

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: All Interested Persons | **Date:** February 3, 2009

Thru: Richard A. Hyde, P.E., Director, Air Permits Division 

From: Anne M. Inman, P.E., Manager, Rule Registrations Section, Air Permits Division
Mike P. Wilson, P.E., Manager, Mechanical, Agricultural, and Construction Permits
Section, Air Permits Division |

Subject: Guidance for Wet Sand and Gravel Processing Plants under Permits by Rule § 106.143 |

The purpose of this guidance is to clarify the intent of the subject permit by rule (PBR) as it relates to implementation and practice.

Permit by Rule § 106.143 for Wet Sand and Gravel processes is a unique authorization since it identifies specifically where the materials used in this process must be mined. The PBR requires that any wet sand and gravel production facility that intends to qualify for the subject PBR must obtain their material "...from subterranean and subaqueous beds where the deposits of sand and gravel are consolidated granular materials resulting from natural disintegration of rock and stone" This PBR does not authorize any crushing process.

The plant production limit is 500 tons per hour when materials are sourced from the specified location. The PBR has no additional control requirements or abatement procedures identified except those for road dust control. Therefore, all material to be processed by the wet sand and gravel processing plant under this PBR, shall come from a subterranean and subaqueous bed and will be wet to saturation throughout the processing of the sand and gravel products. Wet sand and gravel processing starts at the first facility associated with the sand and gravel plant, i.e., hopper, screen, conveyor transfer point, etc. Wet to saturation is a condition where water is observed running off the material or wet sand material can be easily clumped. These conditions would be concurrent with an expected moisture content of greater than 3 percent. Material with these wet to saturation characteristics will be considered as mined from subaqueous beds.

At the time of inspection, it is incumbent upon the owner or operator of the sand and gravel processing facility to demonstrate to a Texas Commission on Environmental Quality representative or to a representative from a local air quality program having jurisdiction that the material being processed has at least one of the wet to saturation characteristics identified above.

Material not having the wet to saturation characteristics shall not be processed under this PBR. Material that is removed to gain access to a subterranean and subaqueous bed of material may not be processed (i.e., screened crushed, conveyed, etc.) unless specific authorization has been attained under a separate and appropriate rule.

If the material and/or the facility do not meet the requirements of § 106.143 then authorization may be sought under PBR § 106.149 (Sand and Gravel Processing). If § 106.149 is not applicable, then permit authorization will be required under Title 30 Texas Administrative Code § 116.111. For questions regarding PBR applicability please contact the Rule Registrations Section; or for new source review permit applications contact the Mechanical/Agricultural/Construction Section both at (512) 239-1250.