

TCEQ INTERAGENCY TRANSMITTAL MEMO

DATE: 6/11/2010

TO: LaDonna Castañuela  
Chief Clerk  
Building F, MC105

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

Attached: Agenda Backup Documents - (Original and seven copies)

Agenda Date: June 30, 2010  
Applicant: Tommy Davis dba Slick Machines  
Proposed Permit No.: 82199L002  
Program: Air  
TCEQ Docket No.: 2010-0660-AIR

Documents with this transmittal are indicated below:

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



## SPECIAL CONDITIONS

Permit Number 82199L002

### EMISSION STANDARDS and FUEL SPECIFICATIONS

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

### OPACITY/VISIBLE EMISSION LIMITATIONS

3. No visible fugitive emissions from the crusher, screen, transfer points on belt conveyors, stockpiles, feed bins or internal roads and work areas shall leave the property. Visible emissions are defined as emissions that exceed a cumulative 30 seconds in duration in any six-minute period as determined using EPA Test Method (TM) 22 or equivalent. If this condition is violated, additional controls or process changes may be required to limit visible particulate matter (PM) emissions. (2/10)
4. Opacity of emissions from any transfer point on belt conveyors or the screen shall not exceed 10 percent and from any crusher shall not exceed 15 percent, averaged over a six-minute period as determined by EPA TM 9 or equivalent.

### OPERATIONAL REPRESENTATIONS

5. As represented by the applicant, the following shall occur:
  - A. Production at this facility is limited to 100 tons per hour (tph) and 75,000 tons per year (tpy) in any rolling 12-month period with capacity limits on the crusher as listed in the attached table entitled "Emission Sources - Maximum Allowable Emission Rates." (8/07)
  - B. Permanently mounted spray bars shall be installed at the inlet and outlet of the crusher, at the shaker screen, and at all material transfer points. Area-type water sprays shall be installed at all stockpiles and active work areas. All water spray systems shall be operated as necessary to maintain compliance with Texas Commission on Environmental Quality (TCEQ) rules and regulations.

- C. All in-plant roads and traffic areas, active work areas and aggregate stockpiles shall be sprayed with water and/or environmentally sensitive chemicals upon detection of visible particulate emissions to maintain compliance with all TCEQ rules and regulations. (8/07)
  - D. Raw material stockpile heights are site specific and shall not exceed 45 feet in height unless approved by the TCEQ Regional Office and/or any appropriate local air programs with delegation.
  - E. This permit does not authorize the operation of an internal combustion engine in conjunction with this facility. The holder of this permit shall obtain prior authorization for any engine which remains or will remain at a single site for more than 12 consecutive months. Any portable engine which remains or will remain at a single site for less than or equal to 12 consecutive months is not considered stationary and no authorization is required.
6. All stationary equipment authorized by this permit shall be prominently marked to show the assigned TCEQ regulated entity number or permit number, excluding the location suffix (example: L001). These markings must be clearly visible. These identification markings shall be removed from the equipment when it is no longer authorized by the TCEQ. (8/07)

#### MOVEMENT OF A PORTABLE FACILITY

7. The following are requirements for movement of this portable plant: (8/07)
- 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 plant and associated equipment to be located temporarily\* in the right-of-way, or contiguous to the right-of-way, of a public works project, or

*\*Note: A temporary plant is one that occupies a designated site for not more than 180 consecutive days or supplies materials for a single project (single contract or same contractor for related project segments, but not other unrelated projects.)*

- (2) A portable plant moving to a site where a portable plant has been located at the site at any time during the previous two years.
- C. If the holder of the permit meets either 7B(1) or 7B(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: **(2/10)**
- (1) Company name, address, company contact, and telephone number;
  - (2) Copy of existing permit conditions and the maximum allowable emission rates table that are in effect for the permitted facilities;
  - (3) Regulated entity number, customer reference number, and applicable permit or registration numbers, and if available, TCEQ account number;
  - (4) Location the facility is moving from (current location);
  - (5) Location description of the proposed site (city, county, and exact physical location description);
  - (6) A scaled plot plan that identifies the location of all equipment and stockpiles; and also indicates the required distances to the property lines can be met;
  - (7) A scaled area map that identifies the distance and direction to the closest off-property receptor (if required) and clearly indicates how the facility is contiguous or adjacent to a public works project right of way (if required);
  - (8) Proposed date for start of construction and expected date for start of operation;
  - (9) Expected time period at the proposed site; and
  - (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 7B(1) or 7B(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) The rock crushing plant and all associated sources (screens, transfer points on belt conveyors, feed bins, and work areas that are only associated with the facility) shall be located a minimum of 200 feet from the property line and at least 550 feet from any other rock crushing plant, concrete batch plant, or hot mix asphalt plant.
  - (2) Any rock crusher that is crushing concrete shall be located a minimum of 440 yards (1/4 mile) from any single or multi family residence, school, or place of worship, unless the crusher is:
    - a. at a location authorized for crushing concrete on or prior to September 1, 2001; or
    - b. at a location that satisfies this distance requirement at the time the initial application is filed with the TCEQ, and a single or multi family residence, school, or place of worship is subsequently built or put to use within 440 yards of the facility; or
    - c. engaged, for not more than 180 days, in crushing concrete produced by the demolition of a structure at the location of the structure and the concrete is being crushed primarily for use at that location. *(This exception not authorized if the facility is located in a county with a population of 2.4 million or more or in a county adjacent to such a county.)*

- (3) Stockpiles and vehicle traffic areas (except for entrance and exit to the site) shall be located at least 25 feet from any property line. In lieu of meeting the distance requirements for roads and stockpiles, the following must occur:
  - a. Roads and other traffic areas within the buffer distance must be bordered by dust suppressing fencing or other dust suppressing barrier along all traffic routes or work areas. These borders shall be constructed to a height of at least twelve 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.

#### DETERMINATION OF COMPLIANCE

8. Upon request of the TCEQ Regional Director having jurisdiction, the holder of this permit shall perform ambient air monitoring, or other testing as required to establish the actual pattern and quantities of air contaminants being emitted into the atmosphere. The tests shall be performed during normal operation of the facilities and shall be performed in accordance with accepted TCEQ practices and procedures. (8/07)

#### RECORDKEEPING REQUIREMENTS

9. In addition to the recordkeeping requirements specified in General Condition No. 7 and 40 CFR 60, Subparts A and OOO, the following records shall be kept and maintained on site for a rolling 24-month period: (8/07)
  - A. Daily, monthly and annual amounts of materials processed, summarized in tph, tons per month, and tpy;
  - B. Hours of operation;
  - C. Daily application of road dust control; and
  - D. Records of all repairs and maintenance of abatement systems.

Dated February 23, 2010



## EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

Permit Number 82199L002

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**
1	Impact Crusher (4)	PM	0.12	0.05
		PM <sub>10</sub>	0.06	0.02
2	Screening Operation (4)	PM	0.18	0.07
		PM <sub>10</sub>	0.08	0.03
MHFUG	Material Handling (4)	PM	0.04	0.02
		PM <sub>10</sub>	0.02	0.01
LDFUG	Loading/Unloading Operations (4)	PM	0.03	0.01
		PM <sub>10</sub>	0.01	<0.01
SPFUG	Stockpiles (4)	PM	---	0.41
		PM <sub>10</sub>	---	0.21

(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) 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

PM<sub>2.5</sub> - particulate matter equal to or less than 2.5 microns in diameter

(4) Fugitive emissions are an estimate only

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

5 Hrs/day 5 Days/week 30 Weeks/year or 750 Hrs/year

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

Impact Crusher: 100 Tons/hour 75,000 Tons/year  
 Total Facility: 100 Tons/hour 75,000 Tons/year

Dated February 23, 2010



**Review Analysis & Technical Review**

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Regulated Entity No. RN105244461

**Change of Location  
Review Analysis & Technical Review**

Company:	Davis Tommy	Permit No.:	82199L002
City:	Glen Rose	Record No.:	139904
County:	Somervell	Account No.:	
Project Type:	Locchange	Regulated Entity No.:	RN105244461
Project Reviewer:	Mr. Larry Buller, P.E.	Customer Reference No.:	CN602877276
Facility Name:	Rock Crushing Plant		

**Authorization Checklist**

- Will a new policy/precedent be established? (ED signature required if yes)..... No
- Is a state or local official opposed to the permit?(ED signature required if yes)..... Yes
  - The Honorable Richard Burr, US Senate, on behalf of Charles S. Brown, Holly Springs, NC
  - The Honorable Chet Edwards, US House of Representatives, requested continuing information regarding this permitting action.
  - The Honorable Kay Bailey Hutchison, US Senate, on behalf of Dana Zauf, Glen Rose, Tx and Linda Gustafson, Walnut Springs, Tx.
  - The Honorable Kip Averitt, Chairman, Senate Committee on Natural Resources, requested a hearing to be held in Somervell County.
  - The Honorable Sid Miller, State Representative for District 59, requesting three public meetings to address concerns with follow-up letters sent to strongly encourage the commission to deny the permit request and a final telephone call to expedite the process.
  - The Honorable Beverly Woolley, State Representative for District 136, requested the permit be denied.
  - Mr. Zach Cummings, Commissioner, Precinct 1, Somervell County, TX opposed the permit on behalf of the County Commissioners.
- Is waste or tire derived fuel involved? (ED signature required if yes)..... No
- Are waste management facilities involved?(ED signature required if yes) ..... No
- Will action on this application be posted on the Executive Director's agenda? ..... Yes
- Have any changes to the application or subsequent proposals been required to increase protection of public health and the environment during the review? ..... No

**Project Overview**

Davis Tommy dba Slick Machines has submitted a request to change the location of the rock crushing operation from the current location near Desdemona in Eastland County to a location near Glen Rose in Somervell County. No changes have been made to the current permit except to add emissions from feed bins to the visible emission limitations at the request of TCEQ Region, and to include the newest list of information required to relocate the portable facility.

Hours of operation will remain at 5 hours/day, 5 days/week and 30 weeks/year for a total of 750 hours per year. Throughput will remain at 100 tons/hour with an annual throughput of 75,000 tons/year. Emissions are expected to be 0.55 tons/year of PM which includes 0.28 tons/year of PM<sub>10</sub>.

**Compliance History**

- In compliance with 30 TAC Chapter 60, a compliance history report was prepared on:.....October 10, 2008
- Was the application received after September 1, 2002? ..... Yes
  - If yes, what was the site rating? 3.01 [Avg. by Default] Company rating? 2.30 [Avg.]
- Is the permit recommended to be denied or has the permit changed on the basis of compliance history or rating? ..... No

**Public Notice Information**

- §39.403 Public notification required? ..... Yes
  - A. Date application received: July 25, 2008 Date Administrative Complete:..... August 8, 2008
  - B. Small Business source? ..... Yes
- §39.418 C. Date 1st Public Notice /Admin Complete/Legislators letters mailed: ..... August 8, 2008
- §39.603 D. Pollutants: Particulate matter (PM) including particulate matter less than 10 microns in diameter (PM<sub>10</sub>)
- E. Date Published: August 14, 2008 in the *Glen Rose Reporter*  
Date Affidavits/Copies received: September 29, 2008
- F. Bilingual notice required? ..... No

**Review Analysis & Technical Review**

A bilingual education program is not required in this district by the Texas Education Code.

- §39.604 G. Certification of Sign Posting / Application availability..... Yes
H. Public Comments Received? Yes (660 comments received)
Meeting requested? Yes (259 received) Meeting held? Meeting held October 23, 2008 in Glen Rose, Texas
Hearing requested? Yes (246 received) Hearing held? TBD
Was/were the request(s) withdrawn? No
§39.419 2nd Public Notification required? ..... Yes
A. Date 2nd Public Notice mailed: ..... December 1, 2008
B. Preliminary determination ..... Authorize Permit
§39.603 C. Pollutants: Particulate matter (PM) including PM less than 10 microns in diameter
D. Date Published: January 15, 2009 in the Glen Rose Reporter
Date Affidavits/Copies received: February 2, 2009
E. Bilingual notice required? ..... No
A bilingual education program is not required in this district by the Texas Education Code.
F. Public Comments Received? Yes
Meeting requested? Yes ..... Meeting held? Meetings held March 31 and September 3, 2009 in Glen Rose, Tx
Hearing requested? Yes ..... Hearing held? TBD
Was/were the request(s) withdrawn? No
§39.420 G. Consideration of Comments:
RTC, Technical Review & Draft Permit Conditions sent to OCC: ..... March 15, 2010
Request for Reconsideration Received? Yes
H. Final action: Letters enclosed? .....

**Emission Controls**

- §116.111(a)(2)(G) Is the facility expected to perform as represented in the application?..... Yes
§116.140 Permit Fee: \$ 0 Fee certification provided? .....NA

**Sampling and Testing**

- §116.111(a)(2)(A)(i) Are the emissions expected to comply with all TCEQ air quality rules and regulations, and the intent of the Texas Clean Air Act? ..... Yes
§116.111(a)(2)(B) Will emissions be measured? ..... Yes
Method: Records of daily, monthly and annual production will be maintained from which emissions can be calculated.

**Federal Program Applicability**

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

**Mass Cap and Trade Applicability**

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

**Title V Applicability**

- §122.10(13)(A) Is the site a major source under FCAA Section 112(b)? ..... No
(i). The site emits 10 tons or more of any single HAP?..... No

**Review Analysis & Technical Review**

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- (ii). The site emits 25 tons or more of a combination ..... No
- §122.10(13)(C) Does the site emit 100 tons or more of any air pollutant? ..... No
- §122.10(13)(D) Is the site a non-attainment major source? ..... No

**Request for Comments**

Region: 4 Reviewed by: Ms. Xin Rao

**Process Description**

Raw uncrushed material is stockpiled until needed. The raw material is then loaded into a feed hopper by a front-end loader. The material drops from the feed hopper to a conveyor belt which delivers the material to the impact crusher. Crushed material exits the crusher by conveyor and travels to a screen. Depending on the size, the screen will send crushed material to one of two conveyor belts. Each conveyor belt exiting the screen will drop material to separate stockpiles.

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

All sources are fugitive and consist of the impact crusher, screen, loading and unloading operations, stockpiles and material handling (feed hopper loading, material drop points and conveyor drops). This permit requires the crushing plant to utilize water sprays at the feed hopper, conveyor transfer points, inlet and outlet of the crusher, screens, stockpiles and plant roads. Raw material stockpiles will be limited to 45 feet in height unless approved by the TCEQ Regional Office. This plant will utilize current BACT to abate fugitive emissions.

**Impacts Evaluation**

- 1. Was modeling done? No The initial protectiveness review was conducted using the Tier I & II modeling work that was based on the old State 1-hr and 3-hr PM limitations. The current NAAQS based PM<sub>10</sub> limitation has been found to be less conservative. Thus, no change was made to the protectiveness distance which should be a conservative distance requirement.  
The standard permit evaluation of PM<sub>10</sub> emissions is used as the surrogate for evaluation of PM<sub>2.5</sub> protectiveness.
- 2. Will GLC of any air contaminant cause violation of NAAQS? ..... No
- 3. Is this a sensitive location with respect to nuisance? ..... No  
[per site review conducted August 22, 2008 by Ms. Xin Rao]
- 4. Is the site within 3000 feet of any school? ..... No
- 5. Toxics Evaluation: There are no toxic emissions emanating from this site

**Miscellaneous**

- 1. Is applicant in agreement with special conditions? ..... Yes  
Company representative? ..... Mr. Tommy Davis, via e-mail dated October 10, 2008.
- 2. Other permit(s) affected by this action? ..... Yes  
If YES, list permit number(s) and actions required or taken Permit No. 82199L001 and Permit by Rule Registration No. 86429L001 will be void upon relocation.

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Project Reviewer                      Date                                      Team Leader/Section Manager/Backup                      Date



# Compliance History

Customer/Respondent/Owner-Operator:	CN602877276 Tommy Davis	Classification: AVERAGE	Rating: 2.30
Regulated Entity:	RN105244461 SLICK MACHINES ROCK CRUSHER 1	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	AIR NEW SOURCE PERMITS	REGISTRATION	82199L001
	AIR NEW SOURCE PERMITS	PERMIT	82199L002
Location:	Rating Date: 9/1/2007 Repeat Violator: NO		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	October 20, 2008		
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.		
Compliance Period:	July 25, 2003 to July 25, 2008		

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

Name: Erin Selvera Phone: \_\_\_\_\_

## 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 of the site during the compliance period?    | No         |
| 3. If Yes, who is the current owner?   | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)?  | <u>N/A</u> |
| 5. When did the change(s) in ownership occur?  | <u>N/A</u> |

### 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.)  
.....
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
  - F. Environmental audits.  
N/A
  - G. Type of environmental management systems (EMSs).  
N/A
  - 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

