

**TCEQ AIR QUALITY PERMIT NUMBER 93109**  
**TCEQ DOCKET NUMBER 2011-2114-AIR**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE</b>
	<b>§</b>	
<b>P&amp;L CAST STONE, INC.</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
	<b>§</b>	
<b>ROANOKE, TARRANT COUNTY</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

**EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS**

The Executive Director of the Texas Commission on Environmental Quality (commission or TCEQ) files this response (Response) to the requests for a contested case hearing submitted by the persons listed herein regarding the above-referenced matter. The Texas Clean Air Act (TCAA), Texas Health & Safety Code (THSC) § 382.056(n) requires the commission to consider hearing requests in accordance with the procedures provided in Tex. Water Code (TWC) § 5.556.<sup>1</sup> 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 plant 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 a copy of the standard permit for concrete batch plants prepared by the Executive Director's staff have been filed with the TCEQ's Office of Chief Clerk for the commission's consideration. Finally, the Executive Director'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**

P&L Cast Stone, Inc., (P&L or Applicant) has applied to the TCEQ for an Air Quality Standard Permit for Concrete Batch Plants under THSC § 382.05195, which would authorize the construction of a permanent concrete batch plant.<sup>2</sup> The proposed plant is located at 4000 Haslet-Roanoke Road, Roanoke, Tarrant County, Texas.

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<sup>1</sup> Statutes cited in this response may be viewed online at [www.statutes.legis.state.tx.us](http://www.statutes.legis.state.tx.us). 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](http://www.sos.state.tx.us/tac/index.shtml), or follow the "Rules, Policy & Legislation" link on the TCEQ website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

<sup>2</sup> The contaminants authorized under this permit include road dust, aggregate, and cement. The contaminants emitted also have the potential to contain particles less than or equal to 10 microns in aerodynamic diameter (PM<sub>10</sub>), and particles less than or equal to 2.5 microns in aerodynamic diameter (PM<sub>2.5</sub>).

P & L's permit application was received July 19, 2010 and declared administratively complete on August 4, 2010. The Notice of Receipt and Intent to Obtain an Air Quality Permit (NORI or first public notice) for this permit application was published on August 18, 2010 in the *Fort Worth Weekly* and re-published on March 10, 2011 in the *Fort Worth Star Telegram*. The Notice of Application and Preliminary Decision (NAPD or second public notice) was published on October 13, 2010 in the *Fort Worth Weekly* and re-published on May 28, 2011 in the *Fort Worth Star Telegram*. Four hearing requests were timely received by the TCEQ. The public comment period for permit application 93109 ended on June 30, 2011. The RTC was filed October 5, 2011.

Four hearing requests were timely filed by: Pamela Bach, Alan Beck, Ashley and Dusty Messick, and Scott Taylor. Mr. Beck subsequently withdrew his hearing request in writing; therefore his request will not be analyzed by the Executive Director.

## **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 requester's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requester 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 requester should, to the extent possible, specify any of the executive director's responses to comments that the requester 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 TWC § 5.115, and implemented in commission rule 30 TAC §

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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.

In addition, this application is for a registration for the Standard Permit for Concrete Batch Plants. In accordance with TCAA, THSC § 382.058 (c), individuals are considered an "affected person," and may request a hearing on the construction of a concrete plant under a standard permit, if:

- (c). . .those persons actually residing in a permanent residence within 440 yards of the proposed plant . . . request a hearing under Section 382.056 . . .<sup>3</sup>

If the commission determines a hearing request is timely, fulfills the requirements for proper form, and the hearing requester is an affected person, the commission must then 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
- (3) The issue must be relevant and material to the decision on the application.

The law applicable to the plant proposed by P & L 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

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<sup>3</sup> TEXAS HEALTH & SAFETY CODE ANN. § 382.058 (Vernon 2001).

construction and operation of the facility or facilities.<sup>4</sup> Thus, the location and operation of the proposed plant requires authorization under the TCAA. Permit conditions of general applicability must be in rules adopted by the commission.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> The materials accompanying this response list and reference permit conditions and operational requirements and limitations applicable to this proposed plant.

For permit application 93109, the Executive Director's staff referred to the pertinent provisions of TCAA, THSC § 382.058, Notice of and Hearing on Construction of Concrete Plant Under Permit by Rule, Standard Permit, or Exemption, in effect at the time the permit application was declared administratively complete August 4, 2010.

### III. Evaluation and Analysis of the Requests

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

The following persons submitted a timely hearing requests, that were not withdrawn: Pamela Bach, Ashley and Dusty Messick, and Scott Taylor.

##### 1. *Pamela Bach*

Pamela Bach submitted a request for a contested case hearing on February 24, 2011. Her request was made in a comment she timely submitted to the agency during the relevant comment period. She gave her name, telephone number, and a residential address. Ms. Bach in plain language gave her proximity to the proposed plant (stating she lived 550 feet or 183 yards from the proposed site) while also stating that she believes she will be adversely affected by the application in the following ways:

- That public notice of the application was inadequate.
- That she has grandchildren that she keeps in her home, one of which has severe allergies.
- That the proposed plant would pose a health threat to herself and her grandchildren.
- That she would not want a plant that would emit air contaminants that close to her home.

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<sup>4</sup> TEXAS HEALTH & SAFETY CODE ANN. § 382.0518 (Vernon 2001).

<sup>5</sup> TEXAS HEALTH & SAFETY CODE ANN. § 382.0513 (Vernon 1995).

<sup>6</sup> TEXAS HEALTH & SAFETY CODE ANN. § 382.085 (a) and (b) (Vernon 1997).

<sup>7</sup> TEXAS HEALTH & SAFETY CODE ANN. § 382.0513 (Vernon 1995).

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- That the location of the plant is directly across from a middle school.
- That children attending Tidwell Middle School will be directly affected by the location of the proposed plant because many outdoor activities take place on a school campus.
- That the plant will have a negative effect on the air quality for the children attending Tidwell Middle School.

Based on the address provided by Ms. Bach and the plot plan submitted by the Applicant, the Executive Director's staff was able to confirm that Ms. Bach's residence is approximately 1310ft (436.7 yd) from the footprint of the plant, and 1329ft (443 yd) from the nearest drop point<sup>8</sup>. However, the Applicant subsequently submitted a survey indicating that the Bach residence was 1335ft (445 yd) from the footprint of the plant.

Ms. Bach requested a contested case hearing in the first sentence of her comment. In addition, the Executive Director finds that that of the issues raised in her request, some may be considered personal justiciable interests that are also relevant, and material disputed issued of fact. The Executive Director 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 requesters should, to the extent possible, specify any of the Executive Directors' responses in the RTC that the requesters dispute and the factual basis of the dispute, and list any disputed issues of law or policy.<sup>9</sup> Ms. Bach did not submit a response or reply to the Executive Director's RTC or submit a request for reconsideration of the Executive Director's final decision.

Based on the foregoing, the Executive Director finds that Ms. Bach substantially complied with all of the requirements to request a contested case hearing required by 30 TAC § 55.201(d). Because the requestor provided information that is in compliance with 30 TAC § 55.201(d), the Executive Director can determine whether it is likely that these requestors will be impacted differently than any other member of the general public or if there is a likely impact of the regulated activity on these persons' interests. This will be discussed in detail in subsection *B* below.

### 2. *Ashley and Dusty Messick*

Ashley and Dusty Messick submitted a request for a contested case hearing on February 22, 2011. The request was made in a comment timely submitted to the agency during the relevant comment period. They gave their names, telephone number, and residential address of 13713 Horseshoe Canyon Rd. Roanoke, TX 76262. As indicated by the enclosed map, Mr. and Mrs. Messick do not reside within 440 yards of the proposed plant. The Executive Director's staff was able to confirm that the Messick residence is

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<sup>8</sup> The measurements were taken by regional staff using a Trimble GeoExplorer GPS, which has an accuracy of + or - 3 feet. The measurements were taken from the point of the Bach residence closest to the proposed plant to the point on the outer footprint closest to the house and the closest emission point.

<sup>9</sup> See 30 TAC § 55.201(d)(4) (2009)(Tex. Comm'n on Env. Quality, Requests for Reconsideration or Contested Case Hearing).

located approximately 1456ft (485.3yd) from the nearest stockpile and 1500ft (500yd) from the nearest emission point, specifically, a dust collector.

Because the Executive Director determined that Mr. and Mrs. Messick reside greater than 440 yards from the proposed plant, they are also not likely to be impacted differently than any other member of the general public; accordingly, Mr. and Mrs. Messick have failed to state any "personal justiciable interest" under 30 TAC § 55.203. Without a "personal justiciable interest," Mr. and Mrs. Messick are not "affected persons" as defined by 30 TAC § 55.203, and do not meet the requirements of a person able to request a contested case hearing according to 30 TAC § 55.201.

### *3. Scott Taylor*

Mr. Taylor submitted a comment on September 14, 2010 in which he stated "I would like to be included in any hearings." His request was made in a comment he timely submitted to the agency during the relevant comment period. He gave his name, telephone number, and an address of 14230 Ridgetop Rd. Roanoke, TX 76262.

As indicated by the enclosed map, Mr. Taylor does not permanently reside within 440 yards of the proposed plant. Mr. Taylor's inability to meet the distance requirement of THSC § 382.058(c) bars by operation of law his affected person status. In addition, because the Executive Director determined that Mr. Taylor resides greater than 440 yards from the proposed plant, he is also not likely to be impacted differently than any other member of the general public; accordingly, Mr. Taylor has failed to state any "personal justiciable interest" under 30 TAC § 55.203. Without a "personal justiciable interest," Mr. Taylor is not an "affected persons" as defined by 30 TAC § 55.203, and does not meet the requirements of a person able to request a contested case hearing according to 30 TAC § 55.201.

### *B. Is Pamela Bach an affected person?*

The law applicable to this permit application is outlined above in section II. In order to determine whether Ms. Bach is an affected person, the commission must consider the non-exhaustive list of factors contained in 30 TAC § 55.203(c).

First, the commission must consider whether the interest claimed is one protected by the law under which the application will be considered.

The interest Ms. Bach claims are:

- That public notice of the application was inadequate.
- That she has grandchildren that she keeps in her home, one of which has severe allergies.
- That the proposed plant would pose a health threat to herself and her grandchildren.

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- That she would not want a plant that would emit air contaminants that close to her home.
- That she is concerned for the many families that are now in homes around the proposed plant.
- That the location of the plant is directly across from a middle school.
- That children attending Tidwell Middle School will be directly affected by the location of the proposed plant because many outdoor activities take place on a school campus.
- That the plant will have a negative effect on the air quality for the children attending Tidwell Middle School.

The following interests claimed by Ms. Bach are protected by the law under which the application will be issued are:

- That public notice of the application was inadequate.
- That the proposed plant would pose a health threat to herself, her grandchildren, and children attending Tidwell Middle School.
- That she is concerned for the many families that are now in homes around the proposed plant.
- That the location of the plant is directly across from a middle school.

The commission must also consider whether a reasonable relationship exists between the interest claimed and the activity regulated. The activity the commission regulates is the authorized emission into the air of contaminants by a person who owns or operates a facility or facilities. Those persons who own or operate a facility or facilities are prohibited from emitting air contaminants or performing any activities that contravene the TCAA or any other commission rule or order, or that causes or contributes to air pollution. The interests Ms. Bach claims within the scope of an air quality Standard Permit authorization focus on the potential adverse effects of potential air contaminants from the facility, and the Executive Director finds that a reasonable relationship exists between the interest claimed and the activity the commission regulates.

Next, the commission must consider distance restrictions or other limitations imposed by law on the affected interest, the likely impact of the regulated activity on the health and safety of the person, and on the use of the property of the person, and the likely impact of the regulated activity on the use or the impact natural resource by the person. For Air authorizations, distance from the proposed facility is particularly relevant to the issue of whether or not there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. As discussed above, the Executive Director agrees that Ms. Bach resides in close proximity of the footprint of the plant the subject of this permit authorization and notes that Ms Bach's comments reveal concern for the health and welfare of residents in her home and those near the proposed concrete batch plant (as do her

comments related to the possible contamination of air quality for children attending Tidwell Middle School) that include herself given her proximity. The natural resource the subject of this permit application is the ambient air that Ms. Bach and her neighbors breathe and she has indicated several ways in which emissions from the plant could impact it. The Executive Director finds that it is likely that Ms. Bach has a personal justiciable interest within the meaning of TWC § 5.115 and 30 TAC § 55.203(a) affected by this permit application.

*C. Other Factors the Commission must Consider in Evaluating the Hearing Requests*

If the Commission agrees with the assessment of the Executive Director and finds that Ms. Bach is an affected person, the Commission must apply the three-part test discussed in Section II 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 Executive Director addressed all public comments in this matter by providing responses in the Executive Director's formal Response to Comment (RTC). The cover letter from the Office of the Chief Clerk transmitting the RTC cites 30 TAC § 55.201(d)(4), which states that requesters should, to the extent possible, specify any of the ED's responses in the RTC the requesters dispute and the factual basis of the dispute, and list any disputed issues of law or policy. As stated previously, Ms. Bach did not submit a response or request for reconsideration to the Agency after the RTC was mailed.

*D. Issues involving questions of fact.*

Ms. Bach raised the following questions of fact for this application during the public comment period:

- That public notice of the application was inadequate.
- Whether the plant will adversely affect the health and welfare of herself, grandchildren, surrounding residents, and children attending Tidwell Middle School;
- Whether the plant will affect the health of sensitive subgroups such as those with severe allergies;
- Whether the permit should be authorized based on the proximity to Ms. Bach's home and Tidwell Middle School.

*E. 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 Application and Preliminary Decision (NORI or first public notice) and ended on August 18, 2010. All of the above mentioned issues were raised during the public comment period.

*F. 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 requires the Commission to grant a permit to construct or modify a facility if the Commission finds the proposed facility will use at least the best available control technology (BACT) and the emissions from the facility will not contravene the intent of the TCAA, including the protection of the public's health and physical property. In making this permitting decision, the Commission may consider 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 these statutory and regulatory requirements that must be satisfied by this permit application.

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

1. Whether there was adequate public notice of the application.
2. Whether air emissions from the proposed plant will adversely affect human health and welfare.
3. Whether the plant would adversely impact sensitive subgroups, such as those with allergies and children attending Tidwell Middle School.
4. Whether the proposed plant will negatively impact requesters land and personal property.

#### **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. Conclusion and Recommendation**

For the foregoing reasons, the Executive Director respectfully recommends the Commission:

1. Grant the hearing request of Pamela Bach for permit no. 93109.

2. Deny Ashley and Dusty Messick, and Scott Taylor's hearing requests as a matter of law pursuant to 30 TAC § 55.201(d)(4) and TCAA § 382.058(c).

If the Commission determines Ms. Bach is an affected person, refer the following issues to SOAH:

1. Whether there was adequate public notice of the application.
2. Whether air emissions from the proposed plant will adversely affect human health and welfare.
3. Whether the plant would adversely impact sensitive subgroups, such as those with allergies and children attending Tidwell Middle School.
4. Whether the proposed plant will negatively impact requesters land and personal property.

Respectfully submitted,

Texas Commission on Environmental Quality

Mark R. Vickery P.G.  
Executive Director

Stephanie Bergeron Perdue, Deputy Director  
Office of Legal Services

Robert Martinez, Division Director  
Environmental Law Division



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Betsy Peticolas, Staff Attorney  
Environmental Law Division  
Bar No. 24070040

Representing the Executive Director of the  
Texas Commission on Environmental Quality

**CERTIFICATE OF SERVICE**

On the 13 day of February 2012, 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, electronic mail, or hand delivery.

  
\_\_\_\_\_  
Betsy Peticolas

**MAILING LIST**  
**P & L CAST STONE, INC.**  
**TCEQ DOCKET NO. 2011-2114-AIR**

**FOR THE APPLICANT:**

Perry Rupp, President  
P & L Cast Stone, Inc.  
P.O. Box 1751  
Roanoke, Texas 76262-1751  
Tel: 817/430-8114 Fax: 817/430-8444

**FOR THE EXECUTIVE DIRECTOR**

via electronic mail:

Betsy Peticolas, Staff Attorney  
Texas Commission on Environmental  
Quality  
Environmental Law Division, MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-0600 Fax: 512/239-0606

Donald Nelon, Technical Staff  
Texas Commission on Environmental  
Quality  
Air Permits Division, MC-163  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-0894 Fax: 512/239-1300

Beecher Cameron, Technical Staff Texas  
Commission on Environmental Quality  
Air Permits Division, MC-163  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-1495 Fax: 512/239-1300

Brian Christian, Director  
Texas Commission on Environmental  
Quality  
Small Business and Environmental  
Assistance Division  
Public Education Program, MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-4000 Fax: 512/239-5678

**FOR ALTERNATIVE DISPUTE**

**RESOLUTION**

via electronic mail:

Kyle Lucas  
Texas Commission on Environmental  
Quality  
Alternative Dispute Resolution, MC-222  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-4010 Fax: 512/239-4015

Amy Swanholm  
Texas Commission on Environmental  
Quality  
Office of Public Interest Counsel  
P.O. Box 13087  
Austin, Texas 78711-3087

**FOR THE CHIEF CLERK:**

Bridget C. Bohac  
Texas Commission on Environmental  
Quality  
Office of Chief Clerk, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-3300  
Fax: 512/239-3311

**REQUESTERS:**

Pamela Bach  
3730 Haslet Roanoke Rd  
Roanoke, Texas 76262-5807

Ashley & Dusty Messick  
13713 Horseshoe Canyon Road  
Roanoke, Texas 76262

Scott Taylor  
14230 Ridgetop Road  
Roanoke, Texas 76262-3812

# P&L Cast Stone Map Requested by TCEQ Office of Legal Services for Commissioners' Agenda



Texas Commission on Environmental Quality  
GIS Team (Mail Code 197)  
P.O. Box 13087  
Austin, Texas 78711-3087

February 2, 2012



Projection: Texas Statewide Mapping System  
(TSMMS)  
Scale 1:18,000

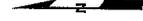
### Legend

- Footprint
- ⊙ Requestor

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor. The vector data are U.S. Census Bureau 1992 TIGER/Line Data (1:100,000). The background of this map is a one-half meter photograph from the 2008 Texas Orthoimagery Project.

This map depicts the following:

- (1) The approximate location of the facility. print. This is labeled "P&L Cast Stone".
- (2) Circles depicting the 1 mile and 1/4 mile radii from the footprint.
- (3) The approximate location of the footprint. This is labeled "Footprint".



Tarrant County

The facility is located in Tarrant County. The red square in the first inset map represents the approximate location of the facility. The second inset map represents the location of Tarrant County in the state of Texas. Tarrant County is shaded in red.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 259-0800.

Main Query Page | Program Area Search

**Compliance History**

RE Name:	CONCRETE BATCH PLANT 1	RN:	RN105968606		
Classification:	AVERAGE BY DEFAULT	Rating:	3.01	Publication Date:	Oct 1, 2011
Customer Name	P & L Cast Stone, Inc.		CN:	CN602494478	
Classification:	AVERAGE	Rating:	3.5	Publication Date:	Oct 1, 2011
Repeat Violator Ind:	NO				

Compliance History Start: 08/31/2011

End: 09/01/2006

**Submit**

1-0 of 0 Enforcement Action Records

**Enforcement Actions**

Type	Effective Date	Citation/Requirement Provision	Abbv. Description	Violation Classification (Trk No)
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0 convictions returned

**Criminal Convictions**

Conviction Date	Number of		Violations		
	Felonies	Misdemeanors	Citation/Requirement Provision	Abbv. Description	Classification (Trk No)

0 events returned

**Chronic Excessive Emissions Events**

Start Date	Status Code	Status Date	Track Number
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1-0 of 0 Investigation Records

**Investigations**

Investigation Start Date	Type	Investigation Status Date
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1-0 of 0 Notice of Violation Records

**Notice of Violations**

NOV Date	Status Code	Citation	Allegation	Classification (Trk No)	Self-Report
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1-0 of 0 Environmental Audit Records

**Environmental Audits**

Notice of Audit Date	Disclosure Of Violation				
	DOV Date	Violations			
		Classification	Citation/Requirement Provision	Abbv. Description	

0 systems returned

Environmental Management Systems			
Type	Tier	Certification Date	Implementation Date

0 assessments returned

Voluntary On-Site Compliance Assessments		
Start Date	Status Code	Status Date

0 programs returned

Voluntary Pollution Reduction Programs		
Name	Level	Start Date of Participation

0 early compliance actions returned

Early Compliance	
Date	Description

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[Map of Regional Planning Areas](#)
[Migrated Systems](#)

For questions or comments regarding this T-Net page contact: [Central Registry](#)  
 This site was last modified: August 23, 2010

## Concrete Batch Plant Standard Permit Source Analysis & Technical Review

Company	P & L Cast Stone, Inc.	Permit Number	93109
City	Roanoke	Project Number	158978
County	Tarrant	Account Number	N/A
Project Type	Initial	Regulated Entity Number	RN105968606
Project Reviewer	Mr. Donald D. Nelon	Customer Reference Number	CN602494478
Site Address	4000 Haslet Roanoke Rd		

### Project Overview

**The applicant was required to re-notice the NORI and NAPD due to not using an acceptable publication for the original notices. A determination has been made that a second public meeting will also be held on June 30, 2011.**

This is the proposed authorization of a permanent concrete batch plant with a production rate of 150 cubic yards per hour. Operating up to 12 hours per day, 5 days per week, 52 weeks a year not to exceed 3,120 operating hours.

#### Process Description:

Washed sand and gravel are to be delivered by trucks and stockpiled at the facility. The stored material will be sprinkled with water as needed for dust-control. When needed for production, the aggregate will be moved via a front-end loader to the conveyor that leads to the aggregate bin from where the material will drop into the weigh batcher. After weighing each batch will drop into the rotating drums of mixer trucks.

Cement will be pneumatically conveyed from delivery tankers into the cement silo(s). Remaining in total enclosure, the cement will then be gravity dropped from the silo into the cement weigh batcher. The weighed cement batch will then be gravity dropped into the rotating drums of mixer trucks. Particulate matter control of cement dust from the silo will be a vent style bag house. Aggregate and cement emissions at the truck drop point will be vented to a central dust collector through a suction shroud.

### Deficiencies

Has all required information been received by the TCEQ?	Yes
If no, date company notified of deficient items:	NA
Comments:	No comments
Date registration claim complete:	September 2, 2010

### Power Source Information

Does this facility utilize an engine or generator?	Yes
If yes, will the engine or generator be located at this site less than one year?	No
If the engine or generator will be at this site for more than one year does the engine meet 30 TAC § 106.512?	Due to horsepower ratings the generator set does not require registration

### Compliance History Evaluation - 30 TAC Chapter 60 Rules

A compliance history report was reviewed on:	August 10, 2010
Compliance period:	July 19, 2010 - July 20, 2005
Site rating & classification:	Not applicable - new facility
Company rating & classification:	3.01 - 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

**Concrete Batch Plant Standard Permit  
Source Analysis & Technical Review**

Permit No. 93109  
Page 2

Regulated Entity No. RN105968606

**Public Notice Information - 30 TAC Chapter 39 Rules**

<b>Rule Citation</b>	<b>Requirement</b>		
39.403	Is Public Notice Required?	Yes	
	If no, give reason:	NA	
	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?	NA	
	Comments:	No comments	
	Date Application Received:	July 19, 2010	
	Date Administratively Complete:	August 4, 2010	
	Small Business Source?	Yes	
	Date Leg Letters mailed:	August 4, 2010 and February 11, 2011	
	39.603	Date Published:	August 18, 2010 and March 10, 2011
		Publication Name:	Fort Worth Weekly and Fort Worth Star Telegram
Pollutants:		PM, PM <sub>2.5</sub> , PM <sub>10</sub> , Cement, Aggregate, Road Dust	
Date Affidavits/Copies Received:		August 30, 2010 and March 25, 2011	
Is bilingual notice required?		No, no bilingual program	
Language:		NA	
Date Published:		NA	
Publication Name:		NA	
Date Affidavits/Copies Received:		NA	
Date Certification of Sign Posting / Application Availability Received:		September 16, 2010	
39.604	Public Comments Received?	Yes (65)	
	Hearing Requested?	Yes (5), one hearing request has been withdrawn	
	Meeting Request?	Yes (7)	
	Date Response to Comments sent to OCC:	October 5, 2011	
	Consideration of Comments:		
	Is 2nd Public Notice required?	Yes	
	39.419	Date 2nd Public Notice Mailed:	October 7, 2010 and May 20, 2011
Preliminary Determination:		Yes	
39.603	Date Published:	October 13, 2010 and May 28, 2011	
	Publication Name:	Fort Worth Weekly and Fort Worth Star Weekly	
	Pollutants:	PM, PM <sub>2.5</sub> , PM <sub>10</sub> , Cement, Aggregate, Road Dust	
	Date Affidavits/Copies Received:	October 25, 2010 and June 13, 2011	
	Is bilingual notice required?	No, no bilingual program	
	Language:	NA	
	Date Published:	NA	
	Publication Name:	NA	
	Date Affidavits/Copies Received:	NA	
	Date Certification of Sign Posting / Application Availability Received:	June 13, 2011	
	Public Comments Received?	Yes (67)	

**Concrete Batch Plant Standard Permit  
Source Analysis & Technical Review**

Permit No. 93109  
Page 3

Regulated Entity No. RN105968606

<b>Rule Citation</b>	<b>Requirement</b>
	Meeting Request? <span style="float:right">Yes (7)</span>
	Date Meeting Held: <span style="float:right">September 16, 2010 and June 30, 2011</span>
	Hearing Request? <span style="float:right">Yes (5)</span>
	Date Hearing Held:
	Request(s) withdrawn? <span style="float:right">(1) Mr. Alan Beck</span>
	Date Withdrawn:
	Consideration of Comments:
39.421	Date RTC, Technical Review & Draft Permit Conditions sent to OCC: <span style="float:right">October 5, 2011</span>
	Request for Reconsideration Received?
	Final Action:
	Are letters Enclosed?

**Recommendations**

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

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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*

DATE

MR PERRY RUPP  
PRESIDENT  
P & L CAST STONE INC  
PO BOX 1751  
ROANOKE TX 76262-1751

Re: Air Quality Standard Permit for Concrete Batch Plants  
(As amended effective July 10, 2003)  
Standard Permit Registration Number: 93109  
Concrete Batch Plant  
Roanoke, Tarrant County  
Regulated Entity Number: RN105968606  
Customer Reference Number: CN602494478

Dear Mr. Rupp:

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 at 4000 Haslet Roanoke Road, Roanoke, Tarrant 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 is authorized by the Texas Commission on Environmental Quality (TCEQ) in accordance with 30 TAC Chapter 116. The enclosed 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. Perry Rupp  
Page 2  
DATE

Re: Standard Permit Registration Number: 93109

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 Mr. Donald D. Nelon at (512) 239-0894 or write to the Texas Commission on Environmental Quality, Office of Air, 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 the TCEQ.

Sincerely,

Michael Wilson, P.E., Director  
Air Permits Division  
Office of Air  
Texas Commission on Environmental Quality

MPW/DDN/ddn

Enclosures

cc: Air Section Manager, Region 4 - Fort Worth

Project Number: 158978

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

TCEQ Air Quality Regulated Entity Number: RN105968606

1.	Company name:	P & L Cast Stone Inc			
	Office address:	PO Box 1751			
		Roanoke, Texas 76262-1751			
	Contact name and title:	Mr. Perry Rupp, President			
	Telephone:		Fax:		
2.	Type of facility:	Concrete Batch Plant			
3. A.	Location <b>from</b> 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 <b>to</b> 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 Air, 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).

<b>Regional Office FAX Numbers:</b>			
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

<b>Local Program FAX Numbers:</b>			
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 Texas Commission on Environmental Quality, Office of Air, 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 Air 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, Startup, 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.