


Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Air Permits Division Staff
Field Operations Division Staff
Interested Applicants

Date: May 17, 2010

From:  Steve Hagle, P.E., Director, Air Permits Division

Subject: Clarification of Air Quality Standard Permit for Temporary Rock and Concrete Crushers

BACKGROUND: The Air Quality Standard Permit for Temporary Rock and Concrete Crushers (Temporary SP) was initially issued February 14, 2002 and amended on July 5, 2005 and on July 31, 2008. Importantly, on July 31, 2008, the Air Quality Standard Permit for Permanent Rock and Concrete Crushers (Permanent SP) was issued.

ISSUE

The following language in the Temporary SP was written (in 2002) in a manner that necessitates clarification to ensure the original intent is satisfied.

(2)(G) Last sentence: "Once the operating hours (360) or calendar days (45) for the site have been exhausted and the site has been vacated, the owner or operator shall not *use a standard permit* to locate any rock crusher on the site for at least 365 days. (emphasis added)

And,

(3)(F) Last sentence: "Once the operating hours (1080) or calendar days (180) for the site have been exhausted and the site has been vacated, the owner or operator shall not *use a standard permit* to locate any rock crusher on the site for at least 365 days. (emphasis added)

When the Temporary SP was initially drafted, there was no other rock crushing standard permit available. The intent of (2)(G) and (3)(F) was to prevent the constant authorization of *temporary* rock crushers at the same site under the Temporary SP. The Temporary SP was designed around the concept of quick authorization, small production rates, and a defined length of stay on site. It was not designed for use in a permanent fashion. The language in the Temporary SP authorization should have read "... use *this* temporary standard permit ..." rather than the existing "... use *a* standard permit ..."

RECOMMENDATION: Use this memorandum to clarify the original intent of the Temporary SP as indicated above. Note: Restrictions in the Temporary SP and the Permanent SP continue to disallow the use of a permit authorization under TEX. HEALTH & SAFETY CODE §382.0518 as follow-on to a rock crushing standard permit within a year of the date of the standard permit authorization. Neither the Temporary SP nor the Permanent SP can be used within 12 months of withdrawing an application for authorization under §382.0518.

BENEFIT: A permanent crushing plant authorized by standard permit could follow a temporary crushing plant without having to wait 365 days. Restrictions in both standard permit types will remain regarding authorizations under §382.0518.