

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Martin A. Hubert, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 29, 2006

Mr. Steven G. Burrows
Chief Environmental Programs
US Department of The Army
IMSW-HOD-PWE
Building 4219 at 77th and Warehouse Avenue
Fort Hood, Texas 76544-5057

Re: Permit by Rule Registration Number: 79669
Rock Crusher Operations
Fort Hood, Bell County
Regulated Entity Number: RN101612083
Customer Reference Number: CN600126262

Dear Mr. Burrows:

This is in response to your Form PI-7, entitled "Registration for Permits by Rule," concerning the rock crushing operation located near the intersection of Turkey Run Road and Clark Road off of US Highway 190 west of Killeen in Fort Hood, Bell County. We understand that you will be operating a PowerMaster rock crusher 6 hours a day, 4 days a week, and 50 weeks a year. You have represented the emissions from the rock crusher operations to be 0.64 tons per year (tpy) of particulate matter less than or equal to 10 microns in diameter and 1.31 tpy of total suspended particulate matter.

After evaluation of the information which you have furnished, we have determined that your construction is authorized under Title 30 Texas Administrative Code § 106.142 (30 TAC § 106.142) if constructed and operated as described in your registration request. This permit by rule was authorized by the Texas Commission on Environmental Quality (TCEQ) pursuant to 30 TAC Chapter 106.

A copy of the permit by rule in effect at the time of this registration is enclosed. You must construct facilities in accordance with the version of the permit by rule in effect when construction actually begins [see 30 TAC § 106.4(a)(5)]. After completion of the construction, the facility shall be operated in compliance with all the applicable conditions of the claimed permit by rule and 30 TAC § 106.4.

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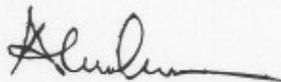
Re: Permit by Rule Registration Number: 79669

You are reminded that regardless of whether a permit is required, these facilities must be in compliance with all rules and regulations of the TCEQ and of the U.S. Environmental Protection Agency at all times.

Your cooperation in this matter is appreciated. If you have any questions concerning this permit by rule, please contact Ms. Julia Steger at (512) 239-1542 or write to the Texas Commission on Environmental Quality, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-163), P.O. Box 13087, Austin, Texas 78711-3087.

This action is authorized on behalf of the TCEQ Executive Director.

Sincerely,



Anne M. Inman, P.E., Manager
General/Standard/Rule (GSR) Permit Section
Air Permits Division
Texas Commission on Environmental Quality

AMI/JAS/alb

Enclosure

cc: Air Section Manager, Region 9 - Waco

Project Number: 124186

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TITLE 30

ENVIRONMENTAL QUALITY

PART 1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 106

PERMITS BY RULE

SUBCHAPTER E

AGGREGATE AND PAVEMENT

RULE §106.142

Rock Crushers

Any rock crusher with a maximum rated capacity of 200 tons per hour or less that operates according to the following conditions of this section is permitted by rule:

- (1) operating schedule of the plant does not exceed 1,600 hours per year;
- (2) all in-plant haul roads and stockpiles are sprinkled with water and/or chemicals as necessary to achieve maximum control of dust emissions;
- (3) water sprays are located at all belt transfer points, shaker screens, and inlet and outlet of all crushers and used as necessary to achieve maximum control of dust emissions;
- (4) the plant is located at least 1/2 mile from any recreational area or residence or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located;
- (5) the plant is located at least 1,000 feet from any state or federal highway not currently under maintenance or construction;
- (6) before construction of the facility begins, written site approval is received from the executive director and the facility shall be registered with the commission using Form PI-7, including a current Table 17.

Source Note: The provisions of this §106.142 adopted to be effective March 14, 1997, 22 TexReg 2439; amended to be effective September 4, 2000, 25 TexReg 8653

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TITLE 30**ENVIRONMENTAL QUALITY****PART 1****TEXAS COMMISSION ON ENVIRONMENTAL QUALITY****CHAPTER 106****PERMITS BY RULE****SUBCHAPTER A****GENERAL REQUIREMENTS****RULE §106.4****Requirements for Permitting by Rule**

(a) To qualify for a permit by rule, the following general requirements must be met.

(1) Total actual emissions authorized under permit by rule from the facility shall not exceed 250 tons per year (tpy) of carbon monoxide (CO) or nitrogen oxides (NO_x); or 25 tpy of volatile organic compounds (VOC) or sulfur dioxide (SO₂) or inhalable particulate matter (PM₁₀); or 25 tpy of any other air contaminant except carbon dioxide, water, nitrogen, methane, ethane, hydrogen, and oxygen.

(2) Any facility or group of facilities, which constitutes a new major stationary source, as defined in §116.12 of this title (relating to Nonattainment Review Definitions), or any modification which constitutes a major modification, as defined in §116.12 of this title, under the new source review requirements of the Federal Clean Air Act (FCAA), Part D (Nonattainment) as amended by the FCAA Amendments of 1990, and regulations promulgated thereunder, must meet the permitting requirements of Chapter 116, Subchapter B of this title (relating to New Source Review Permits) and cannot qualify for a permit by rule under this chapter. Persons claiming a permit by rule under this chapter should see the requirements of §116.150 of this title (relating to New Major Source or Major Modification in Ozone Nonattainment Areas) to ensure that any applicable netting requirements have been satisfied.

(3) Any facility or group of facilities, which constitutes a new major stationary source, as defined in 40 Code of Federal Regulations (CFR) §52.21, or any change which constitutes a major modification, as defined in 40 CFR §52.21, under the new source review requirements of the FCAA, Part C (Prevention of Significant Deterioration) as amended by the FCAA Amendments of 1990, and regulations promulgated thereunder, must meet the permitting requirements of Chapter 116, Subchapter B of this title and cannot qualify for a permit by rule under this chapter.

(4) Unless at least one facility at an account has been subject to public notification and comment as required in Chapter 116, Subchapter B or Subchapter D of this title (relating to New Source Review Permits or Permit Renewals), total actual emissions from all facilities permitted by rule at an account shall not exceed 250 tpy of CO or NO_x; or 25 tpy of VOC or SO₂ or PM₁₀; or 25 tpy of any other air contaminant except carbon dioxide, water, nitrogen, methane, ethane, hydrogen, and oxygen.

(5) Construction or modification of a facility commenced on or after the effective date of a revision of this section or the effective date of a revision to a specific permit by rule in this chapter must meet the revised requirements to qualify for a permit by rule.

(6) A facility shall comply with all applicable provisions of the FCAA, §111 (Federal New Source Performance Standards) and §112 (Hazardous Air Pollutants), and the new source review requirements of the FCAA, Part C and Part D and regulations promulgated thereunder.

(7) There are no permits under the same commission account number that contain a condition or

conditions precluding the use of a permit by rule under this chapter.

(8) The proposed facility or group of facilities shall obtain allowances for NO_x if they are subject to Chapter 101, Subchapter H, Division 3 of this title (relating to Mass Emissions Cap and Trade Program).

(b) No person shall circumvent by artificial limitations the requirements of §116.110 of this title (relating to Applicability).

(c) The emissions from the facility shall comply with all rules and regulations of the commission and with the intent of the TCAA, including protection of health and property of the public, and all emissions control equipment shall be maintained in good condition and operated properly during operation of the facility.

(d) Facilities permitted by rule under this chapter are not exempted from any permits or registrations required by local air pollution control agencies. Any such requirements must be in accordance with TCAA, §382.113 and any other applicable law.

Source Note: The provisions of this §106.4 adopted to be effective November 15, 1996, 21 TexReg 10881; amended to be effective April 7, 1998, 23 TexReg 3502; amended to be effective September 4, 2000, 25 TexReg 8653; amended to be effective March 29, 2001, 26 TexReg 2396

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