

Fact and Rationale Document



For Class II General Permit Number G50-B for the Construction, Modification, Relocation, Administrative Update, Operation and Prevention and Control of Air Pollution from the Operation of Concrete Batch Plants Under 45CSR13

This Fact and Rationale Document serves to address the changes specific to Class II General Permit G50-B and shall be considered a supplement to the original Fact Sheet corresponding with the issuance of the initial General Permit issued on April 19, 2000.

Permit Number: **G50-B**

Revised

Description of Activity

Eligible concrete batch plants will have a NAICS code of 327320 (SIC 3273) or 327331 (SIC 3271) and shall manufacture truck-mixed or central-mixed Portland cement concrete (ready mix), concrete block, concrete brick and/or grout. This Class II General Permit is being updated to reflect rule changes promulgated in 2000 and 2003 and to allow the registration of up to three (3) separate locations.

County

Any West Virginia county except for any concrete batch plant located within the boundaries of or which may significantly impact any nonattainment area.

Sources and Estimation of Emissions

Sources of emissions at eligible concrete batch plants include but are not limited to: systems for loading, transferring and storing sand, aggregate, cement and allowable materials such as feed hoppers, conveyors, stockpiles, front-end loaders; elevators, pneumatic cement, flyash or additive transfer systems, storage structures, bins and silos; weigh hoppers, central mixers, storage tanks, particulate matter capture systems, air pollution control devices and fugitive dust control systems; paved and unpaved haulroads; work, casting, storage and parking areas. An estimate of criteria pollutant emissions shall be submitted with each Class II General Permit *Registration Application* on an *Emission Summary Sheet*.

Rationale

Authority. This Class II General Permit is issued in accordance with West Virginia air pollution control law W.Va. Code §§22-5-1 et seq. and the following Legislative Rules promulgated thereunder:

- a. 45CSR7 - *To Prevent and Control Particulate Air Pollution from Manufacturing Process Operations;*
- b. 45CSR13 - *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation.* Pursuant to 45CSR13, the Director may issue Class II General Permits involving the same or similar processes or pollutants;
- c. 45CSR17 – *To Prevent and Control Particulate Air Pollution from Materials Handling, Preparation, Storage and Sources of Fugitive Particulate Matter;* and
- d. 45CSR22 - *Air Quality Management Fee Program.*

As provided in 45CSR13, the Director may issue Class II General Permits involving the same or similar processes or pollutants. For eligible applicants and/or registrants, Class II General Permit registration satisfies the construction, modification, relocation and operating permit requirements of 45CSR7, 45CSR13 and 45CSR17.

Purpose. The purpose of this Class II General Permit is to authorize the construction, modification and relocation of eligible concrete batch plants through a Class II General Permit registration process. The requirements, provisions, standards and conditions of this Class II General Permit address the prevention and control of particulate matter (PM) emissions from the operation of registered concrete batch plants.

History. General permits have provided state environmental agencies, EPA and the regulated community with an efficient permitting mechanism since the early 1990s. WVDEP has operated a Division of Air Quality general permitting program since 1997.

Projection. When the Director determines a submitted *Registration Application* is administratively and technically complete; the proposed construction, modification and/or operation of a concrete batch plant demonstrates eligibility and compliance with the requirements, provisions, standards and conditions of the Class II General Permit, the Director will grant Class II General Permit registration authorizing the proposed activity.

Term and Renewal

1. The issued Class II General Permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR7, 45CSR13, 45CSR17 or any other applicable legislative rule;
2. Class II General Permit registration granted by the Director shall remain valid, continuous and in effect unless it is suspended or revoked by the Director or is subject to action or change as described above; and
3. The Director shall review and may renew, reissue or revise the issued Class II General Permit for cause. The Director shall define the terms and conditions under which existing General Permit registrations will be eligible for registration under a renewed, reissued or revised Class II General Permit and provide written notification to all General Permit registrants (or applicants). This notification shall also describe the registrant's (or applicant's) duty or required action and may include a request for any additional information that may be required by any proposed Class II General Permit renewal, reissuance or revision.

Eligibility and Registration

All concrete batch plants with a NAICS code of 327320 (SIC 3273) or 327331 (SIC 3271) are eligible for Class II General Permit registration except for:

1. Any concrete batch plant which is a major source as defined in 45CSR14, 45CSR19 or 45CSR30;

2. Any concrete batch plant, facility or equipment that is subject to the requirements of 45CSR2, 45CSR3, 45CSR14, 45CSR16, 45CSR19 or 45CSR30;
3. Any cement manufacturing plant (NAICS 327310; SIC 3241), concrete pipe manufacturing plant (NAICS 327332; SIC 3272) or clay brick or structural clay tile manufacturing plant (NAICS 327121; SIC 3251);
4. Any facility which does not meet the definition of *concrete batch plant* set forth in DRAFT Class II General Permit G50-B;
5. Any concrete batch plant which incorporates:
 - a. A mine, quarry or crushing and screening operation (excepting fresh or plastic ready mix concrete wet sieve reclaiming or recycling equipment);
 - b. A highwall truck dump;
 - c. A petroleum liquid storage vessel or tank greater than or equal to 151 m³ (39,889 gallons) capacity; or
 - d. A petroleum liquid storage vessel or tank greater than or equal to 75 m³ (19,812 gallons) capacity and a working true vapor pressure which exceeds 15.0 kPa (2.17 psia);
6. Any concrete batch plant which will require an individual air quality permit review process and/or individual permit provisions to address the emission of a regulated pollutant or to incorporate regulatory requirements other than those established by 45CSR7, 45CSR13 and 45CSR17;
7. Any concrete batch plant located in or which may significantly impact the area of Brooke County west of State Route 2, north of an extension of the southern boundary of Steubenville Township in Jefferson County, Ohio and south of the Market Street Bridge;
8. Any concrete batch plant located within the boundaries of or which may significantly impact the Weirton nonattainment area; or
9. Any concrete batch plant located in or which may significantly impact an area which has been determined to be a PM₁₀ maintenance or nonattainment area.

Regulatory Applicability

State:	45CSR7	<i>To Prevent and Control Particulate Air Pollution from Manufacturing Process Operations;</i>
	45CSR13	<i>Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation;</i>
	45CSR17	<i>To Prevent and Control Particulate Air Pollution from Materials Handling, Preparation, Storage and Sources of Fugitive Particulate Matter; and</i>
	45CSR22	<i>Air Quality Management Fee Program.</i>
Federal:	None.	

Air Quality Impact Analysis

Air dispersion modeling will be performed when the Director finds existing circumstances and/or submitted data provide cause for an assessment to be made concerning whether a specific concrete batch plant may interfere with attainment or maintenance of an applicable ambient air quality standard or cause or contribute to a violation of an applicable air quality increment from any proposed Class II General Permit registration action. Factors to be considered when determining whether an ambient air assessment would be made include:

- a. Existing air quality of the area;
- b. Topographic or meteorological factors;
- c. Maximum emissions; and
- d. Siting criteria.

Non-Criteria Regulated Pollutants

As primary pollutants are particulate matter (PM), any concrete batch plant granted Class II General Permit registration by the Director should not emit hazardous or toxic pollutants.

Public Comment Period

The West Virginia Department of Environmental Protection Division of Air Quality (DAQ) is providing notice to the general public of its intent to issue a Class II General Permit for the Construction, Modification, Relocation and Prevention and Control of Air Pollution from the Operation of Concrete Batch Plants pursuant to WV Legislative Rules 45CSR7, 45CSR13 and 45CSR17.

Provided that the applicant or registrant can demonstrate compliance with the requirements, provisions, standards and conditions of this Class II General Permit, the DAQ has determined that all state air quality requirements will be met by any registered concrete batch plant. Any concrete batch plant granted Class II General Permit registration by the Director shall not have a potential to emit of any criteria pollutant in an amount equal to or greater than 100 tons per year.

The public may provide written comments regarding this DRAFT Class II General Permit to the Division of Air Quality during the period from July 10, 2003 to August 8, 2003. **All written comments pursuant to this notice must be received by the DAQ within thirty (30) days of the date of publication of this notice.** Based upon the significance of any written comments received addressing the subject of this notice, the Director of the DAQ may elect to hold a public meeting to receive further public comment. Prior to taking any final action on this permitting issue, the DAQ will consider only those written comments relevant to air quality issues which this Division has jurisdiction. Such written comments must be received within the specified time frame and at the address below.

This notice provides an opportunity for the public to review the DRAFT Class II General Permit and Fact and Rationale Document. In the event you wish to submit written comments addressing this permitting action, include your name, a return address, and a daytime telephone number and indicate any organization on behalf of which your comments are submitted. If, in your written comment you request that a public meeting be held to discuss this permitting action, please state the specific air quality issue(s) which you feel requires additional evaluation by this Division. All public comments are a part of the public record and are available for inspection by any interested party.

Copies of the DRAFT Class II General Permit and Fact and Rationale Document are available for public review at the following location between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, holidays excluded, unless otherwise noted below:

West Virginia Department of Environmental Protection
Division of Air Quality
7012 MacCorkle Avenue, SE
Charleston, WV 25304-2943
Contact: B. Brian Beaver
(304) 926-3727
www.dep.state.wv.us

Comment Period

Beginning Date: July 10, 2003
Ending Date: August 8, 2003

All written comments should be addressed to the following individual and office:

B. Brian Beaver
General Permits Coordinator
West Virginia Department of Environmental Protection
Division of Air Quality
7012 MacCorkle Avenue, SE

Charleston, WV 25304-2943

When to Apply

After the effective date of the Class II General Permit, an owner or operator may submit a Class II General Permit *Registration Application* for construction, modification, relocation and/or operation of any eligible or proposed concrete batch plant in lieu of submitting a individual permit application pursuant to 45CSR7, 45CSR13 and 45CSR17.

Point of Contact

Comments and questions concerning the proposed Class II General Permit should be addressed to the following office and individual:

B. Brian Beaver
West Virginia Department of Environmental Protection
Division of Air Quality
7012 MacCorkle Avenue, SE
Charleston, WV 25304-2943
Telephone: (304) 926-3727
Fax: (304) 926-3739