Texas Commission on Environmental Quality
INTEROFFICE MEMORANDUM

TO: Office of Chief Clerk DATE: May 9, 2014

FROM: Amy L. Browning
Staff Attorney
Environmental Law Division

SUBJECT: Backup Documents Filed for Consideration of Hearing Requests at Agenda

Applicant: Tex-Mix Partners, Ltd.
Proposed Permit No.: Concrete Batch Plant Standard Permit Registration No. 109839
Program: Air
Docket No.: TCEQ Docket No. 2014-0525-AIR

Enclosed please find a copy of the following documents for inclusion in the background material for this permit application:

- The summary of the technical review of the permit application
- The compliance summary of the applicant
- The air quality standard permit for concrete batch plants

Concrete Batch Plant Standard Permit
Source Analysis & Technical Review

Company	**Tex-Mix Partners, Ltd.**	Permit Number	**109839**
City	**Bulverde**	Project Number	**192598**
County	**Comal**	Account Number	**N/A**
Project Type	**Initial**	Regulated Entity Number	**RN106689029**
Project Reviewer	**Mr. Donald D. Nelon**	Customer Reference Number	**CN600134720**
Site Address	**located on the east side of Highway 281 approximately 0.5 mile south of the intersection with Rebecca Creek Road**		

Project Overview

Facility Description:

This is the proposed authorization of a permanent concrete batch plant with a maximum production rate of 300 cubic yards per hour. The applicant has represented the facility will operate up 8,760 operating hours per year.

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.

Maintenance activities will be authorized either under permit by rule or claimed under 30 Texas Administrative Code § 116.119, De Minimis Facilities or Sources. Emissions from planned startup and shutdown activities will be authorized by this permit.

Emissions will also be generated during startup and shutdown of the facility. Startup and shutdown emissions are virtually indistinguishable from productions emissions. Although there may be minor emissions associated with startup and shutdown, particulate emission factors used to quantify production emissions are considered to have enough conservatism to include any incidental increases that may be attributed to startup and shutdown. In addition, emissions from planned startup and shutdown of combustion units should not result in any quantifiable hourly emissions change for products of combustion. Although there may be transitional and incidental spikes before units stabilize during startups (5 to 15 minutes), overall products of combustion are expected to be within hourly range limits for normal loads during production operations.

Deficiencies

Has all required information been received by the TCEQ?	**Yes**
Comments:	**N/A**
Date registration claim complete:	**May 9, 2013**

Compliance History Evaluation - 30 TAC Chapter 60 Rules

A compliance history report was reviewed on:	**May 9, 2013**
Compliance period:	**April 30, 2013 – May 1, 2008**
Site rating & classification:	**Not applicable**
Company rating & classification:	**7.42 – Satisfactory**
If the rating is 50<RATING<55, what was the outcome, if any, based on the findings in the formal report:	**NA**
Has the permit changed on the basis of the compliance history or rating?	**No**

Public Notice Information - 30 TAC Chapter 39 Rules

Rule Citation	Requirement	
39.403	Is Public Notice Required?	**Yes**
	Comments:	**N/A**
	Date Application Received:	**April 30, 2013**
	Date Administratively Complete:	**May 3, 2013**
	Small Business Source?	**No**
	Date Leg Letters mailed:	**May 3, 2013**
39.603	Date Published:	**May 24, 2013**
	Publication Name:	***San Antonio Express News***
	Pollutants:	**PM, PM_{10}, $PM_{2.5}$, Road Dust, Aggregate, Cement**
	Date Affidavits/Copies Received:	**June 11, 2013**
	Is bilingual notice required?	**Yes**
	Language:	**Spanish**
	Date Published:	**May 25, 2013**
	Publication Name:	***El Norte De Austin***
	Date Affidavits/Copies Received:	**June 11, 2013**
	Date Certification of Sign Posting / Application Availability Received:	**June 11, 2013**
39.604	Public Comments Received?	**Yes (10)**
	Hearing Requested?	**Yes (21)**
	Meeting Request?	**Yes (13)**
	Is 2nd Public Notice required?	**Yes**
39.419	Date 2nd Public Notice/Preliminary Decision Letter Mailed:	**July 3, 2013**
39.603	Date Published:	**July 25, 2013**
	Publication Name:	***San Antonio Express News***
	Pollutants:	**PM, PM_{10}, $PM_{2.5}$, Road Dust, Aggregate, Cement**
	Date Affidavits/Copies Received:	**August 22, 2013**
	Is bilingual notice required?	**Yes**
	Language:	**Spanish**
	Date Published:	**July 25, 2013**
	Publication Name:	***El Norte de Austin***
	Date Affidavits/Copies Received:	**August 22, 103**
	Date Certification of Sign Posting / Application Availability Received:	**August 28, 2013**
	Public Comments Received?	**Yes**
	Meeting Request?	**No**
	Date Meeting Held:	**June 27, 2013**
	Hearing Request?	**Yes**
	Date Hearing Held:	**June 4, 2014**
	Request(s) withdrawn?	
	Date Withdrawn:	
	Consideration of Comments:	
39.421	Date RTC, Technical Review & Draft Permit Conditions sent to OCC:	
	Request for Reconsideration Received?	**Yes**

Rule Citation	Requirement
	Final Action:
	Are letters Enclosed?

Recommendations

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

Project Reviewer	Date	Team Leader/Section Manager/Backup	Date

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Compliance History Report

PUBLISHED Compliance History Report for CN600134720, RN106689029, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600134720, Tex-Mix Partners, Ltd. **Classification:** SATISFACTORY **Rating:** 10.30

Regulated Entity: RN106689029, CBP NO 12 **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 10 - Cement and Concrete Product Manufacturing

Location: LOCATED ON THE EAST SIDE OF HWY 281 APPROX 0.5 MI SOUTH OF INTX WITH REBECCA CREEK RD COMAL, TX, COMAL COUNTY

TCEQ Region: REGION 13 - SAN ANTONIO

ID Number(s):
AIR NEW SOURCE PERMITS REGISTRATION 109839

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: May 07, 2014

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

Component Period Selected: May 01, 2008 to April 30, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Nelon **Phone:** (512) 239-0894

Site and Owner/Operator History:

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** for #2, who is the current owner/operator? N/A
4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
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.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

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

Amendments to the Air Quality Standard Permit for Concrete Batch Plants

Effective Date December 21, 2012

(1) Applicability

(A) This air quality standard permit authorizes concrete batch plant facilities that meet all of the conditions listed in sections (1) through (7) and one of sections (8), (9), or (10). If a concrete batch plant operates using sections (8), (9), or (10) of this standard permit and operational changes are proposed that would change the applicable section, the owner or operator shall reregister for the concrete batch plant standard permit prior to operating the change.

(B) This standard permit does not authorize emission increases of any air contaminant that is specifically prohibited by a condition or conditions in any permit issued under Title 30 Texas Administrative Code (30 TAC) Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, at the site.

(C) This standard permit does not relieve the owner or operator from complying with any other applicable provision of the Texas Health and Safety Code (THSC), Texas Water Code, rules of the Texas Commission on Environmental Quality (TCEQ), or any additional state or federal regulations.

(2) Definitions

(A) Auxiliary tank - storage containers used to hold raw materials for use in the batching process not including petroleum products and fuel storage tanks.

(B) Cohesive hard surface - An in-plant road surface preparation including, but not limited to: paving with concrete, asphalt, or other similar surface preparation where the road surface remains intact during vehicle and equipment use and is capable of being cleaned. Cleaning mechanisms may include water washing, sweeping, or vacuuming.

(C) Concrete batch plant - For the concrete batch plant standard permit, it is a plant that consists of a concrete batch facility and associated abatement equipment, including, but not limited to: material storage silos, aggregate storage bins, auxiliary storage tanks, conveyors, weigh hoppers, and a mixer. Concrete batch plants can add water, Portland cement, and aggregates into a delivery truck, or the concrete may be prepared in a central mix drum and transferred to a delivery truck for transport. This

definition does not include operations that meet the requirements of 30 TAC § 106.141, Batch Mixer or 30 TAC § 106.146, Soil Stabilization Plants.

(D) Dust suppressing fencing or other barrier - A manmade obstruction that is at least 12 feet high that is used to prevent fugitive dust from stationary equipment stockpiles, in-plant roads, and traffic areas from leaving the plant property.

(E) Permanent concrete batch plant - For the concrete batch plant standard permit, it is a concrete batch plant that is not a temporary or specialty concrete batch plant.

(F) Related project segments - For plants on a Texas Department of Transportation right-of-way, related project segments are one contract with multiple project locations or one contractor with multiple contracts in which separate project limits are in close proximity to each other. A plant that is sited on the right-of-way is usually within project limits. However, a plant located at an intersection or wider right-of-way outside project limits is acceptable if it can be easily associated with the project.

(G) Right-of-way of a public works project - Any public works project that is associated with a right-of-way. Examples of right-of-way public works projects are public highways and roads, water and sewer pipelines, electrical transmission lines, and other similar works. A facility must be in or contiguous to the right-of-way of the public works project to be exempt from the public notice requirements listed in Texas Health and Safety Code, § 382.056, Notice of Intent to Obtain Permit or Permit Review; Hearing.

(H) Site - The total of all stationary sources located on one or more contiguous or adjacent properties, which are under common control of the same person (or persons under common control).

(I) Specialty concrete batch plant - For the concrete batch plant standard permit, it is a concrete batch plant with a low production concrete mixing plant that manufactures concrete less than or equal to 30 cubic yards per hour (cu yd/hr). These plants are typically dedicated to manufacturing precast concrete products, including but not limited to burial vaults, septic tanks, yard ornaments, concrete block and pipe, etc. This does not include small repair projects using mortar, grout, gunite, or other concrete repair materials.

(J) Stationary internal combustion engine - For the concrete batch plant standard permit, it is any internal combustion engine that remains at a location for more than 12 consecutive months and is not defined as a

nonroad engine according to 40 Code of Federal Regulations (CFR) 89.2, Definitions.

(K) Temporary concrete batch plant - For the concrete batch plant standard permit, it is a concrete batch plant that occupies a designated site for not more than 180 consecutive days or that supplies concrete for a single project (single contract or same contractor for related project segments), but not for other unrelated projects.

(L) Traffic areas - For the concrete batch plant standard permit, it is an area within the concrete batch plant that includes stockpiles and the area where mobile equipment moves or supplies aggregate to the batch plant and trucks supply aggregate and cement.

(3) Administrative Requirements

(A) The owner or operator of any concrete batch plant seeking authorization under this standard permit shall register in accordance with 30 TAC § 116.611, Registration to Use a Standard Permit. Owners or operators shall submit a completed, current form PI-1S Registrations for Air Standard Permit, Table 11, Fabric Filters, Table 20, Concrete Batch Plants, and a Concrete Batch Plant Standard Permit checklist.

(B) Owners or operators shall also comply with 30 TAC § 116.614, Standard Permit Fees, when they are required to complete public notice under section four of this standard permit.

(C) No owner or operator of a concrete batch plant shall begin construction or operation without obtaining written approval from the TCEQ executive director.

(D) The time period in 30 TAC § 116.611(b) (45 days) does not apply to owners or operators registering plants under this standard permit.

(E) Beginning December 21, 2012, all new and modified sources must comply with this standard permit.

(F) Renewals shall comply with this standard permit on the later of:

(i) December 21, 2014; or

(ii) the date the facility's registration is renewed.

(G) Owners or operators of temporary concrete plants seeking registration and those already registered for this standard permit that qualify for relocation

under subsection (8)(F) are exempt from public notice requirements in section (4) of this standard permit.

(H) During start of construction, the owner or operator of a plant shall comply with 30 TAC § 116.120(a)(1), Voiding of Permits, and commence construction within 18 months of written approval from the Executive Director.

(I) Owners or operators are not required to submit air dispersion modeling as a part of this concrete batch plant standard permit registration.

(J) Owners or operators shall keep written records on site for a rolling 24-month period. Owners or operators shall make these records available at the request of TCEQ personnel or any air pollution control program having jurisdiction. Records shall be maintained on-site for the following including, but not limited to:

(i) 30 TAC § 101.201, Emissions Event Reporting and Recordkeeping Requirements;

(ii) 30 TAC § 101.211, Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements;

(iii) production rate for each hour and day of operation that demonstrates compliance with subsection (8)(A),(9)(A), or (10)(A) of this standard permit, as applicable;

(iv) all repairs and maintenance of abatement systems;

(v) Material Safety Data Sheets for all additives and other chemicals used at the site;

(vi) road cleaning, application of road dust control, or road maintenance for dust control;

(vii) stockpile dust suppression;

(viii) silo warning device or shut-off system tests;

(ix) quarterly visible emissions observations and any corrective actions required to control excess visible emissions;

(x) demonstration of compliance with subsection (6)(B) of this standard permit; and

(xi) type of fuel used to power engines authorized by this standard permit.

(K) Owners or operators will document and report abatement equipment failure or visible emissions deviations in excess of paragraph (5)(B)(iii) in accordance with 30 TAC Chapter 101, General Air Quality Rules as appropriate.

(4) Public Notice

The owner or operator shall follow the notice requirements in 30 TAC Chapter 39, Public Notice, unless a temporary concrete batch plant is exempted from public notice under 30 TAC § 116.178(b), Relocations and Changes of Location of Portable Facilities.

(5) General Requirements

(A) Owners or operators shall vent all cement/flyash storage silos, weigh hoppers, and auxiliary storage tanks to a fabric/cartridge filter or to a central fabric/cartridge filter system except as allowed by subsection (10)(B).

(B) Owners or operators shall maintain fabric or cartridge filters and collection systems by meeting all the following:

(i) operating them properly with no tears or leaks;

(ii) using filter systems (including any central filter system) designed to meet a minimum control efficiency of at least 99.5 percent at particle sizes of 2.5 microns and smaller;

(iii) meeting a performance standard of no visible emissions exceeding 30 seconds in any six-minute period as determined using United States Environmental Protection Agency (EPA) Test Method (TM) 22; and

(iv) sufficiently illuminating silo filter exhaust systems when cement or fly ash silos are filled during non-daylight hours to enable a determination of compliance with the visible emissions requirement in paragraph (5)(B)(iii) of this standard permit.

(C) When transferring cement/flyash, owners or operators shall:

(i) totally enclose conveying systems to and from storage silos and auxiliary storage tanks, operate them properly, and maintain them with no tears or leaks; and

(ii) maintain the conveying system using a performance standard of no visible emissions exceeding 30 seconds in any six-minute period as

determined using EPA TM 22, except during cement and flyash tanker connect and disconnect.

(D) The owner or operator shall install an automatic shut-off or warning device on storage silos.

(i) An automatic shut-off device on the silo shall shut down the loading of the silo or auxiliary storage tank prior to reaching its capacity during loading operations, in order to avoid adversely impacting the pollution abatement equipment or other parts of the loading operation.

(ii) If a warning device is used, it shall alert operators in sufficient time to prevent an adverse impact on the pollution abatement equipment or other parts of the loading operation. Visible warning devices shall be kept free of particulate build-up at all times.

(iii) Silo and auxiliary tank warning devices or shut-off systems shall be tested at least once monthly during operations and records shall be kept indicating test and repair results according to subsection (3)(J) of this standard permit. Silo and auxiliary tank loading and unloading shall not be conducted with inoperative or faulty warning or shut-off devices.

(E) Owners or operators shall control emissions from in-plant roads and traffic areas at all times by:

(i) watering them; or

(ii) treating them with dust-suppressant chemicals as described in the application of aqueous detergents, surfactants, and other cleaning solutions in the de minimis list; or

(iii) covering them with a material such as, (but not limited to), roofing shingles or tire chips and used in combination with (i) or (ii) of this subsection; or

(iv) paving them with a cohesive hard surface that is maintained intact and cleaned.

(F) Owners or operators shall use water, dust-suppressant chemicals, or cover stockpiles, as necessary to minimize dust emissions.

(G) Owners or operators shall immediately clean up spilled materials. To minimize dust emissions, owners or operators shall contain, or dampen spilled materials.

(H) There shall be no visible fugitive emissions leaving the property. Observations for visible emissions shall be performed and recorded quarterly. The visible emissions determination shall be made during normal plant operations. Observations shall be made on the downwind property line for a minimum of six minutes. If visible emissions are observed, an evaluation must be accomplished in accordance with U.S. Environmental Protection Agency (EPA) Title 40 Code of Federal Regulations Part 60 (40 CFR Part 60), Appendix A, TM 22, using the criteria that visible emissions shall not exceed a cumulative 30 seconds in duration in any six-minute period. If visible emissions exceed the Test Method 22 criteria, immediate action shall be taken to eliminate the excessive visible emissions. The corrective action shall be documented within 24 business hours of completion.

(I) The owner or operator shall locate the concrete batch plant operating under this standard permit at least 550 feet from any crushing plant or hot mix asphalt plant. The owner or operator shall measure from the closest point on the concrete batch plant to the closest point on any other facility. If the owner or operator cannot meet this distance, then the owner or operator shall not operate the concrete batch plant at the same time as the rock crusher, concrete crusher, or hot mix asphalt plant.

(J) When operating multiple concrete batch plants on the same site, the owner or operator shall comply with the appropriate site production limits specified in sections (8), (9), or (10) of this standard permit. If engines are being used for electrical power or equipment operations, then the site is limited to a total of 1,000 hp in simultaneous operation. There are no restrictions to engine operations if the engines will be on site for less than 12 consecutive months.

(K) Concrete additives shall not emit volatile organic compounds (VOCs).

(L) Any claim under this standard permit shall comply with:

(i) 30 TAC § 116.604, Duration and Renewal of Registrations to Use Standard Permits;

(ii) 30 TAC § 116.605(d)(I), Standard Permit Amendment and Revocation;

(iii) 30 TAC § 116.614;

(iv) the public notice processes established in THSC, § 382.055, Review and Renewal of Preconstruction Permit;

(v) the public notice processes established in THSC, § 382.056;

(vi) the contested case hearing and public notice requirements established in 30 TAC § 55.152(a)(2), Public Comment Period; and

(vii) the contested case hearing and public notice requirements established in 30 TAC § 55.201(h)(i)(C), Requests for Reconsideration or Contested Case Hearing.

(6) Engines

(A) This standard permit authorizes emissions from a stationary compression ignition internal combustion engine (or combination of engines) of no more than 1000 total horsepower.

(B) Owners or operators of concrete batch plants that include a stationary compression ignition internal combustion engines shall comply with additional applicable engine requirements in 40 CFR 60 Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, 40 CFR 63, Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds, and any other applicable state or federal regulation.

(C) Engine exhaust stacks shall be a minimum of eight feet tall.

(D) Fuel for the engine shall be liquid fuel with a maximum sulfur content of no more than 0.0015 percent by weight and shall not consist of a blend containing waste oils or solvents.

(7) Planned Maintenance, Startup, and Shutdown (MSS) Activities

This standard permit authorizes operations including planned startup and shutdown emissions. Maintenance activities are not authorized by this standard permit and will need separate authorization, unless the activity can meet the conditions of 30 TAC § 116.119, De Minimis Facilities or Sources.

(8) Additional Requirements for Temporary Concrete Plants

(A) The owner or operator shall limit site production to no more than 300 cubic yards in any one hour and no more than 6,000 cubic yards per day.

(B) The owner or operator shall use a suction shroud or other pickup device at the batch drop point (drum feed for central mix plants) and vent it to a fabric or cartridge filter system operating with a minimum of 5,000 actual cubic feet per minute (acfm) of air.

(C) For truck mix plants, the owner or operator shall shelter the drop point by an intact three-sided curtain, or equivalent dust control technology that extends below the mixer truck-receiving funnel.

(D) The owner or operator shall maintain the following minimum plant buffer distances from any property line, except for temporary concrete plants approved to operate in the right of way of a public works project:

(i) The suction shroud baghouse exhaust shall be at least 100 feet from any property line.

(ii) The owner or operator shall not locate or operate 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) within 50 feet from any property line.

(E) In lieu of meeting the buffer distance requirement for roads and stockpiles in subsection (8)(D) of this standard permit owners or operators shall:

(i) construct dust suppressing fencing or other barriers as a border around roads, other traffic areas and work areas;

(ii) construct these borders to a height of at least 12 feet; and

(iii) contain stockpiles within a three-walled bunker that extends at least two feet above the top of the stockpile.

(F) The appropriate TCEQ regional office may approve, without the need of public notice referenced in section (4) of this standard permit, the relocations of a temporary concrete batch plant that has previously been determined by the commission to be in compliance with the technical requirements of the concrete batch plant standard permit version adopted at registration that provides the information listed under subsection (8)(G) and meets one of the following conditions:

(i) A registered portable facility and associated equipment are moving to a site for support of a public works project in which the proposed site is located in or contiguous to the right-of-way of the public works project; or

(ii) A registered portable facility is moving to a site in which a portable facility has been located at the site at any time during the previous two years and the site was subject to public notice.

(G) For relocations meeting subsection (8)(F) of this standard permit, the owner or operator must submit to the regional office and any local air

pollution control agency having jurisdiction at least 12 business days prior to locating at the site:

(i) The company name, address, company contact, and telephone number;

(ii) The regulated entity number (RN), customer reference number (CN), applicable permit or registration numbers, and if available, the TCEQ account number;

(iii) The location from which the facility is moving (current location);

(iv) A location description of the proposed site (city, county, and exact physical location description);

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

(vi) A scaled area map that clearly indicates how the proposed site is contiguous or adjacent to the right-of-way of a public works project (if required);

(vii) The proposed date for start of construction and expected date for start of operation;

(viii) The expected time period at the proposed site;

(ix) The permit or registration number of the portable facility that was located at the proposed site any time during the last two years, and the date the facility was last located there. This information is not necessary if the relocation request is for a public works project that is contiguous or adjacent to the right-of-way of a public works project; and

(x) Proof that the proposed site had accomplished public notice, as required by 30 TAC Chapter 39. This proof is not necessary if the relocation request is for a public works project that is contiguous or adjacent to the right-of-way of a public works project.

(9) Additional Requirements for Permanent Concrete Plants

(A) The owner or operator shall limit site production to no more than 300 cubic yards in any one hour and no more than 6,000 cubic yards per day.

(B) The owner or operator shall install a suction shroud or other pickup device at the batch drop point (drum feed for central mix plants) and vent it to a fabric/cartridge filter system with a minimum of 5,000 acfm.

(C) For truck mix plants, the owner or operator shall shelter the drop point by an intact three-sided curtain, or equivalent dust control technology that extends below the mixer truck-receiving funnel.

(D) The owner or operator shall maintain the following minimum plant buffer distances from any property line:

(i) The suction shroud baghouse exhaust shall be at least 100 feet from any property line;

(ii) The owner or operator shall not locate or operate 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), within 50 feet from any property line.

(E) In lieu of meeting the buffer distance requirements for roads and stockpiles of paragraph (9)(D)(ii) of this standard permit, the owner or operator shall:

(i) construct dust suppressing fencing or other barriers as a border around roads, other traffic areas, and work areas;

(ii) construct these borders to a height of at least 12 feet; and

(iii) contain stockpiles within a three-walled bunker that extends at least two feet above the top of the stockpile.

(F) The owner or operator shall pave 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) with a cohesive hard surface that can be maintained intact and shall be cleaned. All batch trucks and material delivery trucks shall remain on the paved surface when entering, conducting primary function, and leaving the property. The owner or operator shall maintain other traffic areas using the control requirements of subsection(5)(E) of this standard permit.

(10) Additional Requirements for Specialty Concrete Batch Plants

(A) The owner or operator shall limit site production to no more than 30 cubic yards per hour.

(B) As an alternative to the requirement in subsection (5)(A) of this standard permit, the owner or operator may vent the cement/fly ash weigh hopper inside the batch mixer.

(C) The owner or operator shall control dust emissions at the batch mixer feed so that no outdoor visible emissions occur by one of the following:

(i) using a suction shroud or other pickup device delivering air to a fabric or cartridge filter;

(ii) using an enclosed batch mixer feed; or

(iii) conducting the entire mixing operation inside an enclosed process building.

(D) The owner or operator shall not operate vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site) within a minimum buffer distance of 25 feet from any property line.

(E) In lieu of meeting the buffer distance requirement for roads and other traffic areas in subsection (10)(D) of this standard permit, owners or operators shall:

(i) construct dust suppressing fencing or other barriers as a border around roads, other traffic areas, and work areas; and

(ii) construct these barriers borders to a height of at least 12 feet.