

Amendment to the Air Quality Standard Permit for Concrete Batch Plants

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I. Executive Summary

In accordance with 30 Texas Administrative Code (TAC) § 116.605, Standard Permit Amendment and Revocation, the Texas Commission on Environmental Quality (TCEQ or commission) is proposing to amend the air quality standard permit for concrete batch plants. The proposed amendment will update the standard permit to add back an exemption that was previously included in the standard permit, but inadvertently removed during the 2012 amendment process. The exemption specifies that facilities which meet the conditions of the standard permit do not have to demonstrate compliance with the emissions and distance limitations listed in 30 TAC § 116.610(a)(1), Applicability. During the development of the standard permit an extensive protectiveness review addressed emission rates and distance limitations for these facilities, thus exempting the emissions and distance limitations listed in 30 TAC § 116.610(a)(1). The standard permit will be effective for standard permits issued after September 22, 2021.

II. Explanation and Background of Air Quality Standard Permit

The New Source Review Program under Chapter 116 requires any person who plans to construct any new facility or to engage in the modifications of any existing facility which may emit air contaminants into the air of the state to obtain a permit pursuant to 30 TAC § 116.110, Applicability, or satisfy the conditions of a standard permit, a flexible permit, or a permit by rule, before any actual work is begun on the facility. A standard permit authorizes the construction or modification of new or existing facilities which are similar in terms of operations, processes, and emissions.

The proposed amendment to the standard permit provides a preconstruction authorization that may be used for any concrete batch plant complying with the standard permit requirements and does not relieve the owner or operator from any other applicable provision of the Texas Health and Safety Code, Texas Water Code, rules of the TCEQ, or any additional state or federal regulations. The purpose of this amendment is to add a previously included exemption from 30 TAC § 116.610(a)(1) which requires a standard permit (including the concrete batch plant standard permit) to meet the emission limitations in 30 TAC § 106.261 unless otherwise specified by the provisions of that standard permit. Upon adoption of the standard permit for concrete batch plants on September 1, 2000, and amendment on July 10, 2003, the standard permit included this exemption to the requirement to demonstrate compliance with the emissions and distance limitations listed in 30 TAC § 116.610(a)(1) for concrete batch plant facilities which meet the conditions of this standard permit. However, during the 2012 amendment, this exemption was inadvertently deleted from the standard permit and was not formally adopted.

This amendment to the standard permit does not affect the protectiveness review conducted during the development of the standard permit. The results of the protectiveness review using the maximum production limits established by the standard permit continue to demonstrate that the standard permit is protective based on the current effects screening level guidelines and current National Ambient Air Quality Standards. General requirements concerning distance limits, emissions limits, control requirements, and recordkeeping have not changed.

III. Overview of Amendment to Air Quality Standard Permit

The commission is proposing an amendment to the air quality standard permit for concrete batch plants under the authority of the Texas Clean Air Act (TCAA), 382.05195, Standard Permit, and 30 TAC Chapter 116, Subchapter F, Standard Permits. The proposed amendment will update the standard permit to add the exemption from emissions and distance limitations in 30 TAC § 116.610(a)(1), that was inadvertently removed during the 2012 amendment process.

IV. Permit Condition Analysis and Justification

Section (1) of the standard permit outlines applicability for use of the standard permit. Proposed subsection (D) adds the exemption that states facilities that meet the conditions of the standard permit do not have to meet the emissions and distance limitations of 30 TAC § 116.610(a)(1).

V. Public Notice and Comment Period

In accordance with 30 TAC § 116.605, the TCEQ will publish notice of the proposed amended standard permit in the *Texas Register* and newspapers of the largest general circulation in Austin, Houston, and Dallas. The date for these publications will be May 28, 2021. The public comment period will run from the date of publication until midnight on June 29, 2021.

After the public comment period, TCEQ may revise the draft standard permit if appropriate. The final standard permit will be considered by the commission for adoption. Upon adoption of the standard permit by the commission, the final standard permit and a response to all comments received will be made available on TCEQ's website.

Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to fax4808@tceq.texas.gov. Electronic comments may be submitted at: <https://www6.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Non-Rule Project Number 2021-016-OTH-NR. The comment period closes midnight on June 29, 2021. Copies of the standard permit can be obtained from the commission's website at <https://www.tceq.texas.gov/permitting/air/nav/standard.html>.

For further information, please contact Mr. David Munzenmaier, Air Permits Division, at 512-239-6092 (please leave a voicemail).

VI. Public Meeting

The commission will hold a public meeting on this proposal via telephone conference on June 28, 2021, at 7:00 p.m. The meeting is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the meeting; however, commission staff members will be available to discuss the proposal 30 minutes prior to the meeting.

To listen to or participate in the public meeting or the informal question-and-answer period prior to the meeting, members of the public should register as indicated below before 5:00 p.m. on June 27, 2021.

At 6:30 p.m. on June 28, 2021, members of the public may call 1-877-820-7831 (International: 1-720-279-0026) and enter access code 181446 #. The line will be open from 6:30 p.m. to 7:00 p.m. for members of the public to ask questions about the proposed standard permit. Beginning at 7:00 p.m., the line will be open only to receive official testimony from members of the public concerning the proposed standard permit.

To register, please email david.munzenmaier@tceq.texas.gov or call 512-239-6092 and provide the following information (please leave a voicemail):

1. Subject: Register for NRPN 2021-016-OTH-NR
2. Your Name
3. Title
4. Whom you represent (self or company/client)
5. Mailing Address
6. Phone Number
7. Whether you wish to provide official testimony

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Gwen Ricco, Office of Legal Services at 512-239-2678 or 1-800-RELAY-TX (TDD). Requests should be made five business days prior to the public meeting.

Please periodically check https://www.tceq.texas.gov/permitting/air/nav/nsr_news.html before the meeting date for meeting related updates.

VII. Analysis of Comments

Section VIII (Analysis of Comments) will be completed following the end of the public comment period.

VIII. Statutory Authority

This standard permit is issued under Texas Health and Safety Code (THSC), § 382.011, General Powers and Duties, which authorizes the commission to control the quality of the state's air, THSC § 382.023, Orders, which authorizes the commission to issue orders necessary to carry out the policy and purposes of the TCAA, THSC § 382.051, Permitting Authority of the Commission; Rules, which authorizes the commission to issue permits, including standard permits for similar facilities for numerous similar sources, THSC § 382.0513, Permit Conditions, which authorizes the commission to establish and enforce permit conditions consistent with Subchapter C of the TCAA, and THSC § 382.05195, Standard Permit, which authorizes the commission to issue standard permits according to the procedures set out in that section.