



Air Pa / RN 106906753 /
114119 / Pa / 12-16-2013 /
public notice

Texas Commission on Environmental Quality
Public Notice Verification Form
Air Quality Standard Permit for
Permanent Rock and Concrete Crushers

Applicant Name: Black Jack Energy Services, LLC

Site or Facility Name: MCCLOSKEY CRUSHER SN 80751

TCEQ Account Number (if applicable):

Registration Number: 114119

Regulated Entity Number (RN): 106906753

Customer Number (CN): 604366682

All applicants must **complete all applicable** portions of this form. Send this completed form to the TCEQ to the attention of the Office of the Chief Clerk **within 10 business days after the end of the designed comment period**. For more information regarding public notice, refer to the instructions in the public notice package.

Alternative Language Checklist

I have contacted the appropriate school district.

☒ Yes ☐ No

School District: Synder ISD

Phone Number: 325-574-8900

Person Contacted: Mr. Jeff Northen

Date: October 7, 2013

Is a bilingual education program (BEP) required by the Texas Education Code in the district?

☐ Yes ☒ No

If answer is "NO" skip to first question in verification box on next page.

(Note: A BEP is different from "English as a Second Language" (ESL) program; and Elementary/Middle schools that only offer ESL will not trigger notice in an alternative language.)

Notice in an alternative language is required if a BEP **is required** in the District, and **one** of the following conditions is met:

1. students in the elementary or middle school nearest the facility are enrolled in a program at that school;

☐ Yes ☐ No

2. students from the elementary or middle school nearest the facility attend a BEP at another location; or

☐ Yes ☐ No

3. the school district that otherwise would be required to provide a BEP has been granted an exception from the requirements to provide the program, as provided for in 19 Texas Administrative Code 89.1207(a).

☐ Yes ☐ No

If the answer is "NO" to **1, 2, and 3 above**, then alternative language notice **is not required**.

The name of the elementary school nearest to the proposed or existing facility is: Snyder Elementary School

The name of the middle school nearest to the proposed or existing facility is:

Snyder Intermediate School

The following language(s) is/are utilized in the bilingual program:

If notice in an alternative language is required, then applicants must publish alternative language notice(s) and post alternative language sign(s), as outlined in the Instruction for Public Notice and certify compliance with those requirements on this form.

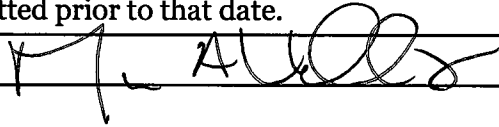


**Texas Commission on Environmental Quality
Public Notice Verification Form
Air Quality Standard Permit for
Permanent Rock and Concrete Crushers**

| | |
|---|---|
| Applicant Name: Black Jack Energy Services, LLC | |
| Site or Facility Name: MCCLOSKEY CRUSHER SN 80751 | |
| TCEQ Account Number (if applicable): | Registration Number: 114119 |
| Regulated Entity Number (RN): 106906753 | Customer Number (CN): 604366682 |
| For more information regarding public notice, refer to the instructions in the public notice package. | |
| Alternative Language Verification | |
| 1. A BEP is required by the Texas Education Code in the area addressed by this permit application and is subject to alternative language public notice requirements. If "NO" skip 2 through 5 and complete signature, title, date, and name of applicant. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2. The applicant has conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located (or proposed to be located). | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. A newspaper or publication could not be found in any of the alternative language(s) in which notice is required. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. The publishers of the newspaper listed below refused to publish the notice as requested, and another newspaper or publication in the same language and of general circulation could not be found in the municipality or county in which the facility is located (or proposed to be located). | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| Newspaper: | Language: |
| 5. Proof of publication of the newspaper alternative language notice(s) and the requested affidavits have been sent to the TCEQ. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 6. Alternative language signs were posted as required by the TCEQ | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| This form must be signed and dated by a designated representative acting on behalf of the applicant after the end of the designated comment period. Send this completed form to the TCEQ to the attention of the Office of the Chief Clerk within 10 business days after the end of the designated comment period. The TCEQ will not accept this form if submitted prior to that date. | |
| Verified by (signature): Monique Wells, CIC Environmental, LLC | |
| Applicant: Black Jack Energy Services, LLC | |
| Title: Environmental Consultant | Date: December 16, 2013 |

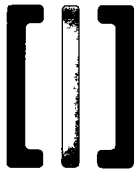


**Texas Commission on Environmental Quality
Public Notice Verification Form
Permanent Rock and Concrete Crushers**

| | |
|---|---|
| Applicant Name: Black Jack Energy Services, LLC | |
| Site or Facility Name: MCCLOSKEY CRUSHER SN 80751 | |
| TCEQ Account Number (if applicable): | Registration Number: 114119 |
| Regulated Entity Number (RN): 106906753 | Customer Number (CN): 604366682 |
| For more information regarding public notice, refer to the instructions in the public notice package. | |
| Air Quality Standard Permit Public Notice Verification | |
| 1. Require signs were posted in accordance with the regulations and instruction of the TCEQ. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Proof of publication of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instructions of the TCEQ | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| This form must be signed and dated by a designated representative acting on behalf of the applicant <u>after the end of the designated comment period</u>. Send this completed form to the TCEQ to the attention of the Office of the Chief Clerk <u>within 10 business days after the end of the designated comment period</u>. The TCEQ will not accept this form if submitted prior to that date. | |
| Verified by (<i>signature</i>): Monique Wells, CIC Environmental, LLC |  |
| Applicant: Black Jack Energy Services, LLC | |
| Title: Environmental Consultant | Date: December 16, 2013 |

PRINT FORM

RESET FORM



CIC Environmental

December 16, 2013

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

RE: Black Jack Energy Services, LLC
Customer Number: CN604366682
Permit Number: 114119
Public Notice Verification Form

Dear Chief Clerk:

Please find enclosed the original TCEQ Public Notice Verification form for Black Jack Energy Services, LLC. The English notice was published in the Snyder Daily News newspaper on November 11, 2013. The nearest schools to the facility do not require a BEP; therefore no notice was published in Spanish.

English and Spanish signs were posted in accordance to the instructions for the public notice and will remain in place throughout the public notice period.

Please contact me with any questions or comments at (512) 292-4314.

Sincerely,

Monique A. Wells
Environmental Consultant

cc: Mr. Lonny Hergert, Black Jack Energy Services, LLC
U. S. Environmental Protection Agency, Regional Administrator - Region 6
Ms. Bonnie Evridge, TCEQ, Office of Permitting, Remediation, and Registration (MC-163)
Mr. Mike Taylor, Air Program Section Manager, TCEQ Region 3 - Abilene

CHIEF CLERK'S OFFICE

2013 DEC 16 PM 4:47

OFFICE OF THE CHIEF CLERK
TCEQ

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

Applicant Name: Black Jack Energy Services, LLC

Permit No.: 114119

Notice of Application for an Air Quality Standard Permit for
Permanent Rock and Concrete Crushers

AFFIDAVIT OF PUBLICATION FOR AIR PERMITTING

STATE OF TEXAS

§

COUNTY OF SCURRY

§

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

Bill Crist

(name of person representing newspaper)

deposes and says that (s)he is the Publisher

(title of person representing newspaper)

of the Snyder Daily News

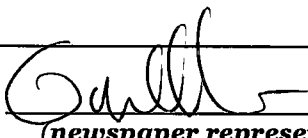
(name of newspaper)

in Snyder

(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):

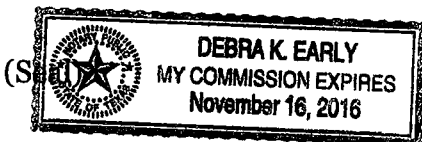
November 11, 2013



(newspaper representative's signature)

Subscribed and sworn to before me this the 14th day of November, 2013,

to certify which witness my hand and seal of office.



DEBRA K EARLY
Notary Public in and for the State of Texas


Print or Type Name of Notary Public

NOVEMBER 16, 2016
My Commission Expires

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**NOTICE OF APPLICATION FOR AN AIR QUALITY STANDARD PERMIT FOR
PERMANENT ROCK AND CONCRETE CRUSHERS****PROPOSED AIR QUALITY REGISTRATION NUMBER 114119**

APPLICATION. Black Jack Energy Services, LLC, 806 Matt Loop Road, Big Spring, Texas 79720-7074 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit, Registration Number 114119, which would authorize construction of a permanent rock crusher. The facility is proposed to be located near Fluvanna, Scurry County, Texas 79517. The following driving directions were provided: located 4.85 miles north of Fluvanna from the intersection of Farm-to-Market Road 612 and Farm-to-Market Road 1269 on the east side of Farm-to-Market Road 1269. 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=32.959166&lng=-101.143611&zoom=13&type=r>. This application was submitted to the TCEQ on October 10, 2013. The executive director has determined the application was technically complete on October 17, 2013.

PUBLIC COMMENT. Written public comments about this application may be submitted at any time during the public comment period. You may submit public comments either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at

www.tceq.texas.gov/about/comments.html. If you choose to 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. The deadline to submit public comments is 30 days after newspaper notice is published.

RESPONSE TO COMMENTS. A written response to all relevant comments will be prepared by the executive director after the comment period closes. The response, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments and requested to be added to the mailing list. The response to comments will be posted in the permit file for viewing.

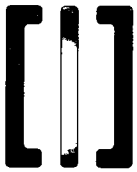
The executive director shall approve or deny the application not later than 30 days after the end of the public comment period, considering all comments received within the comment period, and base this decision on whether the application meets the requirements of the standard permit.

CENTRAL/REGIONAL OFFICE. The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Abilene Regional Office, located at 1977 Industrial Blvd, Abilene, Texas 79602-7833, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, beginning the first day of publication of this notice.

INFORMATION. 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 Black Jack Energy Services, LLC, 806 Matt Loop Road, Big Spring, Texas 79720-7074, or by calling Ms. Monique Wells, Environmental Consultant, CIC Environmental, LLC at (512) 292-4314.

Notice Issuance Date: October 22, 2013



CIC Environmental

December 2, 2013

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

CHIEF CLERK'S OFFICE

NOV 29 - 2 PM 4:38

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY

RE: Black Jack Energy Services, LLC
Customer Number: CN604366682
Permit Number 114119
Affidavit Form and Tear Sheet of Publication

Dear Chief Clerk:

Please find enclosed the TCEQ's original affidavit form and full-page tear sheet of the publication for Black Jack Energy Services, LLC as required. The English notice was published in the Snyder Daily News on November 11, 2013.

English and Spanish signs were posted in accordance to the instructions for the public notice and will remain in place throughout the public notice period.

Please contact me with any questions or comments at (512) 292-4314.

Sincerely,

Monique A. Wells
Environmental Consultant

cc: Mr. Lonny Hergert, Black Jack Energy Services, LLC
U. S. Environmental Protection Agency, Regional Administrator - Region 6
Mr. Don Nelon, TCEQ, Office of Permitting, Remediation, and Registration
Mr. Michael Taylor, Air Program Section Manager, TCEQ Region 3 – Abilene

THE HONORABLE ROBERT DUNCAN
TEXAS SENATE
DISTRICT 28 ROOM 3E.10
TEXAS STATE CAPITOL
Robert.duncan@senate.state.tx.us

THE HONORABLE CHARLES PERRY
TEXAS HOUSE OF REPRESENTATIVES
DISTRICT 083 ROOM E1.418
TEXAS STATE CAPITOL
charles.perry@house.state.tx.us

10/25/13

Legislative

1 of 2

COLORADO RIVER MUNICIPAL WATER
PO BOX 869
BIG SPRING TX 79721-0869

SCURRY COUNTY JUDGE
COUNTY COURTHOUSE
1806 25TH ST STE 200
SNYDER TX 79549-2515

PUBLIC HEALTH REGION 2/3
TEXAS DEPARTMENT OF STATE HEALTH
1301 S BOWEN RD STE 200
ARLINGTON TX 76013-2262

US ARMY CORPS OF ENGINEERS REG
CESWS-PER-R
PO BOX 17300
FORT WORTH TX 76102-0300

FIELD SUPERVISOR
US FISH & WILDLIFE SERVICE
STE 140
2005 NE GREEN OAKS BLVD
ARLINGTON TX 76006-2601

WEST CENTRAL TEXAS COUNCIL OF
3702 LOOP 322
ABILENE TX 79602-7300

CINDY NIX DIRECTOR
SCURRY COUNTY HEALTH OFFICER
911 26TH ST
SNYDER TX 79549-2801

LAURALEE VALLON GENERAL CO
BRAZOS RIVER AUTHORITY
4600 COBBS DR
PO BOX 7555
WACO TX 76714-7555

County Officials

R W CARTER
RICHARD W CARTER ASSOCIATES
PO BOX 903
MINEOLA TX 75773-0903

BUCHANAN EASLEY
4020 SUMMIT CT
FAIRVIEW TX 75069-1183

SUSAN MECKEL
LOWER COLORADO RIVER AUTHORITY
PO BOX 220
AUSTIN TX 78767-0220

10/25/13

IP/Prot5.

2 of 2

Sloane Deabay

From: Don Nelon
Sent: Friday, October 25, 2013 5:25 AM
To: Sloane Deabay
Subject: Air Permit 114119

Your right,

Sometime within the last few days the RN has been changed to RN106906753. The RN change does not affect the notice so an amended will not be required.

Don Nelon
Mech Ag/Const Team
Tel: 512-239-0894
Fax: 512-239-7130

Bryan W. Shaw, Ph.D., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 22, 2013

MR LONNY HERGERT
MANAGING PARTNER
BLACK JACK ENERGY SERVICES LLC
806 MATT LOOP RD
BIG SPRING TX 79720-7074

Re: Declaration of Technical Completeness
Registration for an Air Quality Standard Permit for Permanent Rock and Concrete
Crushers
Air Quality Registration Number: 114119
Permanent Rock Crusher
Fluvanna, Scurry County
Customer Reference Number: CN604366682
Regulated Entity Number: RN106925621

Dear Mr. Hergert:

We have declared the above-referenced application, received on October 10, 2013, technically complete on October 17, 2013.

You are now required to publish notice of your proposed activity within **30 calendar days** from the date of this letter. To help you meet the regulatory requirements associated with this notice, we have included the following items:

- Notice for Newspaper Publication
- Sign Posting Example
- Instructions for Public Notice
- Affidavits of Publication
- Notification List

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. Some common errors are the unauthorized changing of notice wording or font, omission of air contaminants, and inaccurate plant site location information represented in the application. Additional information can be found at www.tceq.texas.gov/permitting/air/bilingual/how1_2_pn.html or **if you have any questions, please contact us before you proceed with publication.**

Mr. Lonny Hergert
Page 2
October 22, 2013

Re: Air Quality Registration Number 114119

The following items and time limitations are also described in the enclosed instructions. However, due to their importance we want to highlight them for you. **The processing of your application may be delayed if these time limitations are not met.**

1. Publish the enclosed notice within **30 calendar days** from the date of this letter.
2. You may also be required to publish notice in an alternate language (refer to the enclosed *Instructions for Public Notice*). The Spanish notice templates are available at:
www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html
3. Ensure a copy of your application is provided to the TCEQ Regional Office that has oversight for the county in which you intend to operate your plant. This copy must be in place at the TCEQ Regional Office for the entire public comment period and be accessible to the public for review and copying.
4. Mail proof of publication of the notices, which show publication date and newspaper name, *Affidavit of Publication for Air Permitting*, and, if applicable, *Alternative Language Affidavit of Publication for Air Permitting* to the TCEQ Office of the Chief Clerk and copies to those on the enclosed *Notification List* within **10 business days** after the notice is published.
5. Return the original ***Public Notice Verification (Form TCEQ-20548)*** verifying that the sign requirements have been met to the TCEQ Office of the Chief Clerk and copies to those on the enclosed *Notification List* within **10 business days** after the end of the publications' designated comment period. **This form is available at:**

www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html

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.

Mr. Lonny Hergert
Page 3
October 22, 2013

Re: Air Quality Registration Number 114119

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. Nelon at (512) 239-0894.

Sincerely,

A handwritten signature in black ink, reading "Stephanie L. Howell". The signature is fluid and cursive, with the first name "Stephanie" and last name "Howell" clearly legible.

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

SLH/ddn

Enclosures

cc: Ms. Monique Wells, Environmental Consultant, CIC Environmental, Austin
Air Section Manager, Region 3 - Abilene
Air Permits Section Chief, New Source Review, Section (6PD-R), U.S. Environmental
Protection Agency, Region 6, Dallas

Project Number: 199771

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF APPLICATION FOR AN AIR QUALITY STANDARD PERMIT FOR PERMANENT ROCK AND CONCRETE CRUSHERS

PROPOSED AIR QUALITY REGISTRATION NUMBER 114119

APPLICATION. Black Jack Energy Services, LLC, 806 Matt Loop Road, Big Spring, Texas 79720-7074 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit, Registration Number 114119, which would authorize construction of a permanent rock crusher. The facility is proposed to be located near Fluvanna, Scurry County, Texas 79517. The following driving directions were provided: located 4.85 miles north of Fluvanna from the intersection of Farm-to-Market Road 612 and Farm-to-Market Road 1269 on the east side of Farm-to-Market Road 1269. 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=32.959166&lng=-101.143611&zoom=13&type=r>. This application was submitted to the TCEQ on October 10, 2013. The executive director has determined the application was technically complete on October 17, 2013.

PUBLIC COMMENT. Written public comments about this application may be submitted at any time during the public comment period. You may submit public comments either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at www.tceq.texas.gov/about/comments.html. If you choose to 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. The deadline to submit public comments is 30 days after newspaper notice is published.

RESPONSE TO COMMENTS. A written response to all relevant comments will be prepared by the executive director after the comment period closes. The response, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments and requested to be added to the mailing list. The response to comments will be posted in the permit file for viewing.

The executive director shall approve or deny the application not later than 30 days after the end of the public comment period, considering all comments received within the comment period, and base this decision on whether the application meets the requirements of the standard permit.

CENTRAL/REGIONAL OFFICE. The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Abilene Regional Office, located at 1977 Industrial Blvd, Abilene, Texas 79602-7833, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, beginning the first day of publication of this notice.

INFORMATION. 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.

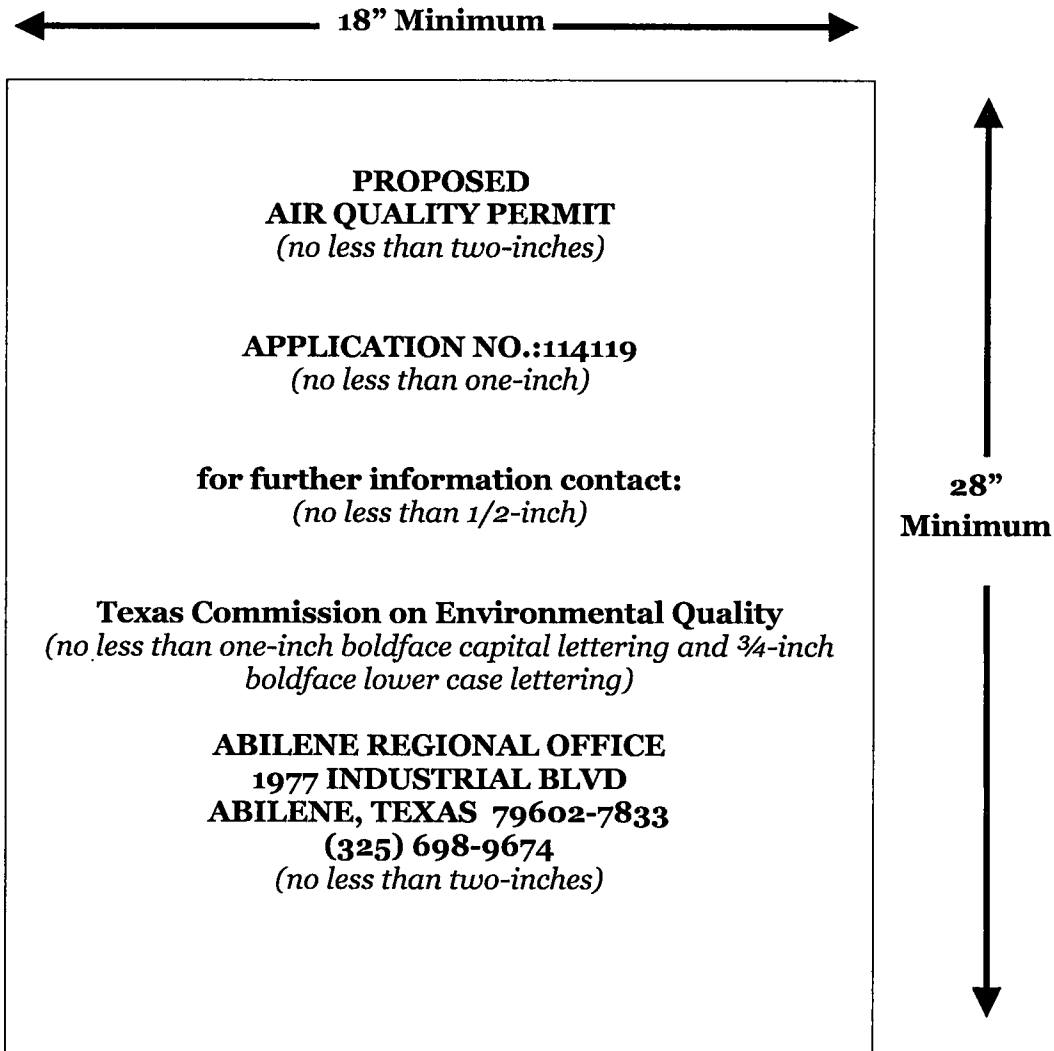
Further information may also be obtained from Black Jack Energy Services, LLC, 806 Matt Loop Road, Big Spring, Texas 79720-7074, or by calling Ms. Monique Wells, Environmental Consultant, CIC Environmental, LLC at (512) 292-4314.

Notice Issuance Date: October 22, 2013

Example C

Sign Posting

Sign(s) must be in place on day of publication of first newspaper notice and must remain in place and be legible for the 30-day public comment period (which begins on the last day of newspaper publication, either English or alternate language, whichever is later). Note - The information shown is an example only. It is your responsibility to verify that the appropriate information pertaining to your application is accurate. Each sign placed at the site must be located within 10 feet of each (every) property line paralleling a street or other public thoroughfare. Signs must be completely visible from the street and spaced at not more than 1,500-foot intervals. A minimum of one sign, but not more than three signs shall be required along any property line paralleling a public thoroughfare.



Sign(s) must be placed at whatever height above the ground is necessary for sign(s) to be 100% visible from the street.

WHITE BACKGROUND WITH BLACK LETTERS

All lettering must be boldface block-print.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



Instructions for Public Notice For Air Quality Standard Permit for Permanent Rock and Concrete Crushers

Notice of Application

Your application has been declared technically complete and now you must comply with the following instructions:

Please Review Notice

We have included in the notice all of the information which we believe is necessary. Please read it carefully and notify us 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 within **30 calendar days** from the date of the cover letter.
- You must publish the enclosed Notice of Application at your expense, in a newspaper of general circulation in the municipality in which the plant is proposed to be located or in the municipality nearest to the proposed location of the plant.
- You must publish this notice in one issue of any applicable newspaper.
- You will find an example notice enclosed in this package. This example must be published in the "public notice" section of the newspaper.

Alternate Language Notice

In certain circumstances, applicants for air permits must complete notice in alternate 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 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 above-mentioned schools to trigger the alternative language notice requirement. If there are students who would

normally attend the nearest schools, but are eligible to be taught in a bilingual education program at a different location, alternative language notice is required.

- If triggered, publication of alternative language notices must be made in a newspaper or publication printed primarily in each language taught in the bilingual education program. 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. Publication in an alternative language section or insertion within a large publication which is not printed primarily in that alternative language does not satisfy these requirements. 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 still be posted adjacent to each English language sign.
- It is suggested the applicant work with the local school district for 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 eligible to be enrolled in a bilingual educational program.

Proof of Publication

- 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 are encouraged to submit the **original affidavits of publication** and the **Public Notice Verification (Form TCEQ-20548)** with the proof of publication described above to the Office of the Chief Clerk. **You must use the enclosed affidavit.** The affidavit must clearly identify the applicant's name and TCEQ Registration Number. **The public notice verification form is available at**
www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html

- The **original affidavits of publication** 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
P.O. Box 13087
Austin, Texas 78711-3087

Please ensure that the affidavits you send to the Chief Clerk are originals and that all blanks on the affidavits are filled in correctly. Photocopies of affidavits will not be accepted.

- **Photocopies of newspaper clippings, affidavits, and verification form must also** be sent to those listed on the enclosed *Notification List* within the deadlines specified above.

Sign Posting

Applicants for this standard permit must also post signs.

- You must post at least one sign in English and as applicable, in each alternative language.
- Signs must be in place on the first day of publication in a newspaper and must remain in place and be legible and be visible from the street for the entire duration of the publications' designated comment period.
- The sign template enclosed (*Example C*) is an example only. Read the sign template carefully and notify the TCEQ if it has an error or omissions. It is your responsibility to verify that the appropriate information pertaining to your application is accurate. Any changes to the text prepared by the TCEQ must be approved by the agency.
- Signs placed at the site must be located within 10 feet of each (every) property line paralleling a street or other public thoroughfare. Signs must be completely visible from the street and spaced at not more than 1,500-foot intervals. A minimum of one sign, but not more than three signs are required along any property line paralleling a public thoroughfare. Sign(s) must be placed at a sufficient height above the ground that is necessary for sign(s) to be 100 percent visible from the street.
- All lettering on the sign must be boldface block-printed lettering. The sign must be at least 18" wide and 28" tall, and consist of black lettering on a white background. (See Example "C" of sign posting for specific lettering size requirements).
- Alternative language signs are required if alternative notice is required, even if no newspaper can be found.
- Inspect each posted sign daily to ensure it is present and visible throughout the entire comment period.
- You must submit verification of sign posting using the ***Public Notice Verification Form (Form TCEQ-20548)*** within 10 business days after end of the publications' designated comment period. Do not submit the *Public Notice*

Verification Form verifying sign posting until after the comment period is over. You cannot certify that the sign posting is in compliance until after the comment period is over. **This form is available at**
www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html.

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, then the TCEQ may suspend further processing on your application or take other actions.**

Application at the TCEQ Regional Office

- You must provide a copy of the technically complete application and the “Air Quality Standard Permit for Permanent Rock and Concrete Crushers” to the appropriate TCEQ Regional Office that has jurisdiction over the county in which the plant is to be located. The application must be available for review and copying by the public.
- The technically complete application must be available beginning the first day of newspaper publication and remain available until the end of the public comment period.
- 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.”

General Information

When contacting the Commission regarding this application, please refer to the Registration Number at the top of the Notice of Application.

If you wish to obtain an electronic copy, please contact the technical reviewer who assisted in the preparation of this public notice package. The electronic copy will consist of the example notice, the equivalent in Spanish (if applicable), and the instructions. The electronic version is available in Microsoft Word format only and can be requested once your application has been declared technically complete.

If you have questions or need assistance regarding publication requirements, please contact the Office of the Chief Clerk at (512) 239-3300 or the technical 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: Black Jack Energy Services, LLC

Permit No.: 114119

Notice of Application for an Air Quality Standard Permit for
Permanent Rock and Concrete Crushers

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 _____;
(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: Black Jack Energy Services, LLC
Permit No.: 114119
Notice of Application for an Air Quality Standard Permit for
Permanent Rock and Concrete Crushers

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-20548)*. 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, 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
Abilene Regional Office
1977 Industrial Blvd
Abilene, Texas 79602-7833

Air Quality Standard Permit for Permanent Rock and Concrete Crushers
Effective Date July 31, 2008

This air quality standard permit authorizes rock and concrete crushing facilities that meet all of the conditions listed in sections (1), (2), and (3) of this standard permit. It is the permit holder's responsibility to demonstrate compliance with all conditions of this permit upon request by the executive director or any air pollution control agency having jurisdiction.

(1) General Requirements:

(A) For the purposes of this standard permit, the following definitions apply.

- (i) A site is one or more contiguous or adjacent properties which are under common control of the same person (or persons under common control).
- (ii) Associated sources are sources of air emissions that are related to the rock or concrete crushing operation, that are not "facilities" as defined under Title 30 Texas Administrative Code (30 TAC) § 116.10, General Definitions. Associated sources include, but are not limited to, stockpiles and outdoor work areas. Screens, belt conveyors, generator sets, and material storage or feed bins are considered to be facilities and are not associated sources.
- (iii) A residence is a structure primarily used as a permanent dwelling.

(B) Except as provided in subsections (C) and (D) of this section, when crushing concrete, the concrete crushing facility shall be operated at least 440 yards from any building which was in use as a single or multi-family residence, school, or place of worship at the time an application was filed. The measurement of distance shall be taken from the point on the concrete crushing facility that is nearest to the residence, school, or place of worship toward the point on the building in use as a residence, school, or place of worship that is nearest the concrete crushing facility.

(C) Subsection (B) does not apply to:

- (i) a concrete crushing facility at a location for which the distance requirements of subsection (B) were satisfied at the time an application was filed with the commission, provided that the authorization was granted and maintained, regardless of whether a single or multi-family residence, school, or place of worship is subsequently built or put to use within 440 yards of the facility; or
- (ii) structures occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located.

(D) Subsection (B) does not apply to a concrete crushing facility that:

- (i) is engaged in crushing concrete and other materials resulting from the demolition of a structure on that site and the concrete and other materials are being crushed primarily for use at that site;
- (ii) operates at that site during one period of no more than 180 calendar days;
- (iii) complies with all applicable conditions stated in commission rules, including operating conditions; and

- (iv) is not located in a county with a population of 2.4 million or more persons, or in a county adjacent to such a county.
- (E) For any owner or operator with a facility authorized by this standard permit, the TCEQ will not accept an application for authorization of a crushing facility under Texas Health and Safety Code (THSC) § 382.0518, Preconstruction Permit, located at the same site for a period of 12 months from the date of authorization.
- (F) An applicant for authorization of a rock crusher under THSC § 382.0518, is not eligible for this standard permit at the same site until 12 months after the application for authorization under § 382.0518 is withdrawn. Facilities already authorized by a permit under § 382.0518 are not eligible for this standard permit.
- (G) Applications for this standard permit shall be registered in accordance with 30 TAC § 116.611, Registration to Use a Standard Permit (including a current Form PI-1S, Crushing Plant Standard Permit Checklist and Table 17). A compliance history review shall be performed by the executive director in accordance with 30 TAC Chapter 60, Compliance History. If a facility is determined to be a poor performer, as defined in 30 TAC Chapter 60, a standard permit registration shall not be issued.
- (H) No owner or operator of a crushing facility shall begin construction and/or operation without obtaining written approval from the executive director (except for crushers in non operational storage for which construction has not commenced as considered under the Texas Clean Air Act). Start of construction of any facility registered under this standard permit shall be no later than 18 months from the date of authorization. Construction progress and startup notification shall be made in accordance with 30 TAC § 116.115(b)(2), General and Special Conditions.
- (I) Applications for registration under this standard permit shall comply with 30 TAC § 116.614, Standard Permit Fees.
- (J) All affected facilities authorized by this standard permit must meet all applicable conditions of Title 40 Code of Federal Regulations (40 CFR) Part 60, Subpart A, General Provisions, and OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.
- (K) Only crushing facilities that are processing nonmetallic minerals or a combination of nonmetallic minerals that are described in 40 (CFR) Part 60, Subpart OOO, shall be authorized by this standard permit.
- (L) This standard permit does not supersede the requirements of any other commission rule, including 30 TAC Chapter 101, Subchapter H, Division 3, Mass Emissions Cap and Trade Program; and 30 TAC Chapter 117, Control of Air Pollution from Nitrogen Compounds.
- (M) Written records shall be kept for a rolling 24-month period and shall always remain on site. These records shall be made available at the request of any personnel from the TCEQ or any air pollution control program having jurisdiction. These written records shall contain the following:
 - (i) daily hours of operation;
 - (ii) the throughput per hour;
 - (iii) road and work area cleaning and dust suppression logs; and
 - (iv) stockpile dust suppression logs.

- (N) Crushing operations and related activities shall comply with applicable requirements of 30 TAC Chapter 101, Subchapter F, Emission Events and Scheduled Maintenance, Startup, and Shutdown Activities.
- (O) Facilities which meet the conditions of this standard permit do not have to meet the emissions and distance limitations listed in 30 TAC § 116.610(a)(1), Applicability.
- (P) Maintenance emissions are not included in this permit and must be approved under separate authorization. Startup and shutdown emissions that exceed those expected during production operations must be approved under separate authorization.
- (Q) Owners or operators of facilities authorized by this standard permit are not eligible for any authorization in 30 TAC Chapter 106, Subchapter E, Aggregate and Pavement or 30 TAC § 106.512, Stationary Engines and Turbines, for a facility located at the same site as a rock crusher authorized by this standard permit.
- (R) Upon issuance of this standard permit, the TCEQ will no longer accept a registration for § 106.142, Rock Crushers.

(2) Public Notice Requirements:

- (A) An application for authorization to construct and operate a rock crusher under this standard permit is not subject to the public notice requirements in 30 TAC Chapter 39 Subchapter H, Applicability and General Provisions, and Subchapter K, Public Notice of Air Quality Applications.
- (B) For authorization to use this standard permit, an applicant must publish notice under this section not later than the earlier of:
 - (i) the 30th day after the date the applicant receives written notice from the executive director that the application is technically complete; or
 - (ii) the 75th day after the date the executive director receives the application.
- (C) The applicant must publish notice at least once in a newspaper of general circulation in the municipality in which the plant is proposed to be located or in the municipality nearest to the proposed location of the crusher. If the elementary or middle school nearest to the proposed plant provides a bilingual education program as required by Subchapter B, Chapter 29, Texas Education Code, the applicant must also publish the notice at least once in an additional publication of general circulation in the municipality or county in which the plant is proposed to be located that is published in the language taught in the bilingual education program. This requirement is waived if such a publication does not exist or if the publisher refuses to publish the notice.
- (D) The notice must include:
 - (i) a brief description of the proposed location and nature of the proposed crusher;
 - (ii) a description, including a telephone number, of the manner in which the executive director may be contacted for further information;
 - (iii) a description, including a telephone number, of the manner in which the applicant may be contacted for further information;

- (iv) the location and hours of operation of the commission's regional office at which a copy of the application is available for review and copying; and
 - (v) a brief description of the public comment process, including the mailing address and deadline for filing written comments.
- (E) At the applicant's expense, a sign or signs shall be placed at the site of the proposed facility declaring the filing of an application for a permit and stating the manner in which the commission may be contacted for further information. Such signs shall be provided by the applicant and shall meet the following requirements:
- (i) signs shall consist of dark lettering on a white background and shall be no smaller than 18 inches by 28 inches;
 - (ii) signs shall be headed by the words "PROPOSED AIR QUALITY PERMIT" in no less than two-inch boldface block-printed capital lettering;
 - (iii) signs shall include the words "APPLICATION NUMBER" and the number of the permit application in no less than one-inch boldface block-printed capital lettering (more than one number may be included on the signs if the respective public comment periods coincide);
 - (iv) signs shall include the words "for further information contact" in no less than 1/2-inch lettering;
 - (v) signs shall include the words "Texas Commission on Environmental Quality," and the address of the appropriate commission regional office in no less than one-inch boldface capital lettering and 3/4-inch boldface lower case lettering; and
 - (vi) signs shall include the phone number of the appropriate commission office in no less than two-inch boldface numbers.
- (F) The sign or signs must be in place by the date of publication of the newspaper notice required by subsection (2)(C) of this section and must remain in place and legible throughout the period of public comment provided for in subsection (2)(I) of this section.
- (G) Each sign placed at the site must be located within ten feet (ft.) of each (every) property line paralleling a street or other public thoroughfare. Signs must be completely visible from the street and spaced at not more than 1,500-ft. intervals. A minimum of one sign, but no more than three signs shall be required along any property line paralleling a public thoroughfare. The commission may approve variations from these requirements if it is determined that alternative sign posting plans proposed by the applicant are more effective in providing notice to the public.
- (H) The alternate language sign posting requirements of this subsection are applicable whenever either the elementary school or the middle school located nearest to the facility or proposed facility provides a bilingual education program as required by Texas Education Code, Chapter 29, Subchapter B, and 19 TAC § 89.1205(a) or if either school has waived out of such a required bilingual education program under the provisions of 19 TAC § 89.1205(g). Schools not governed by the provisions of 19 TAC § 89.1205(a) shall not be considered in determining applicability of the requirements of this subsection. Each affected facility shall meet the following requirements.
- (i) The applicant shall post an additional sign in each alternate language in which the

bilingual education program is taught. If the nearest elementary or middle school has waived out of the requirements of 19 TAC § 89.1205(a) under 19 TAC § 89.1205(g), the alternate language signs shall be published in the alternate languages in which the bilingual education program would have been taught had the school not waived out of the bilingual education program.

- (ii) The alternate language signs shall be posted adjacent to each English language sign required in this section.
 - (iii) The alternate language sign posting requirements of this subsection shall be satisfied without regard to whether alternate language notice is required under subsection (C) of this section.
 - (iv) The alternate language signs shall meet all other requirements of this section.
- (I) The public comment period begins on the first date notice is published under subsection (2)(B) and extends no less than 30 days from the publication date.
- (J) Not later than the 30th day after the end of the public comment period, the executive director will approve or deny the application for authorization to use the standard permit. The executive director must base the decision on whether the application meets the requirements of this standard permit. The executive director must consider all comments received during the public comment period in determining whether to approve the application. If the executive director denies the application, the executive director must state the reasons for the denial and any modifications to the application necessary for the proposed plant to qualify for the authorization.
- (K) The executive director will issue a written response to any public comments received related to the issuance of an authorization to use the standard permit at the same time as or as soon as practicable after the executive director grants or denies the application. Issuance of the response after the granting or denial of the application does not affect the validity of the executive director's decision to grant or deny the application. The executive director will:
- (i) mail the response to each person who filed a comment; and
 - (ii) make the response available to the public.

(3) Operational Requirements:

- (A) The primary crusher throughput shall not exceed 200 tons per hour.
- (B) The crusher and all associated facilities, including engines and/or generator sets, but not including associated sources, shall be located no less than 200 ft. from the nearest property line, as measured from the point on the facility nearest the property line.
- (C) The crusher and all associated facilities, including engines and/or generator sets, but not including associated sources, shall be located no less than 440 yards from any building which was in use as a single or multi-family residence, school, or place of worship, at the time an application was filed, as measured from the point on the facility nearest the residence, school, or place of worship to the point on the residence, school, or place of worship nearest the facility.
- (D) The crushing facilities (not including associated sources) operating under this standard permit shall be located at least 550 ft. from any other rock crusher, concrete crusher, concrete batch

plant, or hot mix asphalt plant. If this distance cannot be met, then the crusher shall not operate at the same time as the other rock crusher, concrete crusher, concrete batch plant, or hot mix asphalt plant. Measurement shall be from the closest point on the rock crushing facility to the closest point on any other facility.

- (E) All associated sources, including but not limited to, roads (except for incidental traffic and the entrance and exit to the site), work areas, and stockpiles, shall be located at least 100 ft. from the property line.
- (F) The facilities (as defined in 30 TAC § 116.10(4)) authorized under this standard permit shall be limited to one primary crusher, one secondary crusher, one vibrating grizzly, two screens, any conveyors, and one internal combustion engine (or combination of engines) of no more than 1,000 total horsepower. Equipment that is not a source of emissions does not require authorization.
- (G) All crushers, associated facilities, and associated sources (excluding stockpiles) shall not operate for more than an aggregate of 2,640 hours at the authorized site in any rolling 12 month period. Once the operating hours (2,640 hours) for the site have been exhausted, the owner or operator shall not use a standard permit to operate another rock crusher on the site.
- (H) The rock crusher and associated facilities shall not operate from one hour after official sunset to one hour before official sunrise.
- (I) Each crusher shall be equipped with a runtime meter, which will be operating during crushing operations.
- (J) Permanently mounted spray bars shall be installed at the inlet and outlet of all crushers, at all shaker screens, and at all material transfer points and used as necessary to maintain compliance with all TCEQ rules and regulations.
- (K) Opacity of emissions from any transfer point on belt conveyors or any screen shall not exceed 10 percent and from any crusher shall not exceed 15 percent, averaged over a six-minute period, and according to U.S. Environmental Protection Agency (EPA) Test Method (TM) 9.
- (L) Visible emissions from the crusher, associated facilities, associated sources, and in-plant roads associated with the plant shall not leave the property for a period exceeding 30 seconds in duration in any six-minute period as determined using EPA TM 22.
- (M) Dust emissions from all in-plant roads and active work areas that are associated with the operation of the crusher, associated facilities, and associated sources shall be minimized at all times by at least one of the following methods:
 - (i) covered with a material such as, but not limited to, roofing shingles or tire chips (when used in combination with (ii) or (iii) of this subsection);
 - (ii) treated with dust-suppressant chemicals;
 - (iii) watered; or
 - (iv) paved with a cohesive hard surface that is maintained intact and cleaned.
- (N) All stockpiles shall be sprinkled with water, dust-suppressant chemicals, or covered, as necessary, to minimize dust emissions.

- (O) Raw material and product stockpile heights shall not exceed 45 ft.
- (P) The crusher shall be equipped with a weigh hopper or scale belt to accurately determine the mass of material being crushed.
- (Q) The crusher may relocate on the site for which it has been authorized without reauthorization as long as it remains at least 440 yards from any residence, school, or place of worship that was in existence at the time of the move.