

## **Guidance for Accepting Data in Lieu of Testing (DILOT) for New and Relocated Hot Mix Asphalt Plants**

The conditions for waiving the particulate matter testing require an official observation of the opacity from the new or relocated dryer exhaust to demonstrate compliance with the HMAP Standard Permit Conditions (1)(L) and (2)(A). The HMAP will need to supply a certified observer and submit the opacity observation report and field data sheets. The standard three-hour observation (30 six-minute averages), per 40 CFR §60.11(b), on the drum/dryer exhaust stack must cover a period of maximum production to provide the official observation required. DILOT cannot be granted for any source where opacity exceeds five percent averaged over any six-minute period during a three-hour observation period. Opacity shall be determined using USEPA Method 9. The opacity observation should occur very soon after the startup of the plant so a DILOT determination can be made well before the 60-day testing and reporting time frame of the NSPS rules.

The DILOT will include a fully detailed test report with specific plant and operational data to show that the tested facility is equivalent to the facility being put into operation. The test report should follow the report standards of Chapter 14 of the TCEQ Sampling Procedures Manual: Contents of Air Emission Test Reports. The DILOT report must demonstrate the following: (1) testing was performed and reported within 10 years of the permit application, and (2) the laboratory analysis is TCEQ NELAC certified on or after July 1, 2008. If testing was performed and reported within 10 years of the permit application, but the laboratory analysis was not NELAC certified on or after July 1, 2008 then the DILOT demonstration cannot be considered for acceptance by TCEQ. Additionally, the laboratory performing the analysis must have met the TCEQ National Environmental Laboratory Accreditation Program (NELAP) Fields of Accreditation for the methods utilized at the time the analysis was performed. The data required to be compared is as follows:

- 1) Process Description and Control Device
  - a) Drum/dryer manufacturer, model, design, and capacity
  - b) Control device manufacturer and model
- 2) NSPS Test Report (no more than 10 years old from date submitted)
- 3) Raw Materials
  - a) Fuel type, including fuel analysis and sulfur content
  - b) Aggregate materials (type, size)
  - c) Percentage of recycled asphalt products used in the mix (if applicable)
- 4) Operating Parameters
  - a) Production rate (tons/hour)
  - b) Control device parameters
    - i) Baghouses:
      - (1) Air-to-cloth ratio
      - (2) Filter media (bag material, type)
      - (3) Cleaning method (pulse jet, reverse air, etc.) and trigger
      - (4) Pressure drop ( $\Delta P$ ) across the baghouse
      - (5) Gas flow rate
      - (6) Outlet gas temperature

- ii) Venturi Scrubbers:
  - (1) Scrubber water circulation rate
  - (2)  $\Delta P$  across the venturi
  - (3) Gas flow rate
  - (4) Outlet gas temperature

A DILOT report which does not contain the information listed above will not be accepted and testing is required.

The tested plant needs to be substantially similar to the new plant, both physically and operationally, to approve the waiver. Previous investigation reports do not have to be reviewed again. Only operational data from 2008 forward or operational data less than 10 years old would require review.

The HMAP Standard Permit, Conditions (1)(K)(ii) and (1)(K)(iii), references “a combined (front and back half) total outlet grain loading of 0.04 gr/dscf” (grain per dry standard cubic feet). The federal standard does not include the condensable particulate matter, commonly referred to as the “back half analysis”. Some permit provisions may also refer to this standard, but all other places, including the limitations for standard permit, the standard mass rate limitations in the Maximum Allowable Emission Rate Table of permits, and generally all other references to particulate matter are based on the TCEQ definition of particulate matter which includes the particulate captured in the impingers (the back half analysis).

In situations where HMAPs are going to test to establish compliance with federal and/or state emission standards, the back half analysis should continue to be required. The test reports for actual tests and for DILOT, including opacity observation during the test, must be fully detailed with all the raw data as specified in the sampling procedures manual and test procedures; summary reports are not acceptable. Please ensure a copy of all HMAP test reports for actual testing or DILOT are directed to the respective region to perform the review. Both regional and APD staff are available to help evaluate the relevance of any inconsistencies and assist in determining whether the DILOT should be accepted.

Each DILOT for particulate matter testing must be granted in writing, with copies to USEPA Region 6 and the respective region. The copy to USEPA is required in accordance with the USEPA’s delegation of authority to the state to implement the NSPS program. An appropriate DILOT acceptance letter format is attached (ATTACHMENT A), to be issued by the region reviewing the DILOT report.

The HMAP must provide their available DILOT information prior to start-up. When the facility is being relocated, the previous DILOT acceptance letter should also be included. This should allow adequate review time and open communications to coordinate the opacity check.

## ATTACHMENT A

### [SAMPLE LETTER FOR DILOT ACCEPTANCE FOR ASPHALT PLANTS]

[Date]

{Regulated Entity Representative}, {Representative's Title}  
{Regulated Entity Name}  
{Regulated Entity Address}  
{Regulated Entity City, State, Zip}

Re: Acceptance of Data in Lieu of Testing (DILOT) for a Hot Mix Asphalt Plant (HMAP):

{Regulated Entity or Facility Name, Address, City (County), Texas}  
{TCEQ ID No.: , USEPA ID No.: (if applicable)}

Dear {Mr./Mrs. Regulated entity Rep} :

Under the provisions of Air Quality Standard Permit for Hot Mix Asphalt Plants Condition (2), similar provisions in certain New Source Review permits, and the authority of 40 CFR §60.4(b) and §60.8(b), the executive director may waive stack sampling requirements for asphalt plants, provided that:

- A. The documentation demonstrates to the satisfaction of the executive director that the model of the HMAP being constructed has been previously tested and shown to meet the requirements of 40 CFR Part 60, Subparts A and I, and the requirements listed in paragraphs (1)(L), (1)(K)(ii), (1)(K)(iii), and (1)(K)(iv) of the Air Quality Standard Permit for Hot Mix Asphalt Plants, and
- B. Visible emissions from the exhaust stack are documented at five percent or less opacity averaged over any six-minute period during a three-hour observation period, and according to USEPA Method 9.

The {City Name} Regional Office of the Texas Commission on Environmental Quality (TCEQ) has reviewed the information submitted by {company name}, and has determined that this information is sufficient to satisfy items A and B above. The {new/relocated} plant {*drum/dryer make, model number and capacity*} and associated {*name and model baghouse, wet scrubber, etc.*} emission control equipment is substantially similar to the plant and emission control equipment which was tested as documented in the report submitted by {company name}. In addition, the {new/relocated} facility's visible emissions did not exceed five percent opacity when averaged over any six-minute period during a three-hour observation period while the facility was operating at an asphalt production rate of {rate} tons per hour. Therefore, DILOT for particulate matter testing is approved. A copy of the DILOT documentation shall be maintained on site with the hot mix asphalt plant and made available to the appropriate regional office or any local air pollution control program having jurisdiction over this facility.

This DILOT acceptance letter only addresses performance testing for particulate matter and opacity, and does not limit the authority of the TCEQ or USEPA to require additional testing in the future. A copy of this letter will be submitted to USEPA Region 6 for their records. If you have any questions about this subject, please contact {Mr./Ms. Investigator's Name} in the {City Name} Region Office at {Phone #(XXX)XXX-XXXX}.

Sincerely,

{Manager or Team Leader Name}  
{Title}  
{City Name} Region Office

{ENTER INITIALS}/{Enter Initials}

cc: Chief, Air Enforcement Branch  
USEPA Region 6

[If this waiver is being approved by a regional staff member not within the region the facility is located, the applicable Air Section Manager must be copied on the leDILOTtter using the template below.]

{Manager Name}, Air Section Manager  
TCEQ {City Name} Region Office

bcc: