

Mr. Craig Snell  
Page 2  
October 22, 2015

Re: Air Quality Registration Number: 112904L006

**10 business days after publication, affidavits of publication within 30 calendar days after the date of publication, and public notice verification form within 10 business days after the end of the designated comment period).** This checklist should be used as a tool in conjunction with the enclosed, detailed instructions.

If you do not comply with **all** requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions.

If you have any questions regarding publication requirements, please contact the Office of the Chief Clerk at (512) 239-3300. If you have any other questions, please contact Mr. Donald D. Nelson at (512) 239-0894.

Sincerely,

*Bridget C. Bohac*

Bridget C. Bohac  
Chief Clerk  
Office of the Chief Clerk  
Texas Commission on Environmental Quality

BB/ddn

Enclosures

cc: Air Section Manager, Region 16 - Laredo  
Air Permits Section Chief, New Source Review Section (6PD-R), U.S. Environmental  
Protection Agency, Region 6, Dallas

Project Number: 242341

FILED  
On: Oct 30, 2015 at 12:38P  
Receipt# - 124320  
Generosa Gracia-Ramon  
County Clerk, Val Verde County, TX  
By *Yvonne Clark* Deputy

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## EXAMPLE A

### NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR AN AIR QUALITY STANDARD PERMIT FOR CONCRETE BATCH PLANT REGISTRATION

**PROPOSED REGISTRATION NUMBER: 112904L006**

**APPLICATION AND PRELIMINARY DECISION.** Golden Spread Redi-Mix, Inc., P.O. Box 31660, Amarillo, Texas 79120-1660, has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit for a Concrete Batch Plant Registration Number 112904L006, which would authorize construction of two temporary concrete batch plants under Title 30 Texas Administrative Code § 116.611 (30 TAC § 116.611) near Del Rio, Val Verde County, Texas 78841. The following driving directions were provided: from the intersection of U.S. Highway 277 and U.S. Highway 377 head east on U.S. Highway 377 North for 4.3 miles, plant is on the north side of highway. This application was processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. This application was submitted to the TCEQ on September 24, 2015. The proposed facility will emit the following air contaminants: particulate matter including (but not limited to) aggregate, cement, road dust, and particulate matter with diameters of 10 microns or less and 2.5 microns or less.

The executive director has completed the technical review of the application and determined that the application meets all of the requirements of a Standard Permit authorized by 30 TAC § 116.611 which would establish the conditions under which the facility must operate. The executive director has made a preliminary decision to issue the registration because it meets all rules and regulations. The permit application, executive director's preliminary decision, and standard permit will be available for viewing and copying at the TCEQ central office, the TCEQ Laredo regional office, and the Val Verde County Courthouse, 400 Pecan Street, Del Rio, Val Verde County, Texas, beginning the first day of publication of this notice. The facility's compliance file, if any exists, is available for public review at the TCEQ Laredo Regional Office, 707 E Calton Rd Ste 304, Laredo, Texas.

**CHANGE IN LAW** The Texas Legislature enacted Senate Bill 709, effective September 1, 2015, amending requirements for comments and contested case hearings. This application is subject to those changes in law.

**PUBLIC COMMENT/PUBLIC MEETING.** You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comment or to ask questions about the application. The TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing. **You may submit additional written public comments within 30 days of the date of newspaper publication of this notice in the manner set forth in the AGENCY CONTACTS AND INFORMATION paragraph below.**

**RESPONSE TO COMMENTS AND EXECUTIVE DIRECTOR ACTION.** After the deadline for public comments, the executive director will consider the comments and prepare a response to all relevant and material or significant public comments. Because no timely hearing requests have been received, after

preparing the response to comments, the executive director may then issue final approval of the application. **The response to comments, along with the executive director's decision on the application will be mailed to everyone who submitted public comments or is on a mailing list for this application, and will be posted electronically to the Commissioners Integrated Database (CID).**

**INFORMATION AVAILABLE ONLINE.** When they become available, the executive director's response to comments and the final decision on this application will be accessible through the Commission's Web site at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid). Once you have access to the CID using the above link, enter the registration number for this application which is provided at the top of this notice. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application.

<http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=29.748016&lng=-100.760716&zoom=13&type=r>.

**MAILING LIST.** You may ask to be placed on a mailing list to obtain additional information on this application by sending a request to the Office of the Chief Clerk at the address below.

**AGENCY CONTACTS AND INFORMATION.** Public comments and requests must be submitted either electronically at [www.tceq.texas.gov/about/comments.html](http://www.tceq.texas.gov/about/comments.html), or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. If you communicate with the TCEQ electronically, please be aware that your email address, like your physical mailing address, will become part of the agency's public record. For more information about this permit application or the permitting process, please call the Public Education Program toll free at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Golden Spread Redi-Mix, Inc. at the address stated above or by calling Mr. Michael Mayfield, Quality Control Manager at (806) 676-4344.

Notice Issuance Date: October 22, 2015

**Public Notice Checklist**  
**Notice of Application and Preliminary Decision for an Air Quality Permit**  
**(2nd Notice)**

The following tasks must be completed for public notice. If publication in an alternative language is required, please complete the tasks for both the English and alternative language publications. Detailed instructions are included in the "Instructions for Public Notice" section of this package.

**Within 33 calendar days after date of this letter**

Publish *Notice of Application and Preliminary Decision for an Air Quality Permit* in the same newspaper(s) in which you published *Notice of Receipt of Intent to Obtain Permit* for this application.

- Example A must be published in "public notice" section of newspaper. Review for accuracy prior to publishing.

- As part of the expedited permitting process, it is recommended that you publish immediately.

Provide copy of the complete application (including any subsequent revisions) and the executive director's preliminary decision (including the draft permit) at a public place for review and copying. Keep them there for duration of the designated comment period.

**First day of newspaper publication**

Review published newspaper notice for accuracy. If errors, contact Air Permits Division.

Ensure copy of the complete application (including any subsequent revisions) and the executive director's preliminary decision (including the draft permit) are at the public place.

It is recommended that the signs from the first notice be in place and the lettering must remain legible and visible until 30 days after publication of the *Notice of Application and Preliminary Decision* (either English or alternative language notice, whichever is later).

**Within 10 business days after date of publication**

Mail original proof of publication showing publication date and newspaper name to:

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

Attn: Notice Team / AIR Expedited Permitting

P.O. Box 13087

Austin, Texas 78711-3087

Mail photocopies of newspaper clippings showing publication date and newspaper name to persons listed on *Notification List*.

**Within 30 calendar days after date of publication**

Mail original affidavit of publication for air permitting and alternative language affidavit of publication for air permitting (if applicable) to:

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

Attn: Notice Team / AIR Expedited Permitting

P.O. Box 13087

Austin, Texas 78711-3087

Mail photocopies of affidavits to persons listed on *Notification List*.

**Within 10 business days after end of the designated comment period**

Mail Public Notice Verification Form to:

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

Attn: Notice Team / AIR Expedited Permitting

P.O. Box 13087

Austin, Texas 78711-3087

Mail photocopies of Public Notice Verification Form to persons listed on *Notification List*.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## Instructions for Public Notice For New Source Review Air Quality Standard Permit For a Concrete Batch Plant Registration Small Business Stationary Source

### Notice of Application and Preliminary Decision

We have completed the technical review of your application and issued a preliminary decision. You must comply with the following instructions:

#### Review Notice

Included in the notice is all of the information which the commission believes is necessary to effectuate compliance with applicable public notice requirements. Please read it carefully and notify the Texas Commission on Environmental Quality (TCEQ) immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text of the notice without prior approval from the TCEQ.

#### Newspaper Notice

- You must publish the enclosed *Notice of Application and Preliminary Decision for an Air Quality Permit* within **33 calendar days** after the date this information was mailed to you (see date of letter). As part of the expedited permitting process, it is recommended that you publish immediately.
- You must publish the enclosed *Notice of Application and Preliminary Decision for an Air Quality Permit* at your expense, in the same newspaper(s) in which you published the *Notice of Receipt and Intent to Obtain Permit* for this application. The newspaper must be a newspaper that is of general circulation in the municipality where the facility is or will be located. If the facility is not located within a municipality, the newspaper must be of general circulation in the municipality nearest the location.
- You must publish this notice in one issue of any applicable newspaper.
- The bold text of the enclosed notice **must** be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., **bold, italics**). **Failure to do so may require re-notice.**

#### Alternative Language Notice

In certain circumstances, applicants for air permits must complete notice in alternative languages.

- Public notice rules require the applicant to determine whether a bilingual program is required at either the elementary or middle school nearest to the facility or proposed facility location. Bilingual education programs are determined on a district-wide basis. When students who are required to attend either school are eligible to be enrolled in a bilingual education program, some alternative language notice is required (newspaper notice).
- Since the school district, and not the schools, must provide the bilingual education program, these programs do not have to be located at the elementary or middle school nearest to the facility or proposed facility to trigger the alternative language notice requirement. If there are students who would normally attend the nearest schools eligible to be taught in a bilingual education program at a different location, alternative language notice is required.
- If triggered, publications of alternative language notices must be made in a newspaper or publication printed primarily in each language taught in the bilingual education program. The same newspaper(s) used for *Notice of Receipt and Intent to Obtain Permit* must be used for publication of the *Notice of Application and Preliminary Decision for an Air Quality Permit*. This notice is required if such a newspaper or publication exists in the municipality or the county where the facility is or will be located.
- The applicant must demonstrate a good faith effort to identify a newspaper or publication in the required language. If a newspaper or publication of general circulation published at least once a month in such language cannot be found, publishing in that language is not required, but signs must remain posted in the same location(s) utilized during the *Notice of Receipt of Intent to Obtain Permit (1<sup>st</sup> public notice)*.
- Publication in an alternative language section or insertion within an English language newspaper does not satisfy these requirements.
- The applicant has the burden to demonstrate compliance with these requirements. You must fill out the **Public Notice Verification Form (Form TCEQ-20244)** indicating your compliance with the requirements regarding publication in an alternative language. **This form is available at [www.tceq.texas.gov/permitting/air/nav/air\\_publicnotice.html](http://www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html)**.
- It is suggested the applicant work with the local school district to do the following:
  - (a) determine if a bilingual program is required in the district;
  - (b) determine which language is required by the bilingual program;
  - (c) locate the nearest elementary and middle schools; and
  - (d) determine if any students attending either school are entitled to be enrolled in a bilingual educational program.
- **If you determine that you must meet the alternative language notice requirements, you are responsible for ensuring that the publication in the alternative language is complete and accurate in that language.** Since the most common bilingual programs are in Spanish, the TCEQ has provided example Spanish notice templates for your use. All italic notes should be replaced with the corresponding Spanish translations for the specific application and published in the alternative language publication. Electronic versions of the Spanish templates are available through

the Air Permits Division Web site at  
[www.tceq.texas.gov/permitting/air/nav/air\\_publicnotice.html](http://www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html).

- If you are required to publish notice in a language other than Spanish, you must translate the entire public notice at your own expense.

### **Public Comment Period**

- The public comment period will last at least **30 calendar days after publication of the last notice**.
- The comment period will be longer if the last day of the public comment period ends on a weekend or a holiday. In this case, the comment period will end on the next business day.
- The comment period for the permit may lengthen depending on whether a public meeting is held. If a public meeting is held, the comment period will be extended to the later of either the date of the public meeting or the end of the second notice period.

### **Proof of Publication**

- Check each publication to ensure that the articles were accurately published. If a notice was not published correctly you may be required to republish.
- For each newspaper in which you published, you must submit proof of publication that shows the notice, the date of publication, and the name of the newspaper to the Office of the Chief Clerk within **10 business days** after the date of publication. Acceptable proofs of publication are 1) copies of the published notice or 2) the original newspaper clippings of the published notice. If you choose to submit copies of the published notice to the Office of the Chief Clerk, copies must be on standard-size 8½" x 11" paper and must show the actual size of the published notice (do not reduce the image when making copies). Published notices longer than 11" must be copied onto multiple 8½" x 11" pages. Please note, submitting a copy of your published notice could result in faster processing of your application. It is recommended that you maintain original newspaper clippings or tear sheets of the notice for your records.
- You must submit an **original affidavit of publication for air permitting and alternate language affidavit of publication for air permitting (if applicable)** to the Office of the Chief Clerk within **30 calendar days** after the date of publication. **You must use the enclosed affidavit forms.** The affidavits must clearly identify the applicant's name and permit number. You are encouraged to submit the affidavit with the proof of publication described above.
- You must submit the **Public Notice Verification Form (Form TCEQ-20244)** to the Office of the Chief Clerk within **10 business days** of the end of this public comment period. You must use this form to certify that you have met bilingual notice requirements. **This form is available at [www.tceq.texas.gov/permitting/air/nav/air\\_publicnotice.html](http://www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html).**

- The **original affidavits of publication, *Public Notice Verification Form*, and acceptable proof of publication of the published notices** must be mailed to:

Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC-105  
Attn: Notice Team / AIR Expedited Permitting  
P.O. Box 13087  
Austin, Texas 78711-3087

- Please ensure that the affidavit(s) you send to the Chief Clerk is/are originals and that all blanks on the affidavit are filled in correctly. Photocopies of affidavits will not be accepted.
- Photocopies of newspaper clippings, affidavits, and verifications must also be sent to those listed on the enclosed *Notification List* within the deadlines specified above.

### **Failure to Publish and Submit Proof of Publication**

You must meet all publication requirements. **If you fail to publish the notice or submit proof of publication on time**, the TCEQ may suspend further processing on your application or take other actions.

### **Sign Posting**

It is recommended that the signs that were put in place prior to publication of the first notice remain in place and be legible and visible until 30 days after publication of the *Notice of Application and Preliminary Decision* (either English or alternative language notice, whichever is later).

### **Application in a Public Place**

- You must provide a copy of the complete application (including any subsequent revisions) and the executive director's preliminary decision (including the draft permit), at a public place for review and copying by the public. This place must be in the county in which the facility is located or proposed to be located.
- A public place is one that is publicly owned or operated (ex: libraries, county courthouses, or city halls.)
- This copy must be accessible to the public for review and copying. The copy must be available beginning on the first day of newspaper publication and remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.
- If the application is submitted to the TCEQ with information marked as "CONFIDENTIAL," you are required to indicate which specific portions of the application are not being made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the Texas Commission on Environmental Quality, Public Information Coordinator, MC-197, P.O. Box 13087, Austin, Texas 78711-3087."

- You must submit verification of file availability using the ***Public Notice Verification Form (Form TCEQ-20244)*** within **10 business days** after end of the publications' designated comment period. Do not submit the form verifying that the application was in a public place until after the comment period is complete. If a public meeting is held or second notice is required causing the public comment period to be extended, at a later date you will be required to verify that the application was in a public place during the entire public comment period. **This form is available at [www.tceq.texas.gov/permitting/air/nav/air\\_publicnotice.html](http://www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html).**

### **General Information**

When contacting the Commission regarding this application, please refer to the permit number at the top of the *Notice of Application and Preliminary Decision*.

If you have questions or need assistance regarding publication requirements, please contact the Office of the Chief Clerk at (512) 239-3300 or the project reviewer listed in the cover letter.

TCEQ-Office of the Chief Clerk  
MC-105 Attn: Notice Team  
P.O. Box 13087  
Austin, Texas 78711-3087

Applicant Name: Golden Spread Redi-Mix, Inc.  
Permit No.: 112904L006  
Notice of Application and Preliminary Decision for an Air Quality  
Standard Permit for Concrete Batch Plant Registration

### AFFIDAVIT OF PUBLICATION FOR AIR PERMITTING

STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me duly sworn,  
*(name of person representing newspaper)*

deposes and says that (s)he is the \_\_\_\_\_  
*(title of person representing newspaper)*

of the \_\_\_\_\_; that said newspaper is generally circulated  
*(name of newspaper)*

in \_\_\_\_\_, Texas;  
*(the municipality or nearest municipality (not county) to the location of the facility or the proposed facility)*

that the enclosed notice was published in said newspaper on the following date(s):

\_\_\_\_\_  
*(newspaper representative's signature)*

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
to certify which witness my hand and seal of office.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

\_\_\_\_\_  
My Commission Expires

TCEQ-Office of the Chief Clerk  
MC-105 Attn: Notice Team  
P.O. Box 13087  
Austin, Texas 78711-3087

Applicant Name: Golden Spread Redi-Mix, Inc.  
Permit No.: 112904L006  
Notice of Application and Preliminary Decision for an Air  
Quality Standard Permit for Concrete Batch Plant Registration

**ALTERNATIVE LANGUAGE AFFIDAVIT OF PUBLICATION FOR AIR PERMITTING**

STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me duly sworn, deposes  
*(name of person representing newspaper)*

and says that (s)he is the \_\_\_\_\_ of the  
*(title of person representing newspaper)*

\_\_\_\_\_ that said newspaper or publication is generally circulated  
*(name of newspaper)*

in \_\_\_\_\_, Texas;  
*(the municipality or the same county as the location of the facility or the proposed facility)*

that the enclosed notice was published in said newspaper or publication on the following date(s):

\_\_\_\_\_

\_\_\_\_\_  
*(newspaper or publication representative's signature)*

Subscribed and sworn to before me this the \_\_\_ day of \_\_\_\_\_, 20\_\_\_,

to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the State of Texas

(Seal)

\_\_\_\_\_  
Print or Type Name of Notary Public

\_\_\_\_\_  
My Commission Expires

## Notification List

It is the responsibility of the applicant to furnish the following offices with copies of the notices published, the *Affidavit of Publication for Air Permitting*, the *Alternative Language Affidavit of Publication for Air Permitting (if applicable)*, and a completed copy of the *Public Notice Verification Form (Form TCEQ-20244)*. Acceptable proof of publication and originals of any affidavits and Form TCEQ-20244 should be sent to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, AIR Expedited Permitting, P.O. Box 13087, Austin, Texas 78711-3087. **Copies** should be sent to the following:

U.S. Environmental Protection Agency  
Region 6  
Attn: Air Permits Section (6PD-R)  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Texas Commission on Environmental Quality  
Office of Air  
Air Permits Division, MC-163  
Mr. Donald D. Nelon  
P.O. Box 13087  
Austin, Texas 78711-3087

Texas Commission on Environmental Quality  
Laredo Regional Office  
707 E Calton Rd Ste 304  
Laredo, Texas 78041-3887

## Standard Permit General Conditions

The following general conditions are applicable to holders of standard permits, but will not necessarily be specifically stated within the standard permit document.

1. *Protection of public health and welfare.* The emissions from the facility must comply with all applicable rules and regulations of the commission adopted under the Texas Health and Safety Code, Chapter 382, and with intent of the TCAA, including protection of health and property of the public.
2. *Standard permit representations.* All representations with regard to construction plans, operating procedures, and maximum emission rates in any registration for a standard permit become conditions upon which the facility or changes thereto, must be constructed and operated. It is unlawful for any person to vary from such representations if the change will affect that person's right to claim a standard permit under this section. Any change in condition such that a person is no longer eligible to claim a standard permit under this section requires proper authorization under Title 30 Texas Administrative Code § 116.110 (30 TAC § 116.110) of this title (relating to Applicability). If the facility remains eligible for a standard permit, the owner or operator of the facility shall notify the executive director of any change in conditions which will result in a change in the method of control of emissions, a change in the character of the emissions, or an increase in the discharge of the various emissions as compared to the representations in the original registration or any previous notification of a change in representations. Notice of changes in representations must be received by the executive director no later than 30 days after the change.
3. *Standard permit in lieu of permit amendment.* All changes authorized by standard permit to a facility previously permitted under 30 TAC § 116.110 of this title (relating to Applicability) shall be administratively incorporated into that facility's permit at such time as the permit is amended or renewed.
4. *Construction progress.* Start of construction, construction interruptions exceeding 45 days, and completion of construction shall be reported to the appropriate regional office not later than 15 working days after occurrence of the event, except where a different time period is specified for a particular standard permit.
5. *Start-up notification.* The appropriate air program regional office of the commission and any other air pollution control program having jurisdiction shall be notified prior to the commencement of operations of the facilities authorized by the standard permit in such a manner that a representative of the executive director may be present. For phased construction, which may involve a series of units commencing operations at different times, the owner or operator of the facility shall provide separate notification for the commencement of operations for each unit. A particular standard permit may modify start-up notification requirements.
6. *Sampling requirements.* If sampling of stacks or process vents is required, the standard permit holder shall contact the Office of Air and any other air pollution control program having jurisdiction prior to sampling to obtain the proper data forms and procedures. All sampling and testing procedures must be approved by the executive director and coordinated with the regional representatives of the commission. The standard permit holder is also responsible for providing sampling facilities and conducting the sampling operations or contracting with an independent sampling consultant.

7. *Equivalency of methods.* The standard permit holder shall demonstrate or otherwise justify the equivalency of emission control methods, sampling or other emission testing methods, and monitoring methods proposed as alternatives to methods indicated in the conditions of the standard permit. Alternative methods must be applied for in writing and must be reviewed and approved by the executive director prior to their use in fulfilling any requirements of the standard permit.
8. *Recordkeeping.* A copy of the standard permit along with information and data sufficient to demonstrate applicability of and compliance with the standard permit shall be maintained in a file at the plant site and made available at the request of representatives of the executive director, the U.S. Environmental Protection Agency, or any air pollution control program having jurisdiction. For facilities that normally operate unattended, this information shall be maintained at the nearest staffed location within Texas specified by the standard permit holder in the standard permit registration. This information must include (but is not limited to) production records and operating hours. Additional recordkeeping requirements may be specified in the conditions of the standard permit. Information and data sufficient to demonstrate applicability of and compliance with the standard permit must be retained for at least two years following the date that the information or data is obtained. The copy of the standard permit must be maintained as a permanent record.
9. *Maintenance of emission control.* The facilities covered by the standard permit may not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations. Notification for upsets and maintenance shall be made in accordance with 30 TAC §§ 101.201 and 101.211 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements, Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements, Recordkeeping; and Operational Requirements).
10. *Compliance with rules.* Registration of a standard permit by a standard permit applicant constitutes an acknowledgment and agreement that the holder will comply with all rules, regulations, and orders of the commission issued in conformity with the TCAA and the conditions precedent to the claiming of the standard permit. If more than one state or federal rule or regulation or permit condition is applicable, the most stringent limit or condition shall govern. Acceptance includes consent to the entrance of commission employees and designated representatives of any air pollution control program having jurisdiction into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the standard permit.
11. *Distance Limitations.* Distance limitations, setbacks, and buffer zones. Notwithstanding any requirement in any standard permit, if a standard permit for a facility requires a distance, setback, or buffer from other property or structures as a condition of the permit, the determination of whether the distance, setback, or buffer is satisfied shall be made on the basis of conditions existing at the earlier of:
  1. The date new construction, expansion, or modification of a facility begins; or
  2. The date any application or notice of intent is first filed with the commission to obtain approval for the construction or operation of the facility.

## **Amendments to the Air Quality Standard Permit for Concrete Batch Plants**

**Effective Date December 21, 2012**

### **(1) Applicability**

- (A) This air quality standard permit authorizes concrete batch plant facilities that meet all of the conditions listed in sections (1) through (7) and one of sections (8), (9), or (10). If a concrete batch plant operates using sections (8), (9), or (10) of this standard permit and operational changes are proposed that would change the applicable section, the owner or operator shall reregister for the concrete batch plant standard permit prior to operating the change.
- (B) This standard permit does not authorize emission increases of any air contaminant that is specifically prohibited by a condition or conditions in any permit issued under Title 30 Texas Administrative Code (30 TAC) Chapter 116, Control of Air Pollution by Permits for New Construction or Modification, at the site.
- (C) This standard permit does not relieve the owner or operator from complying with any other applicable provision of the Texas Health and Safety Code (THSC), Texas Water Code, rules of the Texas Commission on Environmental Quality (TCEQ), or any additional state or federal regulations.

### **(2) Definitions**

- (A) Auxiliary tank - storage containers used to hold raw materials for use in the batching process not including petroleum products and fuel storage tanks.
- (B) Cohesive hard surface - An in-plant road surface preparation including, but not limited to: paving with concrete, asphalt, or other similar surface preparation where the road surface remains intact during vehicle and equipment use and is capable of being cleaned. Cleaning mechanisms may include water washing, sweeping, or vacuuming.
- (C) Concrete batch plant - For the concrete batch plant standard permit, it is a plant that consists of a concrete batch facility and associated abatement equipment, including, but not limited to: material storage silos, aggregate storage bins, auxiliary storage tanks, conveyors, weigh hoppers, and a mixer. Concrete batch plants can add water, Portland cement, and aggregates into a delivery truck, or the concrete may be prepared in a central mix drum and transferred to a delivery truck for transport. This

definition does not include operations that meet the requirements of 30 TAC § 106.141, Batch Mixer or 30 TAC § 106.146, Soil Stabilization Plants.

- (D) Dust suppressing fencing or other barrier - A manmade obstruction that is at least 12 feet high that is used to prevent fugitive dust from stationary equipment stockpiles, in-plant roads, and traffic areas from leaving the plant property.
- (E) Permanent concrete batch plant - For the concrete batch plant standard permit, it is a concrete batch plant that is not a temporary or specialty concrete batch plant.
- (F) Related project segments - For plants on a Texas Department of Transportation right-of-way, related project segments are one contract with multiple project locations or one contractor with multiple contracts in which separate project limits are in close proximity to each other. A plant that is sited on the right-of-way is usually within project limits. However, a plant located at an intersection or wider right-of-way outside project limits is acceptable if it can be easily associated with the project.
- (G) Right-of-way of a public works project - Any public works project that is associated with a right-of-way. Examples of right-of-way public works projects are public highways and roads, water and sewer pipelines, electrical transmission lines, and other similar works. A facility must be in or contiguous to the right-of-way of the public works project to be exempt from the public notice requirements listed in Texas Health and Safety Code, § 382.056, Notice of Intent to Obtain Permit or Permit Review; Hearing.
- (H) Site - The total of all stationary sources located on one or more contiguous or adjacent properties, which are under common control of the same person (or persons under common control).
- (I) Specialty concrete batch plant - For the concrete batch plant standard permit, it is a concrete batch plant with a low production concrete mixing plant that manufactures concrete less than or equal to 30 cubic yards per hour (cu yd/hr). These plants are typically dedicated to manufacturing precast concrete products, including but not limited to burial vaults, septic tanks, yard ornaments, concrete block and pipe, etc. This does not include small repair projects using mortar, grout, gunite, or other concrete repair materials.
- (J) Stationary internal combustion engine - For the concrete batch plant standard permit, it is any internal combustion engine that remains at a location for more than 12 consecutive months and is not defined as a

nonroad engine according to 40 Code of Federal Regulations (CFR) 89.2, Definitions.

- (K) Temporary concrete batch plant - For the concrete batch plant standard permit, it is a concrete batch plant that occupies a designated site for not more than 180 consecutive days or that supplies concrete for a single project (single contract or same contractor for related project segments), but not for other unrelated projects.
- (L) Traffic areas - For the concrete batch plant standard permit, it is an area within the concrete batch plant that includes stockpiles and the area where mobile equipment moves or supplies aggregate to the batch plant and trucks supply aggregate and cement.

### **(3) Administrative Requirements**

- (A) The owner or operator of any concrete batch plant seeking authorization under this standard permit shall register in accordance with 30 TAC § 116.611, Registration to Use a Standard Permit. Owners or operators shall submit a completed, current form PI-1S Registrations for Air Standard Permit, Table 11, Fabric Filters, Table 20, Concrete Batch Plants, and a Concrete Batch Plant Standard Permit checklist.
- (B) Owners or operators shall also comply with 30 TAC § 116.614, Standard Permit Fees, when they are required to complete public notice under section four of this standard permit.
- (C) No owner or operator of a concrete batch plant shall begin construction or operation without obtaining written approval from the TCEQ executive director.
- (D) The time period in 30 TAC § 116.611(b) (45 days) does not apply to owners or operators registering plants under this standard permit.
- (E) Beginning December 21, 2012, all new and modified sources must comply with this standard permit.
- (F) Renewals shall comply with this standard permit on the later of:
  - (i) December 21, 2014; or
  - (ii) the date the facility's registration is renewed.
- (G) Owners or operators of temporary concrete plants seeking registration and those already registered for this standard permit that qualify for relocation

under subsection (8)(F) are exempt from public notice requirements in section (4) of this standard permit.

- (H) During start of construction, the owner or operator of a plant shall comply with 30 TAC § 116.120(a)(1), Voiding of Permits, and commence construction within 18 months of written approval from the Executive Director.
- (I) Owners or operators are not required to submit air dispersion modeling as a part of this concrete batch plant standard permit registration.
- (J) Owners or operators shall keep written records on site for a rolling 24-month period. Owners or operators shall make these records available at the request of TCEQ personnel or any air pollution control program having jurisdiction. Records shall be maintained on-site for the following including, but not limited to:
  - (i) 30 TAC § 101.201, Emissions Event Reporting and Recordkeeping Requirements;
  - (ii) 30 TAC § 101.211, Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements;
  - (iii) production rate for each hour and day of operation that demonstrates compliance with subsection (8)(A),(9)(A), or (10)(A) of this standard permit, as applicable;
  - (iv) all repairs and maintenance of abatement systems;
  - (v) Material Safety Data Sheets for all additives and other chemicals used at the site;
  - (vi) road cleaning, application of road dust control, or road maintenance for dust control;
  - (vii) stockpile dust suppression;
  - (viii) silo warning device or shut-off system tests;
  - (ix) quarterly visible emissions observations and any corrective actions required to control excess visible emissions;
  - (x) demonstration of compliance with subsection (6)(B) of this standard permit; and
  - (xi) type of fuel used to power engines authorized by this standard permit.
- (K) Owners or operators will document and report abatement equipment failure or visible emissions deviations in excess of paragraph (5)(B)(iii) in

accordance with 30 TAC Chapter 101, General Air Quality Rules as appropriate.

**(4) Public Notice**

The owner or operator shall follow the notice requirements in 30 TAC Chapter 39, Public Notice, unless a temporary concrete batch plant is exempted from public notice under 30 TAC § 116.178(b), Relocations and Changes of Location of Portable Facilities.

**(5) General Requirements**

- (A) Owners or operators shall vent all cement/flyash storage silos, weigh hoppers, and auxiliary storage tanks to a fabric/cartridge filter or to a central fabric/cartridge filter system except as allowed by subsection (10)(B).
- (B) Owners or operators shall maintain fabric or cartridge filters and collection systems by meeting all the following:
  - (i) operating them properly with no tears or leaks;
  - (ii) using filter systems (including any central filter system) designed to meet a minimum control efficiency of at least 99.5 percent at particle sizes of 2.5 microns and smaller;
  - (iii) meeting a performance standard of no visible emissions exceeding 30 seconds in any six-minute period as determined using United States Environmental Protection Agency (EPA) Test Method (TM) 22; and
  - (iv) sufficiently illuminating silo filter exhaust systems when cement or fly ash silos are filled during non-daylight hours to enable a determination of compliance with the visible emissions requirement in paragraph (5)(B)(iii) of this standard permit.
- (C) When transferring cement/flyash, owners or operators shall:
  - (i) totally enclose conveying systems to and from storage silos and auxiliary storage tanks, operate them properly, and maintain them with no tears or leaks; and
  - (ii) maintain the conveying system using a performance standard of no visible emissions exceeding 30 seconds in any six-minute period as determined using EPA TM 22, except during cement and flyash tanker connect and disconnect.
- (D) The owner or operator shall install an automatic shut-off or warning device on storage silos.

- (i) An automatic shut-off device on the silo shall shut down the loading of the silo or auxiliary storage tank prior to reaching its capacity during loading operations, in order to avoid adversely impacting the pollution abatement equipment or other parts of the loading operation.
  - (ii) If a warning device is used, it shall alert operators in sufficient time to prevent an adverse impact on the pollution abatement equipment or other parts of the loading operation. Visible warning devices shall be kept free of particulate build-up at all times.
  - (iii) Silo and auxiliary tank warning devices or shut-off systems shall be tested at least once monthly during operations and records shall be kept indicating test and repair results according to subsection (3)(J) of this standard permit. Silo and auxiliary tank loading and unloading shall not be conducted with inoperative or faulty warning or shut-off devices.
- (E) Owners or operators shall control emissions from in-plant roads and traffic areas at all times by:
- (i) watering them; or
  - (ii) treating them with dust-suppressant chemicals as described in the application of aqueous detergents, surfactants, and other cleaning solutions in the de minimis list; or
  - (iii) covering them with a material such as, (but not limited to), roofing shingles or tire chips and used in combination with (i) or (ii) of this subsection; or
  - (iv) paving them with a cohesive hard surface that is maintained intact and cleaned.
- (F) Owners or operators shall use water, dust-suppressant chemicals, or cover stockpiles, as necessary to minimize dust emissions.
- (G) Owners or operators shall immediately clean up spilled materials. To minimize dust emissions, owners or operators shall contain, or dampen spilled materials.
- (H) There shall be no visible fugitive emissions leaving the property. Observations for visible emissions shall be performed and recorded quarterly. The visible emissions determination shall be made during normal plant operations. Observations shall be made on the downwind property line for a minimum of six minutes. If visible emissions are observed, an evaluation must be accomplished in accordance with U.S. Environmental Protection Agency (EPA) Title 40 Code of Federal

Regulations Part 60 (40 CFR Part 60), Appendix A, TM 22, using the criteria that visible emissions shall not exceed a cumulative 30 seconds in duration in any six-minute period. If visible emissions exceed the Test Method 22 criteria, immediate action shall be taken to eliminate the excessive visible emissions. The corrective action shall be documented within 24 business hours of completion.

- (I) The owner or operator shall locate the concrete batch plant operating under this standard permit at least 550 feet from any crushing plant or hot mix asphalt plant. The owner or operator shall measure from the closest point on the concrete batch plant to the closest point on any other facility. If the owner or operator cannot meet this distance, then the owner or operator shall not operate the concrete batch plant at the same time as the rock crusher, concrete crusher, or hot mix asphalt plant.
- (J) When operating multiple concrete batch plants on the same site, the owner or operator shall comply with the appropriate site production limits specified in sections (8), (9), or (10) of this standard permit. If engines are being used for electrical power or equipment operations, then the site is limited to a total of 1,000 hp in simultaneous operation. There are no restrictions to engine operations if the engines will be on site for less than 12 consecutive months.
- (K) Concrete additives shall not emit volatile organic compounds (VOCs).
- (L) Any claim under this standard permit shall comply with:
  - (i) 30 TAC § 116.604, Duration and Renewal of Registrations to Use Standard Permits;
  - (ii) 30 TAC § 116.605(d)(I), Standard Permit Amendment and Revocation;
  - (iii) 30 TAC § 116.614;
  - (iv) the public notice processes established in THSC, § 382.055, Review and Renewal of Preconstruction Permit;
  - (v) the public notice processes established in THSC, § 382.056;
  - (vi) the contested case hearing and public notice requirements established in 30 TAC § 55.152(a)(2), Public Comment Period; and
  - (vii) the contested case hearing and public notice requirements established in 30 TAC § 55.201(h)(i)(C), Requests for Reconsideration or Contested Case Hearing.

## **(6) Engines**

- (A) This standard permit authorizes emissions from a stationary compression ignition internal combustion engine (or combination of engines) of no more than 1000 total horsepower.
- (B) Owners or operators of concrete batch plants that include a stationary compression ignition internal combustion engines shall comply with additional applicable engine requirements in 40 CFR 60 Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, 40 CFR 63, Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds, and any other applicable state or federal regulation.
- (C) Engine exhaust stacks shall be a minimum of eight feet tall.
- (D) Fuel for the engine shall be liquid fuel with a maximum sulfur content of no more than 0.0015 percent by weight and shall not consist of a blend containing waste oils or solvents.

**(7) Planned Maintenance, Startup, and Shutdown (MSS) Activities**

This standard permit authorizes operations including planned startup and shutdown emissions. Maintenance activities are not authorized by this standard permit and will need separate authorization, unless the activity can meet the conditions of 30 TAC § 116.119, De Minimis Facilities or Sources.

**(8) Additional Requirements for Temporary Concrete Plants**

- (A) The owner or operator shall limit site production to no more than 300 cubic yards in any one hour and no more than 6,000 cubic yards per day.
- (B) The owner or operator shall use a suction shroud or other pickup device at the batch drop point (drum feed for central mix plants) and vent it to a fabric or cartridge filter system operating with a minimum of 5,000 actual cubic feet per minute (acfm) of air.
- (C) For truck mix plants, the owner or operator shall shelter the drop point by an intact three-sided curtain, or equivalent dust control technology that extends below the mixer truck-receiving funnel.
- (D) The owner or operator shall maintain the following minimum plant buffer distances from any property line, except for temporary concrete plants approved to operate in the right of way of a public works project:

- (i) The suction shroud baghouse exhaust shall be at least 100 feet from any property line.
  - (ii) The owner or operator shall not locate or operate stationary equipment, stockpiles, or vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site) within 50 feet from any property line.
- (E) In lieu of meeting the buffer distance requirement for roads and stockpiles in subsection (8)(D) of this standard permit owners or operators shall:
  - (i) construct dust suppressing fencing or other barriers as a border around roads, other traffic areas and work areas;
  - (ii) construct these borders to a height of at least 12 feet; and
  - (iii) contain stockpiles within a three-walled bunker that extends at least two feet above the top of the stockpile.
- (F) The appropriate TCEQ regional office may approve, without the need of public notice referenced in section (4) of this standard permit, the relocations of a temporary concrete batch plant that has previously been determined by the commission to be in compliance with the technical requirements of the concrete batch plant standard permit version adopted at registration that provides the information listed under subsection (8)(G) and meets one of the following conditions:
  - (i) A registered portable facility and associated equipment are moving to a site for support of a public works project in which the proposed site is located in or contiguous to the right-of-way of the public works project; or
  - (ii) A registered portable facility is moving to a site in which a portable facility has been located at the site at any time during the previous two years and the site was subject to public notice.
- (G) For relocations meeting subsection (8)(F) of this standard permit, the owner or operator must submit to the regional office and any local air pollution control agency having jurisdiction at least 12 business days prior to locating at the site:
  - (i) The company name, address, company contact, and telephone number;
  - (ii) The regulated entity number (RN), customer reference number (CN), applicable permit or registration numbers, and if available, the TCEQ account number;

- (iii) The location from which the facility is moving (current location);
- (iv) A location description of the proposed site (city, county, and exact physical location description);
- (v) A scaled plot plan that identifies the location of all equipment and stockpiles, and also indicates that the required distances to the property lines can be met;
- (vi) A scaled area map that clearly indicates how the proposed site is contiguous or adjacent to the right-of-way of a public works project (if required);
- (vii) The proposed date for start of construction and expected date for start of operation;
- (viii) The expected time period at the proposed site;
- (ix) The permit or registration number of the portable facility that was located at the proposed site any time during the last two years, and the date the facility was last located there. This information is not necessary if the relocation request is for a public works project that is contiguous or adjacent to the right-of-way of a public works project; and
- (x) Proof that the proposed site had accomplished public notice, as required by 30 TAC Chapter 39. This proof is not necessary if the relocation request is for a public works project that is contiguous or adjacent to the right-of-way of a public works project.

**(9) Additional Requirements for Permanent Concrete Plants**

- (A) The owner or operator shall limit site production to no more than 300 cubic yards in any one hour and no more than 6,000 cubic yards per day.
- (B) The owner or operator shall install a suction shroud or other pickup device at the batch drop point (drum feed for central mix plants) and vent it to a fabric/cartridge filter system with a minimum of 5,000 acfm.
- (C) For truck mix plants, the owner or operator shall shelter the drop point by an intact three-sided curtain, or equivalent dust control technology that extends below the mixer truck-receiving funnel.
- (D) The owner or operator shall maintain the following minimum plant buffer distances from any property line:
  - (i) The suction shroud baghouse exhaust shall be at least 100 feet from any property line;

- (ii) The owner or operator shall not locate or operate stationary equipment, stockpiles, or vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and exit to the site), within 50 feet from any property line.
- (E) In lieu of meeting the buffer distance requirements for roads and stockpiles of paragraph (9)(D)(ii) of this standard permit, the owner or operator shall:
  - (i) construct dust suppressing fencing or other barriers as a border around roads, other traffic areas, and work areas;
  - (ii) construct these borders to a height of at least 12 feet; and
  - (iii) contain stockpiles within a three-walled bunker that extends at least two feet above the top of the stockpile.
- (F) The owner or operator shall pave all entry and exit roads and main traffic routes associated with the operation of the concrete batch plant (including batch truck and material delivery truck roads) with a cohesive hard surface that can be maintained intact and shall be cleaned. All batch trucks and material delivery trucks shall remain on the paved surface when entering, conducting primary function, and leaving the property. The owner or operator shall maintain other traffic areas using the control requirements of subsection(5)(E) of this standard permit.

**(10) Additional Requirements for Specialty Concrete Batch Plants**

- (A) The owner or operator shall limit site production to no more than 30 cubic yards per hour.
- (B) As an alternative to the requirement in subsection (5)(A) of this standard permit, the owner or operator may vent the cement/fly ash weigh hopper inside the batch mixer.
- (C) The owner or operator shall control dust emissions at the batch mixer feed so that no outdoor visible emissions occur by one of the following:
  - (i) using a suction shroud or other pickup device delivering air to a fabric or cartridge filter;
  - (ii) using an enclosed batch mixer feed; or
  - (iii) conducting the entire mixing operation inside an enclosed process building.
- (D) The owner or operator shall not operate vehicles used for the operation of the concrete batch plant (except for incidental traffic and the entrance and

exit to the site) within a minimum buffer distance of 25 feet from any property line.

- (E) In lieu of meeting the buffer distance requirement for roads and other traffic areas in subsection (10)(D) of this standard permit, owners or operators shall:
- (i) construct dust suppressing fencing or other barriers as a border around roads, other traffic areas, and work areas; and
  - (ii) construct these barriers borders to a height of at least 12 feet.

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
*Protecting Texas by Reducing and Preventing Pollution*

October 22, 2015

MR CRAIG SNELL  
PRESIDENT  
GOLDEN SPREAD REDI-MIX INC  
PO BOX 31660  
AMARILLO TX 79120-1660

FILED  
On: Oct 30, 2015 at 12:38P

Re: Registration under an Air Quality Standard Permit for Concrete Batch Plants - 124320  
Air Quality Registration Number: 112904LO06  
Golden Spread Redi-Mix, Inc.  
Concrete Batch Plant  
Del Rio, Val Verde County  
Regulated Entity Number: RN106315484  
Customer Reference Number: CN600134712

Generosa Gracia-Ramon  
County Clerk, Val Verde County, TX  
By: *[Signature]* Deputy

Dear Mr. Snell:

The executive director has made a preliminary decision on the above-referenced application. In accordance with Title 30 Texas Administrative Code § 39.419(b), you are now required to publish Notice of Application and Preliminary Decision. You must provide a copy of this preliminary decision letter with the draft permit at the public place referenced in the public notice.

If you have any questions, please call Mr. Donald D. Nelson at (512) 239-0894, or write to the Texas Commission on Environmental Quality, Office of Air, Air Permits Division, MC-163, P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,

Handwritten signature of Stephanie Reagan in cursive.

Stephanie Reagan, P.E., Manager  
Mechanical/Agricultural/Construction New Source Review Permits Section  
Air Permits Division  
Texas Commission on Environmental Quality

SR/ddn

Enclosure

cc: Air Section Manager, Region 16 - Laredo

Project Number: 242341

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



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October 22, 2015

MR CRAIG SNELL  
PRESIDENT  
GOLDEN SPREAD REDI-MIX INC  
PO BOX 31660  
AMARILLO TX 79120-1660

Re: Registration under an Air Quality Standard Permit for Concrete Batch Plants  
Air Quality Registration Number: 112904L006  
Golden Spread Redi-Mix, Inc.  
Concrete Batch Plant  
Del Rio, Val Verde County  
Regulated Entity Number: RN106315484  
Customer Reference Number: CN600134712

Dear Mr. Snell:

The executive director has completed the technical review of your application and has prepared a preliminary decision.

You are now required to publish notice of your proposed activity. To help you meet the regulatory requirements associated with this notice, we have included the following items:

- Notices for Newspaper Publication (Examples A)
- Public Notice Checklist
- Instructions for Public Notice
- Affidavit of Publication for Air Permitting (Form TCEQ-20533) and Alternative Language Affidavit of Publication for Air Permitting (Form TCEQ-20534)
- Web link to download Public Notice Verification Form (refer to Public Notice Instructions)
- Notification List
- Standard Permit General Conditions
- Air Quality Standard Permit for Concrete Batch Plants

Please note that it is **very important** that you follow **all** directions in the enclosed instructions. If you do not, you may be required to republish the notice. A common mistake is the unauthorized changing of notice wording or font. If you have any questions, please contact us before you proceed with publication.

A "Public Notice Checklist" is enclosed which notes the time limitations for each step of the public notice process. **The processing of your application may be delayed if these time limitations are not met (i.e.; submitting proof of publication of the notice within**