

Section X
Review of New Sources
and Modifications

THE PERMIT SYSTEM

NOTE: The documents contained in this Section are self explanatory, thus, no narrative description is provided.

H. B. 322

An Act relating to permits issued by the Texas Air Control Board for construction of new facilities or modifications of existing facilities by any person in this state and to permits issued by the Texas Air Control Board for initial operation of new facilities or modifications of existing facilities in this state; relating to appeal under this Act; amending Subchapter C, Texas Clean Air Act, as amended (Article 4477 - 5, Vernon's Texas Civil Statutes), to add new Sections 3.27 and 3.28 and amending Section 1.03, Subchapter A, Texas Clean Air Act, as amended (Article 4477 - 5, Vernon's Texas Civil Statutes), to add new Subsections (8) and (9); and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 1.03, Subchapter A, Texas Clean Air Act, as amended (Article 4477-5, Vernon's Texas Civil Statutes), is amended to add new Subsections (8) and (9) to read as follows:

Definitions

Section 1.03. As used in this Act, unless the context requires a different definition:

“(1)‘air contaminant’ means particulate matter, dust, fumes, gas, mist, smoke, vapor or odor, or any combination thereof produced by processes other than natural;

“(2)‘source’ means a point of origin of air contaminants, whether privately or publicly owned or operated;

“(3)‘air pollution’ means the presence in the atmosphere of one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation or property, or as to interfere with the normal use and enjoyment of animal life, vegetation or property;

“(4)‘board’ means the Texas Air Control Board;

“(5)‘executive director’ means the executive director of the Texas Air Control Board;

“(6)‘person’ means individual, corporation, organization, government or governmental subdivision or agency, business trust, partnership, association, or any other legal entity; and

“(7)‘local government’ means a county, an incorporated city or town; or a health district established under authority of Chapter 63, Acts of the 51st Legislature, 1949, as amended by Chapter 239, Acts of the 56th Legislature, 1959 (Article 4447a, Vernon's Texas Civil Statutes);

“(8)‘new source’ means any stationary source, the construction or modification of which is commenced after the effective date of this statute;

“(9)‘modification’ means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source into the atmosphere or which results in the emission of any air pollutant not previously emitted. Insignificant increases in the amount of any air pollutant emitted are not intended to be included, nor is maintenance or replacement of equipment components which do not increase or tend to increase the amount or change the characteristics of the air contaminants emitted to the atmosphere.”

Section 2. Subchapter C, Texas Clean Air Act, as amended (Article 4477 - 5, Vernon's Texas Civil Statutes), is amended to add a new Section 3.27 to read as follows:

Construction Permit

Section 3.27. (a) Any person who plans to construct any new facility or to engage in the modification of any existing facility which may emit air contaminants into the air of this State shall apply for and obtain a construction permit from the board before any actual work is begun on the facility. The board may exempt certain facilities or types of facilities from the requirements of Section 3.27 and Section 3.28 if it is found upon investigation that such facilities or types of facilities will not make a significant contribution of air contaminants to the atmosphere.

“(b) Along with the application for the permit, the person shall submit copies of all plans and specifications necessary for determining whether the proposed construction will comply with applicable air control standards and the intent of the Texas Clean Air Act, together with any other information which the board considers necessary.

“(c) If, from the information submitted under subsection (b) of this section, the board finds no indication that the proposed facility will contravene the intent of the Texas Clean Air Act, including proper consideration of land use, the board shall grant within a reasonable time a permit to construct or modify the facility. If the board finds that the emissions from the proposed facility will contravene these standards or will contravene the intent of the Texas Clean Air Act, it shall not grant the permit and shall set out in a report to the applicant its specific objections to the submitted plans of the proposed facility.

“(d) If the person applying for a permit makes the alterations in his plans and specifications to meet the specific objections of the board, the board shall grant the permit, but the board may refuse to accept new applications by a person until all previous objections of the board to the previously submitted plans of that person are rectified. If the person fails or refuses to alter the plans and specifications, the board shall refuse to grant the permit.

“(e) A permit granted under this section may be revoked by the board if the board later determines that any of the terms of the permit are being violated or that emissions from the proposed facility will contravene air pollution control standards set by the board or will contravene the intent of the Texas Clean Air Act.

“(f) The board or the executive director may seek an injunction in a court of competent jurisdiction to halt work on a facility which is being done without a permit issued under this section or is in violation of the terms of a permit issued under this section.

“(g) The powers and duties set out in Section 3.27 and Section 3.28 may be delegated by the board to the executive director. The applicant may appeal to the board any decision made by the executive director under these sections.

“(h) Provided, however, that at the time this Act becomes effective no provision of this Act shall apply where any person, firm, partnership or corporation has let any contract, or begun any construction for any addition, alteration or modification to any new or existing facility. Any contracts under this subsection shall have a beginning construction date no later than six months after the effective date of this Act to qualify for this exemption.”

Section 3. Subchapter C, Texas Clean Air Act, as amended (Article 4477- 5, Vernon's Texas Civil Statutes), is amended to add a new Section 3.28 to read as follows:

Operating Permit

Section 3.28. (a) If a permit to construct is issued, then within sixty days after the facility has begun operation, the person in charge of the facility shall apply for an operating permit. The board may require the submission of monitoring data to demonstrate compliance with applicable rules and regulations and with the Texas Clean Air Act in support of the application for an operating permit. If start-up or testing requires more than sixty days, this period may be extended by the board.

“(b) When all stipulations of the construction permit are met and the operation of the facility will not contravene air pollution control standards set by the board or will not contravene the intent of the Texas Clean Air Act, the board shall issue within a reasonable time the operating permit

“(c) If the board determines that the operation of such a facility will contravene the air pollution control standards set by the board or will contravene the intent of the Texas Clean Air Act

it shall set out in a report to the applicant the specific objections which it finds to the facility and shall not grant the permit.

“(d) The board shall refuse to accept new applications by a person for an operating permit until all the previous objections to that facility submitted by the board are rectified.

“(e) A permit issued under this section may be revoked by the board if the board later determines that any of the terms of the permit are being violated or that emissions from the facility contravene air pollution control standards set by the board or contravene the intent of the Texas Clean Air Act.

“(f) The board or the executive director may seek an injunction in a court of competent jurisdiction to halt the operation of any facility which is operating without a permit issued under this section or which is operating in violation of the terms of a permit issued under this section.”

Section 4. Upon the failure of the board to take action within 120 days after receipt in proper form of an application for a permit under Sections 3.27 or 3.28, the petitioner shall be entitled to assume that his petition has been denied, and he may perfect an appeal on this basis in the manner provided in Section 6.01 of this Act. However, until such time as the petitioner files his appeal in the manner provided in Section 6.01 of this Act, the board shall continue to have jurisdiction to act on the petition.

Section 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

/s/ Ben Barnes
Lieutenant Governor
President of the Senate

/s/ Gus Mutscher
Speaker of the House

I hereby certify that H.B. No. 322 was passed by the House on April 19, 1971, by the following vote: Yeas 144, Nays 0; and that the House concurred in Senate amendments to H. B. No. 322 on May 30, 1971, by a non-record vote.

/s/ Dorothy Hallman
Chief Clerk of the House

I hereby certify that H.B. No. 322 was passed by the Senate, as amended, on May 26, 1971, by a viva voce vote.

/s/ Charles Schnabel
Secretary of the Senate

Approved:

June 4, 1971
Date

Filed in the Office of the Secretary of State,
1:15p.m. o'clock, June 4, 1971

/s/ Preston Smith
Governor

/s/ Martin Dies, Jr.
Secretary of State

PERMIT SYSTEM PROCEDURES

Permit to Construct

A. Applications

1. Application forms for a permit to construct will be provided by the Texas Air Control Board, and may be obtained from the local air pollution control programs or the Texas Air Pollution Control Services of the Texas State Department of Health.
2. A complete application for permit to construct will consist of two application forms. The first form will be a short form requesting general information. The second form will be a much more detailed form requesting engineering data.
3. The forms will consist of an original and three copies. The original and two copies will be used by the Texas Air Pollution Control Services. One copy will be retained by the applicant.
4. When the general application form and the long form are received by the Texas Air Pollution Control Services, a copy will be sent to the local air pollution control program and the regional office with a request that any comments they may wish to make be received within fifteen (15) days.

B. Review

1. When the entire application is complete, it will be assigned to an air pollution control engineer for review. Comments from the local and regional control programs will be considered in the review. Conferences with the applicant may be requested when necessary.
2. The review will answer the following questions:
 - a. Will the new facility or modification comply with all Rules and Regulations of the Texas Air Control Board and with the intent of the Texas Clean Air Act?
 - b. Will the new facility or modification prevent the maintenance or attainment of any ambient air quality standard?

- c. Will the new facility cause a significant deterioration of existing ambient air quality?
- d. The proposed facility will have adequate provisions for measuring the emission of significant air contaminants as determined by the Executive Secretary.
- e. Will the new facility be located in accordance with proper land use planning?
- f. Will the design criteria for the new facility or modification achieve the performance specified in the application?

3. Upon completion of the review, the Permits and Inventory Group will make a recommendation to the Executive Secretary of the Texas Air Control Board to either grant or deny the permit. The Executive Secretary of the Texas Air Control Board was authorized by the Board at their meeting on June 23, 1971, to grant or deny permits to construct or operate.

C. Granting or Denying a Permit to Construct

1. If the decision of the Executive Secretary is to deny the permit, he will report his objection in a written notice of denial to the applicant.
2. The applicant may appeal the denial of the permit to the Texas Air Control Board. If a written appeal is made, a public hearing will be held in the area of the proposed construction. The hearings report will be given to the Board for their consideration.
3. After a review of the pertinent facts, the Board will notify the applicant in writing of their decision.
4. If the decision of the Board is to deny the permit, the Board will not accept any new application from the applicant until all objections of the Board to the previously submitted application are rectified.
5. If a permit to construct is issued, a copy of the permit will be sent to the local air pollution control agency and the regional office of the State Air Control Program.

D. The Permit to Construct

1. A permit to construct will specify certain provisions.
 - a. The permit is non-transferable from person to person or from place to place.
 - b. The permit is automatically void if construction is not begun within one year of the date of issuance.
 - c. The permit is automatically void when an operating permit is issued or denied.
 - d. The facility will be constructed as specified in the application for permit to construct.
 - e. Progress reports may be required.
 - f. The permit holder may be required to monitor the emissions of the source upon beginning operation.
 - g. The Texas Air Control Section must be notified in writing thirty days prior to the start-up of the facility.
 - h. The Texas Air Control Section must be notified in writing thirty days prior to the start of any required monitoring.
 - i. The permit is not a guarantee that the facility will receive an operating permit at the end of the construction period.
 - j. The permit does not absolve a person from the responsibility for the consequences of non-compliance at the end of the construction period.

II. Permit to Operate

A. Applications

1. After construction has been completed, the applicant has sixty days in which to start operation of the facility, complete all required monitoring, and apply for a permit to operate.
2. The Executive Secretary may extend the sixty day time period when necessary.
3. The facility may continue to operate under the construction permit until such time as a decision on the application for an operating permit has been made.
4. Application forms for a permit to operate will be provided by the Texas Air Control Board, and will be sent to an applicant at the time a permit to construct is issued.

5. During the period of operation and monitoring, an air pollution control engineer and a member of the Technical Services Group will make an on-site inspection of the monitoring and operation of the facility. An employee of the appropriate local air pollution control agency will be invited to participate in the inspection.
6. When an application for a permit to operate is received by the Texas Air Control Section, a copy will be sent to the local air pollution control program and the regional office. Comments from the local air pollution control program will be requested. The local program will be given ten days in which to comment.

B. Review

1. The application will be assigned for review to the air pollution control engineer who inspected the plant. Comments from the local air pollution control program will be considered in the review. Conferences with the applicant may be requested when necessary.
2. The review will answer the following questions:
 - a. Is the facility complying with the Rules and Regulations of the Texas Air Control Board and the Texas Clean Air Act?
 - b. Has the facility been constructed in accordance with the requirements and conditions contained in the permit to construct?

C. Granting or Denying a Permit to Operate

1. If the decision is to deny the permit, the Executive Secretary will report his objection in a written notice of denial to the applicant.
2. If the permit is denied, the source must cease operation or be subject to the penalties specified in Section 3.28(f) and Section 4.02(a) of the Texas Clean Air Act.
3. The applicant may appeal the denial of the permit to the Texas Air Control Board. If an appeal is made in writing, a public hearing will be held in the area where the source permit unit is located. A hearing report will be given to the Board for their consideration.

4. The applicant will be notified in writing of the Board's decision.
5. If the decision is to deny the permit, the Board will not accept any new applications from the applicant until all objections of the Board to the previously submitted application are satisfied.
6. If a permit to operate is issued, a copy of the permit will be sent to the local air pollution control agency and the regional office of the State Air Control Program.

D. The Permit to Operate

1. A permit to operate will specify certain provisions.
 - a. The Rules and Regulations of the Texas Air Control Board and the Texas Clean Air Act must not be violated.
 - b. The permit is non-transferable from person to person or place to place.
 - c. The permit holder may be required to monitor the emissions of the source on a periodic basis specified by the permit, and provide the data to the Texas Air Control Board or an agent of the Board upon request.

II. Permit Units

"Permit Unit" is the term for that equipment item or grouping of items functioning as a whole, which the Texas Air Control Section of the Texas State Department of Health will allow to be included in a single application.

- A. A permit unit will include all equipment and appurtenances for the processing of material which are united physically by conveyor, chute, pipe, or hose for the movement of product material provided that no portion or item of the group will operate separately with product material not common to the group operation. Such a grouping is considered as encompassing all the equipment used from the point of initial charging or feed to the point or points of discharge of material where such

discharge will (1) be stored, or (2) proceed to a separate process, or (3) be physically separated from the equipment comprising the group.

- B. Storage equipment is any tank, bin, vat, vessel or other device, employed to receive and store any material for future use. A storage vessel can be included with the permit unit from which it receives material if the material is received from only one source permit unit and physically united to the source permit unit by conveyor, chute, pipe, or hose. The storage vessel will be considered a separate permit unit if the material is received from more than one source permit unit or is not united physically to the source permit unit. Any container used to store liquid or gases is an individual permit unit.
- C. Spare or standby equipment, which is a separate permit unit requires a separate permit regardless of how infrequent it may be used. Spare or standby equipment, which is not a separate permit unit in itself does not require a separate permit.
- D. Any heating equipment using exclusively natural gas or LPG will be considered as a part of the permit unit it serves. Any heating equipment capable of utilizing a fuel other than natural gas or LPG, and where the products of combustion do not intermingle with the product will be considered as a separate permit unit.
- E. Equipment which operates as a part of more than one permit unit, either alternately or simultaneously, is a part of each permit unit with which it is associated.
- F. Air pollution control equipment will be considered as part of the permit unit it serves unless it is a system manufacturing a saleable product different from the material being collected.
- G. Permit unit examples are as follows:
 1. Each separate blasting booth, cabinet, rotary table, tumbler or room, together with associated abrasive supply and handling equipment in abrasive cleaning or peening operations.
 2. Each blown asphalt production unit, starting with charge pumps and ending at the point of discharge to storage.
 3. Each asphaltic concrete batching plant, starting with the aggregate feed and ending with the batched product for which the system is designed.
 4. Each boiler consisting of shell, furnace or heater firebox,

chimney or stack, flues, and breeching, burners, superheater, heaters, oil preheaters, economizers, pumps, fans, soot blowers, gages, controls, fittings, appurtenances, and air pollution control systems.

5. Each bulk liquid or gaseous transferring system, starting at the outlet of any storage vessel, vehicle or ship from which the bulk liquid or gaseous material is being transferred and ending at the point of discharge into other storage vessels, vehicles or ships.
6. Each bulk solid material transferring and storage system, starting with the hopper which receives the solid material from any vehicle, ship or storage container and ending with the receiving storage container or at the point of discharge into other vehicles, ships or processing equipment.
7. Each catalytic cracking system, starting with the reduced crude charge stream and ending with the reactor liquid and gas discharge streams.
8. Each catalytic reforming system, starting with the naphtha charge and ending with the stabilized reformat and gas streams.
9. Each chemical manufacturing system starting with the initial raw material charge and ending with the product streams the permit unit is designed to produce.
10. Each cement receiving and storage system starting with the receiving hopper and ending with and including the storage silos.
11. Each concrete batching plant, starting with rock and sand conveyor from storage bins or rock and sand receiving hopper and ending with truck loading.
12. Each cooker, digester or fryer consisting of a single or double shell, heaters or burner assemblies or other heating devices, agitators, motors, condensers, pumps, other appurtenances, and air pollution control systems.
13. Each crude oil processing unit, starting with the crude oil change and ending with gas.
14. Each furnace or oven consisting of shell, refractory, burner assemblies, combustion chamber, recirculating fan, motor, regenerator, recuperator, charging devices, tilting, rocking, discharging, or tapping devices, and air pollution control

systems.

15. Each dryer or kiln consisting of shell and refractory, heaters, or burner assemblies, motors, fans, pumps, material handling equipment, classifying equipment, and air pollution control systems.
16. Each galvanizing tank or kettle, including burner assembly, and air pollution control system.
17. Each garnetting system, starting with the breaker and ending with the batting cutter.
18. Each gas conversion unit starting with the charge streams and ending with the product stream or streams for which the system is designed.
19. Each light hydrocarbon recovery system, starting with the charge stream and ending with the product stream for which the system is designed.
20. Each incinerator may include a primary combustion chamber, mixing chamber, secondary combustion chamber, stack, induced draft fan, burner assemblies, blowers, pumps, charging mechanism, and air pollution control systems.
21. Each dehydration system including, but not limited to columns or towers, natural gas fired reboiler, exchangers, separators, tanks, filters, pumps, natural gas fired heaters.
22. Each odorizer unit consisting of, but not limited to, tanks, columns, towers and pumps.
23. Each natural gasoline plant consisting of, but not limited to, towers, columns, exchangers, coolers, tanks, scrubbers, process tanks, compressors, pumps, vent stacks, separators, oil purifiers, driers, and heaters.
24. Each compression unit consisting of, but not limited to, compressors, coolers, scrubbers, and pumps.
25. Each petrochemical processing unit, starting with the charge stream and ending with the product streams for which the system is designed.
26. Each petroleum product treating unit, starting with the charge stream and ending with the product streams for which the system was designed.

TEXAS AIR CONTROL BOARD

INSTRUCTIONS FOR PERMIT APPLICATION FORM PI-1, GENERAL APPLICATION

GENERAL INSTRUCTIONS

for applying for authority to construct or modify facilities in accordance with Regulations of the Texas Air Control Board.

1. Submit one application for each process unit that is a potential source of air contamination, such as an incinerator, kiln, or sulfuric acid plant.
2. Complete four copies of the application. Mail the original and two copies of the application to the Texas Air Control Board, Attention: Executive Secretary, 820 East 53rd Street, Austin, Texas 78751. Retain the fourth copy for applicant's file.
3. If there is not sufficient space on the application form to complete the requested information, or if you wish to submit supplemental information which you feel is pertinent, you may attach additional sheets. These should be referenced to the corresponding numbered paragraphs on the application form, where applicable.
4. The applicant may be required to submit additional information on forms which will be provided as necessary. The additional completed forms will become a part of this application.
5. If your process or operation is considered confidential, please indicate this in a separate letter of explanation.
6. Incomplete applications **will not** be processed. Review of applications and issuance of permits will be accomplished sooner if all necessary information is supplied with the initial application forms.

SPECIFIC ITEM INSTRUCTIONS

Item I.A. List the legal name which will appear on the permit, when issued.

Item III.A. Give the name of the general type of operation, or manufacturing process, or equipment, such as sulfuric acid plant, sulfur recovery plant, incinerator, cupola, electric furnace, boiler, and so forth. If your process is proprietary, so indicate.

Item III.B. Identify process by unit name and/or number(s) such as Kiln 3, Incinerator A, etc. If you have only one process, so state.

Item III.D. Estimated number and type of air pollution abatement devices to be used such as 1 electrostatic precipitator, 2 cyclones, 1 incinerator, 2 baghouses, etc.

Item IV. If "yes" is marked in items A, B, or C, submit the following information:

Submit an area map to approximate scale showing the location of the property, the land use designations for adjacent and nearby lands which may be affected by the emissions, geographical features such as highways, roads, streams and significant landmarks, distance to the center of nearest city or town if located outside an incorporated municipality. If the property is located within a town or city, a city map may be used to present this information, and if outside a town or city, a county highway map may be used. County highway maps may be ordered either through the Texas Highway Department, Austin, Texas, or through the State District Highway Engineer for the county. Give a legal description of the tract of land upon which the plant or facility is located. The term "legal description" means either a metes and bounds description, or the block and lot number of a platted subdivision which would be suitable to effectuate the transfer of title to real property.

Item VII. Application for authority to construct must be made by the owner or operator of the facility. If the applicant is a partnership or group other than a corporation, the application must be made by one individual who is a member of the group. If the applicant is a corporation, the application must be made by an officer of the corporation.

TEXAS AIR CONTROL BOARD

GENERAL APPLICATION

for permit to construct or modify
a facility in accordance with regu-
lations of the Texas Air Control
Board

(Read Instructions Before Completing)

<p>I. General</p> <p>A. Permit to be issued to: _____ (Corporation, Company, Government Agency, Firm, etc.)</p> <p>B. Mailing Address _____</p> <p>C. Individual authorized to act for applicant: Name _____ Title _____ Address _____ Telephone _____</p>																									
<p>II. Location of Plant or Facilities (Latitude and Longitude must be to the nearest 15 seconds)</p> <p>_____ (Nearest City) _____ (County)</p> <p>_____ (Latitude) _____ (Longitude)</p>																									
<p>III. Type of Operation or Process</p> <p>A. Name of Operation or Process _____</p> <p>B. Process Unit Identification Number _____</p> <p>C. Type (check one): Permanent <input type="checkbox"/> Portable <input type="checkbox"/></p> <p>D. (See Instructions) _____</p>																									
<p>IV. Applicant Classification (check applicable blocks)</p> <table border="0"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> <th></th> </tr> </thead> <tbody> <tr> <td>A.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>New Source</td> </tr> <tr> <td>B.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Modification of Existing Source</td> </tr> <tr> <td>C.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Change of Location</td> </tr> <tr> <td>D.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Change in Ownership</td> </tr> <tr> <td>E.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Facility Now Operating Under Permit Number _____</td> </tr> </tbody> </table>			Yes	No		A.	<input type="checkbox"/>	<input type="checkbox"/>	New Source	B.	<input type="checkbox"/>	<input type="checkbox"/>	Modification of Existing Source	C.	<input type="checkbox"/>	<input type="checkbox"/>	Change of Location	D.	<input type="checkbox"/>	<input type="checkbox"/>	Change in Ownership	E.	<input type="checkbox"/>	<input type="checkbox"/>	Facility Now Operating Under Permit Number _____
	Yes	No																							
A.	<input type="checkbox"/>	<input type="checkbox"/>	New Source																						
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D.	<input type="checkbox"/>	<input type="checkbox"/>	Change in Ownership																						
E.	<input type="checkbox"/>	<input type="checkbox"/>	Facility Now Operating Under Permit Number _____																						
<p>V. Proposed Start Date of Construction</p> <p>_____</p> <p>(Month) (Day) (Year)</p>																									
<p>VI. Has Local Air Pollution Control Program been contacted?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> No active local program in the city or county</p>																									
<p>VII.</p> <p>I, _____, _____</p> <p>(Name) (Title)</p> <p>state that I have knowledge of the facts herein set forth and that the same are true and correct to the best of my knowledge and belief. I further state that to the best of my knowledge and belief, the project for which application is made will not in any way violate any law, rule, ordinance, or decree of any duly authorized governmental entity having jurisdiction.</p> <p>Date _____ Signature _____</p>																									



TEXAS AIR CONTROL BOARD

Dear Sir:

This will acknowledge receipt of your general Application for Permit to Construct or Modify a Facility, Form PI-1. After evaluation of your initial application, we have determined that additional information is necessary before a Construction Permit may be issued. Please supply all information as requested on the attached Supplemental Application, Form PI-2. (Since all parts of Supplemental Application, Form PI-2, are not required for every situation, only those sheets believed applicable to your application are enclosed. Additional sheets are available upon request.) Complete and return in accordance with general instructions, Form PI-1.

Very truly yours,

ATTACHMENT INDEX:

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TEXAS AIR CONTROL BOARD

SUPPLEMENTAL APPLICATION

for permit to construct or modify
a facility in accordance with regu-
lations of the Texas Air Control
Board

This application and all attachments to be submitted in triplicate. Incomplete applications will not be processed. Review of applications and issuance of permits will be accomplished sooner if all necessary information is supplied with the initial application forms.

A. Permit to be issued to: _____

B. Mailing address: _____

C. Name of operation or process _____

D. Process unit identification number _____

E. **Process Flow Diagram.** Prepare and attach a flow diagram identifying significant individual processes and/or operations. Identify (by number) points where raw materials, chemicals, and fuels are introduced, where gaseous emissions and/or air-borne particulates may be discharged, where finished products are obtained, and location of pollution control devices. Show location of safety valves, bypasses, and other such devices which when activated, may release any solid, liquid, or gaseous material to the atmosphere.

F. **Description of Process.** Prepare and attach a written description of each process and of the function of the equipment in the process. (Identify items of equipment by numbers corresponding to flow diagram numbers.) The descriptions must be complete and in detail concerning all operations, including operating temperatures, pressures, flows, and any other parameters that are needed to determine operation of the process. Particular attention must be given to explaining all stages in the process where there is or may be a discharge of any solid, liquid, or gaseous material(s) into the atmosphere.

G. **Plot Plan of Property.** Submit a plot plan of the property, to scale,* showing the boundaries, the location of all sources of any air contaminants on the property, the distance from each source to the nearest boundary line, prevailing wind direction, true north direction, a scale and any other information deemed relevant by the applicant. Identify the sources by numbers; use the same numbers for those sources in this permit unit that were previously assigned in the flow diagram.

H. Construction expected to begin: _____
(Month) (Day) (Year)

I. Operation expected to begin: _____
(Month) (Day) (Year)

J. Normal Operating Schedule:
1. Shifts worked:
Day - From _____ To _____, Evening - From _____ To _____, Night - From _____ To _____
2. Days per week _____ Weeks per year _____
3. If operation is seasonal or irregular, describe: _____

K. Complete Table 1 for the sources listed on the plot plan:

L. If any contaminants in Table 1 are the same as the contaminants covered by this permit application, list their exit velocity, temperature, stack height and diameter in Table 2.

M. Complete Tables 3 thru 6.

N. I, _____, _____
(Name) (Title)

state that I have knowledge of the facts herein set forth and that the same are true and correct to the best of my knowledge and belief. I further state that to the best of my knowledge and belief, the project for which application is made will not in any way violate any law, rule, ordinance, or decree of any duly authorized governmental entity having jurisdiction.

Date _____ Signature _____

* Use approximate scale for large areas

MATERIALS BALANCE – TABLE 4

LIST EVERY MATERIAL INVOLVED IN EACH OF THE FOLLOWING GROUPS:	Point No. (Flow Diagram)	Process Rate Lb./hr or SCFM*	Process Rates Determined by: Check One		
			Measured	Estimated	Calculated
1. Raw Materials - Input A. B. C. D. E.					
2. Fuels - Input A. B. C.					
3. End Products - Output A. B. C. D. E.					
4. By-Products - Output A. B. C.					
5. Recovered Products - Output A. B. C.					
6. Solid Wastes - Output A. B. C.					
7. Liquid Wastes - Output A. B. C.					
8. Airborne Wastes (Solid) - Output A. B. C.					
9. Airborne Wastes (Gaseous) - Output A. B. C.					

Notes and/or additional information

*Standard Conditions: 70°F, 14.7 PSIA

TABLE 4a
INCINERATION
OPERATIONAL DATA

(Complete one for each incinerator)

Type Incinerator		Manufacturer		
Model Number		Capacity (lb/hr)	No. from flow Diagram	
ANALYSIS OF FUEL				
Type:		Fuel Rate (lb/hr or scfh)*		
Primary Burner rate (BTU per lb of moisture in refuse)				
Secondary Burner rate (BTU per lb of moisture in refuse)				
ANALYSIS OF REFUSE				
Type of refuse		Burning rate (lb/hr)		
Moisture Content (% of Refuse)		Dry Combustible (% of Refuse)		
OPERATING CHARACTERISTICS OF INCINERATOR				
1.	Flame Port	Mixing Chamber	Curtain Wall Port	Combustion Chamber
Gas Velocity (ft/sec)				
Area (from drawing) (ft ²)				
Temperature (°F)				
ITEM	UNITS			
2. Air Requirements	* *			
3. Combustion Air Distribution				
a. Primary air through open charging door and leakage, expansion joints.	% of 2 or scfm *			
b. Secondary air through ports	% of 2 or scfm *			
1. over fire ports	% of 3b or scfm*			
2. under fire ports	% of 3b or scfm*			
3. mixing chamber ports	% of 3b or scfm *			
c. Area of port openings				
1. over fire ports	in ²			
2. under fire ports	in ²			
3. mixing chamber ports	in ²			
4. Grate loading	lbs/ft ² -hr			
5. Grate Area	ft ²			
6. Average Arch Height	ft			
7. Primary air induction draft	inches water gage			
8. Stack Draft	inches water gage			
9. Stack Velocity	ft/sec			
10. Stack diameter	ft			
11. Stack Height	ft			

** % Total Air (Theoretical and Excess) or total scfm

* Standard Conditions: 70°F, 14.7 PSIA

Also supply an assembly drawing, dimensioned and to scale, in plan, elevation, and as many sections as are needed to show clearly the operation of the incinerator. Show interior dimensions and features of the equipment necessary to calculate its performance.

TABLE 4b-1
BOILERS AND HEATERS
OPERATIONAL DATA

Type of Device:		Manufacturer		
Number from flow diagram		Model Number		
CHARACTERISTICS OF INPUT				
Fuel	Chemical Composition % by Weight		Flow Rate cfm or lb/hr	
	Minimum	Maximum	Minimum Expected	Design Maximum
Temperature °F		% Excess Air Used		Gross Heating Value
OPERATING CHARACTERISTICS				
Power Rating hp	Minimum Firing Rate cfm	Chamber Volume (from drawing)	Chamber Velocity ft/sec.	
Temperature °F	Input Throat Dia. (from drawing)	Input Throat Velocity (ft/sec.)	Residence Time (sec.)	

Also supply an assembly drawing, dimensioned and to scale, in plan, elevation, and as many sections as are needed to show clearly the operation of the combustion unit. Show interior dimensions and features of the equipment necessary to calculate its performance.

TABLE 4b-2
 BOILERS AND HEATERS
 OPERATIONAL DATA

(continued)

Name of Device		Manufacturer	
Number from flow diagram		Model Number	
CHARACTERISTICS OF OUTPUT			
Waste Material or Gas Released	Chemical Composition % by Weight		
	Material	Min. Value Expected	Max. Value Expected
Temperature °F	Flow Rate lb/hr		Velocity ft/sec
	Minimum Expected	Maximum Value Expected	

PARTICLE SIZE DISTRIBUTION - TABLE 5

FORM PI-2 (71-9)

PARTICLE SIZE RANGE CONTAMINANT* :	0-5 MICRONS	5-10 MICRONS	10-20 MICRONS	20-44 MICRONS	> 44 MICRONS	AVERAGE SIZE (MICRONS)	AVERAGE DENSITY (g/cc)
(EXAMPLE) SILICA DUST---POINT #	20%	10%	15%	20%	35%		

(NOTE THAT TOTAL ABOVE EQUALS 100%)

*IDENTIFY CONTAMINANT BY NAME AND FLOW DIAGRAM POINT NUMBER.
DISTRIBUTION TO BE IN PERCENT BY WEIGHT OF TOTAL CONTAMINANT.

TABLE 6
 AIR POLLUTION ABATEMENT EQUIPMENT DATA
 (Complete one table for each abatement device)

Point No. (Flow Diagram)	Name of Abatement Device or Method	Manufacturer and Model Number	Type of Air Contaminant Controlled		
Design Collection Efficiency (%)	Gases	0-5	Particulate - Particle Size (Microns)		
			5-10	10-20	20-44
					> 44
Location	Characteristic of Effluent				
	Temperature Degrees F	Static Pressure PSIG	Flow Rate CFM	Concentration Gr/Ft ³ or PPM	
Inlet					
Exit					

ABATEMENT DEVICE DATA INSTRUCTIONS

Attach separate sheets as necessary providing a description of the air pollution abatement device or treatment including details regarding principle of operation, manufacturer, model, size, type, capacity, and the basis for calculating its efficiency. Supply an assembly drawing, dimensioned and to scale, in plan, elevation, and as many sections as are needed to show clearly the design and operation of the equipment and the means by which air contaminants are controlled. Show size and shape, interior and exterior dimensions and features. If the device has bypasses, safety valves, etc., specify when such bypasses are to be used and under what conditions.

TABLE 6a-1
COMBUSTION UNITS
OPERATIONAL DATA

Name of Device		Manufacturer		
CHARACTERISTICS OF INPUT				
Waste Material * or Contaminated Gas *	Chemical Composition % by Weight			
	Material	Min. Value Expected	Design Maximum	
	1.			
	2.			
	3.			
	4.			
	5.			
	6.			
	7.			
	8.			
	9.			
	10.			
11.				
Fuel	1.			
	2.			
	3.			
	4.			
	5.			
Waste Material or Contaminated Gas	Total Flow Rate (lb./hr.)		Temperature °F	
	Minimum Expected	Design Maximum	Minimum Expected	Design Maximum
Fuel	Flow Rate (lb./hr.)		% Excess Air Used	Gross Heating Value
	Minimum Expected	Design Maximum		
Number from flow diagram		Model Number		

* Describe how waste material is introduced into combustion unit on an attached sheet. Supply drawings, dimensioned and to scale to show clearly the design and operation of the unit.

TABLE 6a-2
COMBUSTION UNITS
OPERATIONAL DATA

(continued)

Name of Device		Manufacturer	
Model Number		Number from Flow Diagram	
OPERATING CHARACTERISTICS OF CHAMBER			
Horse Power Rating hp	Minimum Firing Rate cfm	Chamber Volume (from drawing)	Chamber Velocity ft/sec
Input Throat Diameter (from drawing) inches	Input Throat Velocity ft/sec	Residence Time Sec.	Temperature °F
ADDITIONAL FOR CATALYTIC COMBUSTION UNITS			
No. and Type of Catalyst Elements	Catalytic Bed Velocity ft/sec	Maximum Flow Rate per Catalytic Unit (Manufacturers Specifications)	

Attach separate sheets as necessary providing a description of the combustion unit including details regarding principle of operation and the basis for calculating its efficiency. Supply an assembly drawing, dimensioned and to scale, in plan, elevation, and as many sections as are needed to show clearly the design and operation of the equipment. If the device has bypasses, safety valves, etc., specify when such bypasses are to be used and under what conditions.

TABLE 6a-3
 COMBUSTION UNITS
 OPERATIONAL DATA

(continued)

Name of Device		Manufacturer	
Number from flow diagram		Model Number	
CHARACTERISTICS OF OUTPUT			
Waste Material or Gas Released	Chemical Composition % by Weight		
	Material	Min. Value Expected	Max. Value Expected
Temperature °F	Flow Rate lb/hr		Velocity ft/sec.
	Minimum Expected	Maximum Value Expected	

TABLE 6b
FLARE SYSTEMS
OPERATIONAL DATA

Type of Flare:				Manufacturer:					
Number from Flow Diagram				Model Number					
CHARACTERISTICS OF INPUT									
Total Gas Stream	Chemical Composition % by Weight								
	Material		Minimum Value Expected			Design Maximum			
	1.								
	2.								
	3.								
	4.								
	5.								
	6.								
	7.								
	8.								
9.									
Total Gas Stream	Flow Rate lb/hr				Temp. °F		Pressure		
	Minimum Expected		Design Maximum						
Fuel Added to Gas Stream									
Pilot Burners	Number of Pilots		Type Fuel		Fuel Flow Rate scfh (70°F & 14.7 psia) per pilot				
					Minimum Expected		Design Maximum		
For Steam Injection	Steam Pressure psig		Steam Flow Rate lb/hr			Temp. °F		Velocity ft/sec	
	Min. Expected	Design Maximum	Minimum Expected	Design Maximum					
Number of Steam Jets				Diameter of Steam Jets					
For Water Injection	Water Pressure psig		Water Flow Rate gpm			Number of Water Jets		Diameter of Water Jets	
	Min. Expected	Design Maximum	Minimum Expected	Design Maximum					

Supply an assembly drawing, dimensioned and to scale, in plan elevation, and as many sections as are needed to show clearly the operation of the flare system. Show interior dimensions and features of the equipment necessary to calculate its performance. Also describe the type of ignition system and its method of operation.

TEXAS AIR CONTROL BOARD
PLUME OBSERVATION RECORD FORM

Date _____

NAME OF SOURCE _____

ADDRESS _____

CITY _____

COUNTY _____

OBSERVER _____

OBSERVATION POINT _____

WIND SPEED AND DIRECTION _____

TYPE OF BACKGROUND _____

COLOR OF EMISSION _____

SOURCE OF EMISSION _____

	Opacity Readings
Start Time	1 _____
	2 _____
	3 _____
	4 _____
	5 _____
	6 _____
	7 _____
	8 _____
	9 _____
	10 _____
End Time	Total _____

AVERAGE OPACITY
(TOTAL : 10) =

OBSERVER'S COMMENTS:

Signed _____

TEXAS AIR CONTROL BOARD APPLICATION

For Permit To Operate A Facility In
 Accordance With Regulations Of The Texas Air Control Board

I.	<p>General</p> <p>A. Permit to be issued to: _____ (Corporation, Company, Government Agency, Firm, etc.)</p> <p>B. Mailing Address _____</p> <p>C. Individual authorized to act for applicant: Name _____ Title _____ Address _____ Telephone _____</p> <p>D. Facility now operating under Permit Number _____</p>
II.	<p>A. If ownership has changed, give former name and address of establishment if different from I.A. above _____</p> <p>Address _____ (Number and Street) (City) (State) (Zip Code)</p>
III.	<p>Date operations started at applicant's facility _____ (Month) (Day) (Year)</p>
IV.	<p>Has Local Air Pollution Control Program been contacted since operations were started?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No active local program in the city or county</p>
V.	<p>Complete and return the attached forms with measured data (not estimated or calculated). For a change in ownership only, no forms will accompany this application.</p>
VI.	<p>I, _____, _____ (Name) (Title)</p> <p>state that I have knowledge of the facts herein set forth and that the same are true and correct to the best of my knowledge and belief. I further state that to the best of my knowledge and belief, the project for which application is made will not in any way violate any law, rule, ordinance, or decree of any duly authorized governmental entity having jurisdiction.</p> <p>Date _____ Signature _____</p>

UPWIND – DOWNWIND SAMPLE RECORD

Sampling Site _____
 (Nearest City) (County)

Date of Sampling _____
 (Month) (Day) (Year)

UPWIND SAMPLE

Sampler Serial Number _____, Type _____

Filter Number _____, Type _____

Sample Start Time _____, Stop Time _____
 (Hour) (Minute) (Hour) (Minute)

Flow Meter Reading _____,
 (Approximately 5 min. after start time) (Approximately 5 min. before stop time)

Filter Weight _____ grams, _____ grams
 INITIAL FINAL
 (Before Sampling) (After Sampling)

Particulate Weight _____ grams
 (Final Minus Initial Filter Weight)

* * * *

DOWNWIND SAMPLE

Sampler Serial Number _____, Type _____

Filter Number _____, Type _____

Sample Start Time _____, Stop Time _____
 (Hour) (Minute) (Hour) (Minute)

Flow Meter Reading _____,
 (Approximately 5 min. after start time) (Approximately 5 min. before stop time)

Filter Weight _____ grams, _____ grams
 INITIAL FINAL
 (Before Sampling) (After Sampling)

Particulate Weight _____ grams
 (Final Minus Initial Filter Weight)

* * * *

Draw a simple sketch on the back of this sheet showing: The emission point(s) relative to buildings or other identifiable landmarks; the location of samplers relative to emission points; the wind direction; indicate which direction is north.



TEXAS AIR CONTROL BOARD

AN OPERATING PERMIT
IS HEREBY ISSUED TO

AUTHORIZING OPERATION OF

WHICH IS LOCATED AT

and which is to be operated in accordance with and subject to the Texas Clean Air Act, as amended (Article 4477-5, VTCS), and all Rules, Regulations and Orders of the Texas Air Control Board. Said operation is subject to any additional or amended rules, regulations and orders of the Board adopted pursuant to the Act, and to all of the following conditions:

1. This permit is non-transferable from person to person or from place to place.
2. The holder of this permit shall monitor the emissions of the source on a periodic basis which will reflect the pattern of emissions with reasonable accuracy and shall provide the data from said monitoring to the Texas Air Control Board or an agent of the Board upon request.
3. Special provisions:

Acceptance of this permit constitutes an acknowledgement and agreement that the holder will comply with all Rules, Regulations and Orders of the Board issued in conformity with the Act and the conditions precedent to the granting of this permit.

PERMIT NO. R- _____ DATE _____

EXECUTIVE SECRETARY
TEXAS AIR CONTROL BOARD



TEXAS AIR CONTROL BOARD

A CONSTRUCTION PERMIT
IS HEREBY ISSUED TO

AUTHORIZING CONSTRUCTION OF

WHICH IS TO BE LOCATED AT

and which is to be constructed in accordance with and subject to the Texas Clean Air Act, as amended (Article 4477-5, VTCS), and all Rules, Regulations and Orders of the Texas Air Control Board. Said construction is subject to any additional or amended rules, regulations and orders of the Board adopted pursuant to the Act, and to all of the following conditions:

1. This permit is non-transferable from person to person or from place to place.
2. This permit is automatically void if construction is not begun within one year of the date of issuance.
3. This permit is automatically void when an operating permit is issued or denied.
4. The facility covered by this permit shall be constructed as specified in the application for permit to construct.
5. The Board shall be notified in writing at least thirty days prior to the start-up of the facility authorized by this permit.
6. The Board shall be notified in writing at least thirty days prior to the start of any required monitoring of the facility authorized by this permit.
7. This permit is not a guarantee that the facility will receive an operating permit at the end of the construction period, nor does it absolve the holder from the responsibility for the consequences of non-compliance with all Rules and Regulations and orders of the Texas Air Control Board or with the intent of the Texas Clean Air Act.
8. Special provisions:

Acceptance of the permit constitutes an acknowledgement and agreement that the holder will comply with all Rules, Regulations and Orders of the Board issued in conformity with the Act and the conditions precedent to the granting of this permit.

PERMIT NO. C- _____ DATE _____

EXECUTIVE SECRETARY
TEXAS AIR CONTROL BOARD