any outstanding issues of law or policy. The ED nevertheless has evaluated the merits of the requests before action is taken regarding this application.

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

The requestors listed in Section III.A., *supra*, are hearing requestors who have all stated a "personal justiciable interest" in the permit, by stating that they believe that their health would be adversely affected by emissions from the proposed plant. For a concrete batch plant, however, TCAA § 382.058(c) requires residence within 440 yards of the proposed plant's central baghouse for affected person status. As indicated on the included map, only two of the hearing requestors, Mary Jane Robertson and Ronald V. Tate, reside within the 440 yard distance requirement. The remaining requestors' failure to meet the distance requirement of TCAA § 382.058(c) is an absolute bar to affected person status. Therefore, by statute, only Mary Jane Robertson and Ronald V. Tate are affected persons able to request a contested case hearing according to 30 TAC § 55.201.

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

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

The ED addressed all public comments in this matter by providing responses in the RTC. The cover letter from the Office of the Chief Clerk transmitting the RTC cites 30 TAC § 55.201(d)(4), which states that requestors should, to the extent possible, specify any of the ED's responses in the RTC which the requestors dispute. In addition, the requestors were instructed to provide the factual basis of the dispute and to list any disputed issues of law or policy.

As stated in Section III.A., *supra*, in the absence of any response by the hearing requestors within the thirty-day period after the RTC was mailed, the ED cannot determine or speculate whether the hearing requestors continue to dispute issues of fact, or whether there are any outstanding issues of law or policy. No responses to the ED's RTC were filed. The ED nevertheless has evaluated the merits of the requests before action is taken regarding this application.

1. Issues involving questions of fact.

Protestants raised the following issues in comments and hearing requests filed on this application during the comment period:

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1. Whether the plant will have adverse effects on air quality;
2. Whether the plant will have adverse effects on public health and safety, including children, elderly, and other individuals with existing health conditions including lung conditions such as Idiopathic Plastic Bronchitis and other breathing disorders;
3. Whether the plant will cause adverse public welfare effects such as harm to wildlife, livestock, vegetation, and agricultural land;
4. Whether area wind patterns were considered;
5. Whether crystalline silica and other fine PM will be emitted from the facility, causing eye, skin, and lung irritation, or permanent lung damage such as scarring, silicosis, or cancer;
6. Whether the Occupational Health and Safety Administration's (OSHA) requirements regarding silica apply to this permit application;
7. Whether the specific constituents included in the plant's PM emissions, such as cement, will negatively affect human health, welfare, and the environment;
8. Whether the 440 yard hearing request limitation established in Tex. Health and Safety Code § 382.058(c) is appropriate for this site given the strong winds in the area;
9. Whether the TCEQ should monitor the site using on-site webcams;
10. Whether the plant will negatively impact the use and enjoyment of homes, private property, and public property;
11. Whether the plant will negatively impact area traffic causing road damage, dangerous conditions for residents including children, and obstruction of emergency medical services and school buses;
12. Whether plant related traffic will create fugitive emissions and impairment of road visibility;
13. Whether the plant emissions will create a nuisance;
14. Whether the plant will create a noise nuisance;
15. Whether the location of the plant is appropriate for this use, given the area's predominant wind patterns and the plant's proximity to residential subdivisions, Lake Corpus Christi, the Cenizo Hill Cemetary, wildlife, livestock, and agricultural land;
16. Whether the plant will negatively impact area property values;
17. Whether the plant's emissions will negatively impact water sources including ground water wells, and surface water including Lake Corpus Christi, particularly given area wind patterns and the plant's location in relation to the lake;
18. Whether publication of notice in the *Mathis News* complied with statutory and regulatory notice requirements;
19. Whether the size of the plant, the number of employees, or the hours of operation should be limited;
20. Whether the plant's design and operation will include appropriate safeguards, controls, and procedures such as a concrete foundation, concrete roadways, runoff retention ditches, and a washdown system for dust suppression.

2. Were the issues raised during the public comment period?

The public comment period is defined in 30 TAC § 55.152. The public comment period begins with the publication of the Notice of Receipt and Intent to Obtain an Air Quality Standard Permit. The end date of the public comment period depends on the type of permit. In this case, the public comment period began on October 16, 2008, and ended on April 13, 2009, 30 days after publication of the Notice of Application and Preliminary Decision. All of the issues listed above, upon which the hearing requests in this matter are based, were raised in comments received during the public comment period.

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

In this case, the permit would be issued under the commission's authority in Tex. Water Code § 5.013(11) (assigning the responsibilities in Chapter 382 of the Tex. Health and Safety Code) and the TCAA. The relevant sections of the TCAA are found in Subchapter C (Permits). Subchapter C allows the commission to issue a standard permit for new or existing similar facilities if the commission finds that the standard permit is enforceable, that the commission can adequately monitor compliance with the terms of the standard permit, and for permit applications filed after August 31, 2001, that all facilities permitted under a standard permit will use control technology at least as effective as Best Available Control Technology (BACT) as outlined in TCAA § 382.0518(b).⁸ In making this permitting decision, the commission may consider the Applicant's compliance history. The commission by rule has also specified certain requirements for permitting. Therefore, in making the determination of relevance in this case, the commission should review each issue to see if it is relevant to the statutory and regulatory requirements that must be satisfied by this permit application.

The ED received no responses to the RTC. In the absence of identification by the hearing requestors of disputed issues in the RTC, the ED cannot determine which issues remain disputed. However, if the assumption is made that the issues raised in the public comments continue to be disputed, the following is the ED's position on those issues.

The ED finds the following issues relevant and material to the decision on the application:

1. Whether the plant will have adverse effects on air quality;
2. Whether the plant will have adverse effects on public health and safety, including children, elderly, and other individuals with existing health conditions such as lung conditions and breathing disorders;
 - a. Whether silica and other fine PM will be emitted from the facility potentially causing eye, skin, and lung irritation, or permanent lung damage such as scarring, silicosis, or cancer;

⁸ TEXAS HEALTH & SAFETY CODE § 382.05195.

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- b. Whether the specific constituents included in the plant's PM emissions, such as cement, will negatively affect human health, welfare, and the environment;
3. Whether the plant will have adverse welfare and property effects;
 - a. Whether the plant emissions will cause a nuisance;
 - b. Whether the plant will adversely impact wildlife, livestock, vegetation, and agriculture;
 - c. Whether the plant's emissions will damage property;
4. Whether publication of notice in the *Mathis News* complied with statutory and regulatory notice requirements;
5. Whether the standard permit complies with all applicable rules and regulations:
 - a. Whether the Standard Permit demonstrates compliance with the NAAQS for PM₁₀ and PM_{2.5};
6. Whether the plant's specifications and operation will meet the terms of the Standard Permit for Concrete Batch Plants;
 - a. Whether the plant will negatively impact the use and enjoyment of homes, private property, and public property;
 - b. Whether plant emissions will create a nuisance;
 - c. Whether the plant and plant traffic will create visible emissions which impair road visibility or create a nuisance;
 - d. Whether the plant's design and operation will include adequate safeguards, controls, and procedures that will ensure protectiveness of human health, welfare, and the environment.

IV. Maximum Expected Duration of the Contested Case Hearing

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

V. Executive Director's Recommendation

The Executive Director respectfully recommends that the commission:

- A. Find all hearing requests in this matter were timely filed;
- B. Find that the requests of Mary Jane Robertson and Ronald V. Tate: 1) satisfy the requirements for form under 30 TAC§ 55.201(d); and 2) are affected persons under 30 TAC § 55.203 and Tex. Health and Safety Code § 382.058(c);
- C. Refer the following issues to SOAH (if the commission determines any requestor is an affected person):
 1. Whether the plant will have adverse effects on air quality;

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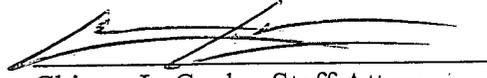
2. Whether the plant will have adverse effects on public health and safety, including children, elderly, and other individuals with existing health conditions such as lung conditions and breathing disorders;
 - a. Whether silica and other fine PM will be emitted from the facility potentially causing eye, skin, and lung irritation, or permanent lung damage such as scarring, silicosis, or cancer;
 - b. Whether the specific constituents included in the plant's PM emissions, such as cement, will negatively affect human health, welfare, and the environment;
 3. Whether the plant will have adverse welfare and property effects;
 - a. Whether the plant emissions will cause a nuisance;
 - b. Whether the plant will adversely impact wildlife, livestock, vegetation, and agriculture;
 - c. Whether the plant's emissions will damage property;
 4. Whether publication of notice in the *Mathis News* complied with statutory and regulatory notice requirements;
 5. Whether the standard permit complies with all applicable rules and regulations:
 - a. Whether the Standard Permit demonstrates compliance with the NAAQS for PM₁₀ and PM_{2.5};
 6. Whether the plant's specifications and operation will meet the terms of the Standard Permit for Concrete Batch Plants;
 - a. Whether the plant will negatively impact the use and enjoyment of homes, private property, and public property;
 - b. Whether plant emissions will create a nuisance;
 - c. Whether the plant and plant traffic will create visible emissions which impair road visibility or create a nuisance;
 - d. Whether the plant's design and operation will include adequate safeguards, controls, and procedures that will ensure protectiveness of human health, welfare, and the environment.
- D. Find the maximum expected duration of the contested case hearing, if held, would be six months.

Respectfully submitted,

Texas Commission on Environmental Quality

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

Robert Martinez, Director
Environmental Law Division



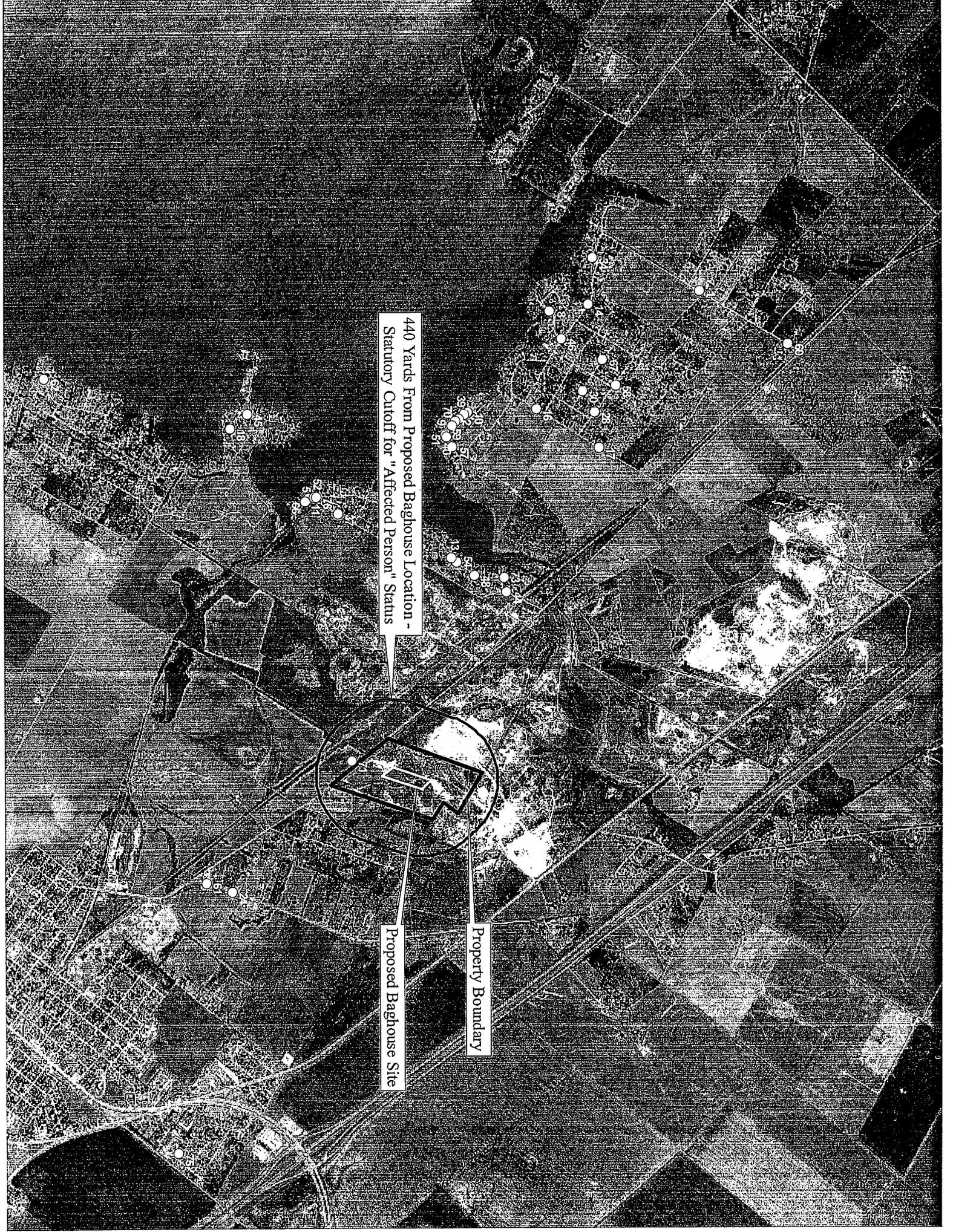
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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

On the 26th day of October, 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.


Chisum L. Cooke



440 Yards From Proposed Baghoush Location -
Statutory Cutoff for "Affected Person" Status

Property Boundary

Proposed Baghoush Site

Compliance History Report

Customer/Respondent/Owner-Operator:	CN602584039	Quality Ready Mix Company	Classification: AVERAGE	Rating: 2.30
Regulated Entity:	RN105547921	MATHIS PLANT 3	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	AIR NEW SOURCE PERMITS	REGISTRATION	85181	
	AIR NEW SOURCE PERMITS	AFS NUM	4877701992	
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	960320P	
Location:	1 MILE NORTH OF FM 3377 ON COUNTY RD 441/15			
TCEQ Region:	REGION 14 - CORPUS CHRISTI			
Date Compliance History Prepared:	October 14, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 14, 2004 to October 15, 2009			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Shelley Stratmann	Phone:	239 - 3752	

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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.)
N/A
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
- 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

Concrete Batch Plant Standard Permit Source Analysis & Technical Review

Company	Quality Ready Mix Ltd	Permit Number	85181
City	Mathis	Project Number	140752
County	San Patricio	Account Number	N/A
Project Type	Initial	Regulated Entity Number	RN105547921
Project Reviewer	Ms. Shelley Stratmann	Customer Reference Number	CN602584039
Site Address	1 mile north of FM 3377 on County RD 441/15		

Project Overview

Quality Ready Mix LTD has applied for a permanent standard permit for a concrete batch plant. The plant will be located 1 mile north of Farm-to-Market 3377 on County Road 441/15 in Mathis, San Patricio County. The plant will have an hourly and annual production rate of 180 cubic yards and 100,000 cubic yards, respectively. The hours of operation will be 16 hours/day, 6 days/week, 52 weeks/year or 4,992 hours/year. During the public comment period 3 timely comments, 7 contested case hearing requests, and 3 public meeting requests were received.

Deficiencies

Has all required information been received by the TCEQ?	Yes
If no, date company notified of deficient items:	09/18/2008
Comments: Discrepancies, though now resolved, included conflicting representations on the Table 20, Process Description/ Flow Diagram, and Checklist. The Checklist also did not demonstrate compliance with the requirements under a permanent authorization and a Plot Plant was not included in the original application.	
Date registration claim complete:	10/09/2008

Power Source Information

Does this facility utilize an engine or generator?	No
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Compliance History Evaluation - 30 TAC Chapter 60 Rules

A compliance history report was reviewed on:	10/14/2009
Compliance period:	09/05/2008-09/06/2003
Site rating & classification:	3.01 (ABD)
Company rating & classification:	2.30 (AVG)
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	Is Public Notice Required?	Yes
	Was verification provided to demonstrate that the proposed plant site is adjacent to and contiguous with the right of way of a public works project?	No
	Date Application Received:	September 5, 2008
	Date Administratively Complete:	September 16, 2008
	Small Business Source?	Yes
	Date Leg Letters mailed:	September 16, 2008
	39.603	Date Published:
Publication Name:		Mathis News
Pollutants:		particulate matter including (but not

Concrete Batch Plant Technical Review

Permit No. 85181

Regulated Entity No. RN105547921

Page 2

Rule Citation	Requirement																		
	limited to) aggregate, cement, road dust and particulate matter less than 10 microns in diameter.																		
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Concrete Batch Plant Technical Review

Permit No. 85181

Regulated Entity No. RN105547921

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Rule Citation	Requirement	
	Consideration of Comments:	pending
39.421	Date RTC, Technical Review & Draft Permit Conditions sent to OCC:	10/26/2009
	Request for Reconsideration Received?	pending
	Final Action:	Issue
	Are letters Enclosed?	

Recommendations

All conditions of Standard Permit satisfied?	Yes
Final Action:	Issue

Project Reviewer	Date	Team Leader/Section Manager/Backup	Date
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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

MR HENRY LOZANO III
MANAGING PARTNER
QUALITY READYMIX LTD LLP
333 MCBRIDE LN
CORPUS CHRISTI TX 78408-2339

Re: Air Quality Standard Permit for Concrete Batch Plants
(As amended effective July 10, 2003)
Permit Number: 85181
Concrete Batch Plant
Mathis, San Patricio County
Regulated Entity Number: RN105547921
Customer Reference Number: CN602584039

Dear Mr. Lozano:

This is in response to your Form PI-1S (Air Quality Standard Permit Registration for Concrete Batch Plants) concerning the proposed construction of a permanent concrete batch plant to be located one mile north of Farm-to-Market Road 3377 on County Road 441/15, Mathis, San Patricio County.

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

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

Mr. Henry Lozano, III
Page 2

Re: Permit Number 85181

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

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

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

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

Sincerely,

Steve Hagle, P.E., Director
Air Permits Division
Office of Permitting and Registration
Texas Commission on Environmental Quality

SH/SS/pg

Enclosure

cc: Air Section Manager, Region 14 - Corpus Christi

Project Number: 140752

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

TCEQ Air Quality Regulated Entity Number: RN105547921

1.	Company name:	Quality Ready Mix, Ltd., L.L.P.			
	Office address:	333 McBride Lanen			
		Corpus Christi, Texas 78408-2339			
	Contact name and title:	Mr. Henry Lozano, III, Managing Partner			
	Telephone:		Fax:		
2.	Type of facility:	Concrete Batch Plant			
3. A.	Location from which plant is moving:				
		(address, city, county, project name, exact location description)			
	B.	Standard Permit or Permit by Rule Registration No. for previous			
	C.	Last TCEQ Record No. (Found at end of approval letter):			
	D.	Date actually started operating at site:			
	E.	Last date at site:			
4. A.	Location to which the plant is to be moved:				
		(address, city, county, project name, exact location description)			
	B.	Proposed start of construction date:			
	C.	Proposed start of operation date:			
	D.	Expected length of time at new location:			
5.	Was this notification sent to:	Yes	No	TCEQ Air Permits Division, Austin?	
		Yes	No	TCEQ Regional Office?	
		Yes	No	Local air pollution program (if applicable)?	

Signature _____ Date: _____

Name: _____ Title: _____

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

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

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

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

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

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

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

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

Standard Permit General Conditions

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

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

- (7) Equivalency of methods. The standard permit holder shall demonstrate or otherwise justify the equivalency of emission control methods, sampling or other emission testing methods, and monitoring methods proposed as alternatives to methods indicated in the conditions of the standard permit. Alternative methods must be applied for in writing and must be reviewed and approved by the executive director prior to their use in fulfilling any requirements of the standard permit.
- (8) Recordkeeping. A copy of the standard permit along with information and data sufficient to demonstrate applicability of and compliance with the standard permit shall be maintained in a file at the plant site and made available at the request of representatives of the executive director, the U.S. Environmental Protection Agency, or any air pollution control program having jurisdiction. For facilities that normally operate unattended, this information shall be maintained at the nearest staffed location within Texas specified by the standard permit holder in the standard permit registration. This information must include (but is not limited to) production records and operating hours. Additional recordkeeping requirements may be specified in the conditions of the standard permit. Information and data sufficient to demonstrate applicability of and compliance with the standard permit must be retained for at least two years following the date that the information or data is obtained. The copy of the standard permit must be maintained as a permanent record.
- (9) Maintenance of emission control. The facilities covered by the standard permit may not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations. Notification for upsets and maintenance shall be made in accordance with 30 TAC §§ 101.201 and 101.211 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements, Scheduled Maintenance, Start-up, and Shutdown Reporting and Recordkeeping Requirements, Recordkeeping; and Operational Requirements).
- (10) Compliance with rules. Registration of a standard permit by a standard permit applicant constitutes an acknowledgment and agreement that the holder will comply with all rules, regulations, and orders of the commission issued in conformity with the TCAA and the conditions precedent to the claiming of the standard permit. If more than one state or federal rule or regulation or permit condition is applicable, the most stringent limit or condition shall govern. Acceptance includes consent to the entrance of commission employees and designated representatives of any air pollution control program having jurisdiction into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the standard permit.
- (11) Distance Limitations. Distance limitations, setbacks, and buffer zones. Notwithstanding any requirement in any standard permit, if a standard permit for a facility requires a distance, setback, or buffer from other property or structures as a condition of the permit, the determination of whether the distance, setback, or buffer is satisfied shall be made on the basis of conditions existing at the earlier of:
- (A) The date new construction, expansion, or modification of a facility begins; or
 - (B) The date any application or notice of intent is first filed with the commission to obtain approval for the construction or operation of the facility.

Air Quality Standard Permit for Concrete Batch Plants

Standard Permit No. 4

Effective Date July 10, 2003

This air quality standard permit authorizes concrete batch plant facilities which meet all of the conditions listed in paragraphs (1) through (3) and one of paragraphs (4), (5), or (6). If a standard permit registration is based on paragraphs (4), (5), or (6) and changes are proposed which change the paragraph under which the facility will be constructed and operate, the concrete batch plant must reapply for a new standard permit.

(1) Administrative Requirements

- (A) Any concrete batch plant authorized under this standard permit shall be registered in accordance with Title 30 Texas Administrative Code § 116.611 (30 TAC § 116.611), Registration to use a Standard Permit. Owners or operators shall submit a completed Form PI-1S entitled "Air Quality Standard permit Registration for Concrete Batch Plants," Table 20 entitled, "Concrete Batch Plants" and a Concrete Batch Plant Standard Permit checklist. Facilities which meet the conditions of this standard permit do not have to meet the emissions and distance limitations listed in 30 TAC § 116.610(a)(1), Applicability.
- (B) Applications shall also comply with 30 TAC § 116.614 "Standard Permit Fees" when the registration is required to complete public notification under paragraph two of this standard permit.
- (C) No owner or operator of a concrete batch plant shall begin construction and/or operation without obtaining written approval from the Texas Commission on Environmental Quality (TCEQ), Executive Director. The time period in 30 TAC § 116.611(b) (45 days) does not apply to facilities registering under this permit. Those facilities which are not required to comply with the public notification requirements of paragraph two should receive approval within 45 days after receipt of the registration request by the TCEQ Executive Director. Start of construction of any facility registered under this standard permit shall comply with 30 TAC § 116.115(b)(2)(A) and commence within 18 months of written approval from the TCEQ.
- (D) Any concrete batch plant which has registered but not constructed or filed a registration request for a permit by rule filed under 30 TAC §§ 106.201, 106.202, or 106.203 [relating to Permanent and Temporary Concrete Batch Plants (previously SE 71); Temporary Concrete Batch Plants (previously SE 93); and Specialty Batch Plants (previously SE 117)] prior to the effective date of this permit will be processed under those rules.
- (E) Applicants are not required to submit air dispersion modeling as a part of any concrete batch plant standard permit application.
- (F) Records shall be maintained on-site for the following:
 - (i) production rates for each hour of operation which demonstrate compliance with the most applicable of paragraphs (4)(A), (5)(B) and (C), or (6)(C) and (D); and

- (ii) production and other records as required by 30 TAC §§ 101.6 - 101.7 and by (1)(F)(i) of this standard permit shall be kept for lesser of either the most recent rolling 24-month period or the duration of operation at a given site.

(2) Public Notice

Unless the facility is to be a temporary concrete plant, as defined in paragraph five of this permit, which is located in, or contiguous to, the right-of-way of a public works project, public notice must be conducted. Notification must follow the requirements in 30 TAC Chapter 39, Subchapters H and K. In addition, sign posting must be performed following the requirements of 30 TAC § 39.604. The signs shall be headed by the words "PROPOSED AIR QUALITY STANDARD PERMIT."

(3) General Requirements

- (A) All cement/fly ash storage silos and weigh hoppers shall be equipped with a fabric or cartridge filter or vented to a fabric or cartridge filter system.
- (B) Fabric filters and collection systems shall meet all of the following:
 - (i) any fabric or cartridge filter, any fabric or cartridge filter system, and any suction shroud shall be maintained and operated properly with no tears or leaks;
 - (ii) all filter systems (including any central filter system) shall be designed to meet at least 0.01 outlet grain loading (grains/dry standard cubic foot);
 - (iii) all filter systems, mixer loading, and batch truck loading emissions control devices shall meet a performance standard of no visible emissions exceeding 30 seconds in any six-minute period as determined using U.S. Environmental Protection Agency (EPA) Test Method (TM) 22; and
 - (iv) when cement or fly ash silos are filled during non-daylight hours, the silo filter system exhaust shall be sufficiently illuminated to enable a determination of compliance with the visible emissions requirement in (3)(B)(iii) of this permit.
- (C) Conveying systems for the transfer of cement/fly ash shall meet all of the following:
 - (i) conveying systems to and from the storage silos shall be totally enclosed, operated properly, and maintained with no tears or leaks; and
 - (ii) these systems, except during cement/fly ash tanker connect and disconnect, shall meet a performance standard of no visible emissions exceeding 30 seconds in any six-minute period as determined using EPA TM 22.
- (D) A warning device shall be installed on each bulk storage silo. This device shall alert operators in sufficient time prior to the silo reaching capacity during loading operations, so that the loading operation can be stopped prior to filling to such a level as to potentially adversely impact the pollution abatement equipment. Any filling of the silo resulting in failure of the abatement system, or visible emissions in excess of paragraph (3)(B)(iii) of this standard permit, must be documented and reported following the requirements of 30 TAC § 101.6 or 101.7, as appropriate.

- (E) Dust emissions from all in-plant roads and traffic areas associated with the operation of the concrete batch plant must be minimized at all times by at least one of the following methods:
 - (i) covered with a material such as, but not limited to, roofing shingles or tire chips (when used in combination with (ii) or (iii) of this subsection);
 - (ii) treated with dust-suppressant chemicals;
 - (iii) watered; or
 - (iv) paved with a cohesive hard surface that is maintained intact and cleaned.
 - (F) All stockpiles shall be sprinkled with water, dust-suppressant chemicals, or covered, as necessary, to minimize dust emissions.
 - (G) Spillage of materials used in the batch shall be immediately cleaned up and contained or dampened so that dust emissions are minimized.
- (4) Additional Requirements for Concrete Batch and Specialty Batch Concrete, Mortar, Grout Mixing, or Pre-Cast Concrete Products Plants
- (A) Site production shall not exceed 30 cubic yards per hour.
 - (B) As an alternative to the requirement in paragraph (3)(A) of this section, the cement/fly ash weigh hopper may be vented inside the batch mixer.
 - (C) Dust emissions at the batch mixer feed shall be controlled by one of the following:
 - (i) a spray device which eliminates visible emissions;
 - (ii) a pickup device delivering air to a fabric or cartridge filter;
 - (iii) an enclosed batch mixer feed such that no visible emissions occur; or
 - (iv) conducting the entire mixing operation inside the enclosed process building such that no visible emissions from the building occur during mixing activities.
 - (D) Except for incidental traffic, vehicles used for the operation of the concrete batch plant may not be operated within 25 feet of any property line, except for entrance and exit to the site. In lieu of meeting this distance requirement, roads and other traffic areas must be bordered by dust preventive fencing or other barrier along all traffic routes or work areas within the 25-foot specified buffer area. These borders shall be constructed to a height of at least 12 feet.

(5) Additional Requirements for Temporary Concrete Plants

For the purposes of this section, a temporary concrete plant is one that occupies a designated site for not more than 180 consecutive days or supplies concrete for a single project (single contract or same contractor for related project segments), but not other unrelated projects.

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

- (B) Dust control at the truck drop or mixing point shall comply with one of the following:
- (i) Facilities which occupy a site for less than 180 consecutive days and have production rates less than 200 cy/hr may load rotary mix trucks through a discharge spout equipped with a water fog ring having low-velocity fog nozzles spaced to create a continuous fog curtain that minimizes dust emissions. If a water fog ring is used at the truck drop point, the visible emissions limitations (and associated compliance determination methods) of subsection (3)(B)(III) and (IV) must be met.
 - (ii) All other facilities must use a suction shroud and fabric filter/cartridge filter system. The suction shroud or other pickup device shall be installed at the batch drop point (drum feed for central mix plants) and vented to a fabric or cartridge filter system with a minimum of 4,000 actual cubic feet per minute of air and must meet subsection (3)(B).
- (C) All of the following applicable distance limitations must be met. For concrete batch plants which supply concrete for a single public works project, the "property line" measurements for purposes of compliance with this standard permit and 30 TAC § 111.155 shall be made to the outer boundaries of the designated public property, roadway project and associated rights-of-way.
- (i) The suction shroud baghouse exhaust or truck drop point shall be located at least 100 feet from any property line.
 - (ii) For those facilities with a water fog ring, the truck drop point shall be a minimum of 300 feet from the nearest non-industrial receptor.
 - (iii) Stationary equipment, stockpiles, or vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site) may not be located or operated, respectively, within the following specified distances from any property line:
 - (iv) for those facilities with production rates less than or equal to 200 cubic yards per hour, at least 25 feet; and
 - (v) for those facilities with production rates more than 200 and less than or equal to 300 cubic yards per hour, at least 50 feet.
- (D) In lieu of meeting the distance requirements for roads and stockpiles of (5)(C)(iii), the following may be followed:
- (i) roads and other traffic areas within the buffer distance must be bordered by dust suppressing fencing or other barrier along all traffic routes or work areas. These borders shall be constructed to a height of at least 12 feet; and
 - (ii) stockpiles within this buffer distance must be contained within a three-walled bunker which extends at least two feet above the top of the stockpile.
- (E) The owner or operator of a temporary concrete plant that has previously been determined by the commission to be in compliance with the technical requirements of the standard permit in effect at the time of registration, which supplies concrete to a public works project and is located in or contiguous to the right of way of that public works project may, in lieu of the registration requirement in subsection (1)(A) of this standard permit, register by notifying the appropriate TCEQ Regional Office and any local air pollution control agency having jurisdiction in writing at least 30 calendar days prior to locating at the site. The notification shall include the owner and, if applicable, the operator's name, address, and phone number as well as the physical description of the

site, scaled plot plan of site with location of equipment authorized by this standard permit, concrete plant serial number, account number or regulated entity number, expected hours of operation, expected date of arrival on site and expected date to vacate the site, a completed Table 20, and a Concrete Batch Plant Standard Permit Checklist. Temporary concrete plants that do not supply concrete to a public works project must apply for a new registration under subsection (1)(A) of this standard permit in order to relocate at a new site.

(6) Additional Requirements for Other Concrete Plants

- (A) Site production shall be limited to no more than 300 cubic yard per hour.
- (B) A suction shroud or other pickup device shall be installed at the batch drop point (drum feed for central mix plants) and vented to a fabric or cartridge filter system with a minimum of 4,000 actual cubic feet per minute of air.
- (C) All entry and exit roads and main traffic routes associated with the operation of the concrete batch plant (including batch truck and material delivery truck roads) shall be paved with a cohesive hard surface that can be maintained intact and shall be cleaned. All batch trucks and material delivery trucks shall remain on paved surface when entering, conducting primary function, and leaving the property. Other traffic areas must comply with the control requirements of paragraph (3)(E).
- (D) The following distance limitations must be met:
 - (i) the suction shroud baghouse exhaust shall be at least 100 feet from any property line;
 - (ii) stationary equipment, stockpiles, or vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site) may not be located or operated, respectively, within the following specified distances from any property line:
 - (iii) for those facilities with production rates less than or equal to 200 cubic yards per hour, at least 25 feet; and
 - (iv) for those facilities with production rates more than 200 and less than or equal to 300 cubic yards per hour, at least 50 feet.
- (E) In lieu of meeting the distance requirements for roads and stockpiles of (5)(C)(ii), the following may be followed:
 - (i) roads and other traffic areas within the buffer distance must be bordered by dust suppressing fencing or other barrier along all traffic routes or work areas. These borders shall be constructed to a height of at least 12 feet; and
 - (ii) stockpiles within this buffer distance must be contained within a three-walled bunker which extends at least two feet above the top of the stockpile.