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Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 31, 2025

MR TOM BROWN  
GENERAL MANAGER  
NM ENERGY LLC  
600 S CHERRY ST STE 1000  
DENVER CO 80246-1796

Re: Relocation Approval: Tier II Rock Crusher  
Temporary Rock and Concrete Crushers Air Quality Standard Permit  
(Effective 7/31/2008)  
Standard Permit Registration Number: 179399L001  
Nm Energy LLC  
Portable Rock Crusher  
Garden City, Glasscock County  
Regulated Entity Number: RN112171079  
Customer Reference Number: CN606316933

Dear Mr. Brown:

This is in response to your relocation application concerning the proposed construction of a Tier II rock crusher to be located at the following directions: head west from Garden City on TX-158 for 3.6 miles then turn south. Follow the unnamed road for 0.4 miles. After evaluation of the information which you have furnished, we have determined that your proposed construction is authorized under Title 30 of the Texas Administrative Code (TAC) § 116.611 if constructed and operated as described in your relocation application. This standard permit was authorized by the TCEQ in accordance with 30 TAC 116. This authorization is effective only for a crusher that will process nonmetallic minerals, or a combination of nonmetallic minerals as described in Title 40 of the Code of Federal Regulations, Subpart 000. The crusher and all associated facilities and sources shall be located no less than 300 feet from the nearest property line.

Copies of the standard permit general conditions and air quality standard permit for temporary rock and concrete crushers are enclosed. You must begin construction or modification of these facilities in accordance with the standard permit no later than 18 months after the date of this letter. A crusher shall neither locate nor operate on the same site as any other crusher, regardless of the acquisition of this written site authorization. After completion of construction or modification, the appropriate TCEQ Regional Office must be notified prior to commencing operation and the facility shall be operated in compliance with all applicable conditions of the claimed standard permit (enclosed).

You are reminded that regardless of whether a permit is required, these facilities must be in compliance with all regulations of the TCEQ and the U.S. Environmental Protection Agency at all times. If you need further information or have any questions, please contact Ms. Aine Carroll at (512) 239-1362 or write to the TCEQ, Office of Air, Air Permits Division, MC-163, P.O. Box 13087, Austin, Texas 78711-3087.

Mr. Tom Brown  
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Re: Standard Permit Registration Number: 179399L001

Sincerely,

A handwritten signature in cursive script that reads "Bonnie Evridge".

Bonnie Evridge, Manager  
Mechanical/Coatings New Source Review Permits Section  
Air Permits Division  
Texas Commission on Environmental Quality

Enclosure

cc: Air Section Manager, Region 7 - Midland

Project Number: 390110

## 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) (relating to Applicability). Any changes in representations are subject to the following requirements:
  - (A) For the addition of a new facility, the owner or operator shall submit a new registration incorporating existing facilities with a fee, in accordance with §116.611 and §116.614 (relating to Registration to use a Standard Permit and Standard Permit Fees) prior to commencing construction. If the applicable standard permit requires public notice, construction of the new facility or facilities may not commence until the new registration has been issued by the executive director.
  - (B) For any 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, the owner or operator shall submit written notification to the executive director describing the change(s), along with the designated fee, no later than 30 days after the change.
  - (C) For any other change to the representations, the owner or operator shall submit written notification to the executive director describing the change(s) no later than 30 days after the change.
  - (D) Any facility registered under a standard permit which contains conditions or procedures for addressing changes to the registered facility which differ from subparagraphs (A) - (C) of this paragraph shall comply with the applicable requirements of the standard permit in place of subparagraphs (A) - (C) of this paragraph.
- (E) Standard permit in lieu of permit amendment. All changes authorized by standard permit to a facility previously permitted under 30 TAC § 116.110 shall be administratively incorporated into that facility's permit at such time as the permit is amended or renewed.
- (F) 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.
- (G) 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.
- (H) 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.

- (I) 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.
- (J) 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.
- (K) 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 (relating to Emissions Event Reporting and Recordkeeping Requirements, Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements, Recordkeeping; and Operational Requirements).
- (L) 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.
- (M) 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

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.

# Air Quality Standard Permit for Temporary Rock and Concrete Crushers

**Effective Date: July 31, 2008**

This air quality standard permit authorizes temporary crushing operations which meet all of the conditions listed in section (1) and section (2) for Tier I, or section (1) and section (3) for Tier II. 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 defined as one or more contiguous or adjacent properties which are under common control of the same person (or persons under common control).
- (ii) associated sources means sources that are related to the rock or concrete crushing operation, which are not "facilities" as defined under 30 TAC § 116.10. Associated sources include stockpiles and outdoor work areas. Equipment such as screens, belt conveyors, 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), 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 the notification required by section (2) or (3) 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 the notification required by section (2) or (3) 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) All screen sides shall be enclosed and all conveyors greater than 300 feet long shall be covered with a half-moon or equivalent enclosure that covers the top of the conveyor to minimize emissions.
- (F) Visible emissions from the crushing facility, associated sources, and in-plant roads associated only with the facility shall not leave the property for a period exceeding 30 seconds in duration in any six-minute period as determined using U.S. Environmental Protection Agency (EPA) Test Method (TM) 22.
- (G) 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 EPA TM 9.
- (H) 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 commission regulations.
- (I) Dust emissions from all in-plant roads and active work areas that are associated with the operation of the crusher 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.
- (J) All stockpiles shall be sprinkled with water, dust-suppressant chemicals, or covered, as necessary, to minimize dust emissions.
- (K) Raw material and product stockpile heights shall not exceed 45 feet.
- (L) The crusher shall be equipped with a runtime meter.
- (M) Written records shall be kept for a rolling 24-month period and shall accompany the crusher to any site at which it operates. These records shall be made available at the request of any personnel from the commission or any air pollution control program having jurisdiction. These written records shall contain the following:
  - (i) hours of operation including daily start and stop time;
  - (ii) the throughput per hour of the feed hopper (as determined by an appropriate method based upon physical measurement or calculated using a production factor determined to be acceptable by the commission); and
  - (iii) the date(s) the crusher was placed on site and the date(s) it was removed from the plant site.

- (N) 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.
  - (O) Crushers that are authorized by this standard permit shall meet all applicable conditions of Title 40 Code of Federal Regulations (CFR) Part 60, Subpart A, General Provisions and Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.
  - (P) Only crushers 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.
  - (Q) The crusher and all associated facilities operating under this standard permit shall neither locate (except for crushers in nonoperational storage that have not commenced construction as considered under the Texas Clean Air Act (TCAA)) nor operate on the same site as any other crusher.
  - (R) This standard permit shall not require compliance with 30 TAC § 116.614, Standard Permit Fees.
  - (S) Notifications under this standard permit are not subject to the requirements of 30 TAC § 116.611, Registration to Use a Standard Permit.
  - (T) 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.
  - (U) 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, § 382.0518, Preconstruction Permit, located at the same site for a period of 12 months from the date of notification.
  - (V) An applicant for authorization of a rock crusher, under Texas Health and Safety Code, § 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.
  - (W) 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.
- (2) A Tier I crusher shall comply with section (1) of this standard permit and all of the following:
- (A) The crusher shall not be located at a quarry or mine.
  - (B) The crusher feed hopper throughput shall not exceed 125 tons per hour.
  - (C) The crusher and all associated facilities and sources shall be located no less than 200 feet from the nearest property line.
  - (D) The equipment authorized under this section shall be limited to one primary crusher, two conveyors, and two screens.
  - (E) The crusher and all associated sources operating under this standard permit shall neither locate (except for crushers in nonoperational storage that have not commenced construction as considered under the Texas Clean Air Act (TCAA)) nor operate on the same site as any concrete batch plant or asphalt batch plant.

- (F) The crusher and associated sources (excluding stockpiles) shall not operate for more than 360 hours or be located for more than 45 non-consecutive calendar days on site, whichever occurs first. The owner or operator shall remove the crusher and associated equipment from the site within 24 hours of ceasing operation. The 24 hours allotted for the removal of equipment shall not be used as additional operational time above the 360 hours or 45 non-consecutive calendar days.
  - (G) If the time periods listed in subsection (2)(F) have not been exhausted during any rolling 365 day period, the operator may return to the authorized site and operate for the remaining balance of time for that site. To return to the site, the operator shall notify the commission as described in subsection (2)(H). The notification for an applicant returning to a site under this subsection shall include the applicant's previous duration at the site to show compliance with subsection (2)(F). A crusher returning to a site shall comply with applicable distance limits specified under subsections (1)(B) and (2)(C). Once the operating hours (360) or calendar days (45) for the site have been exhausted and the site has been vacated, the owner or operator shall not use a standard permit to locate any crusher on the site for at least 365 days.
  - (H) The owner or operator shall notify the appropriate regional office in writing at least 10 calendar days prior to locating (except for crushers in non operational storage that have not commenced construction as considered under the TCAA) at the site. The notification shall be made using the required form.
- (3) A Tier II crusher shall comply with section (1) of this standard permit and all of the following:
- (A) The crusher's feed hopper throughput shall not exceed 250 tons per hour.
  - (B) The crushers and all associated facilities and sources shall be located no less than 300 feet from the nearest property line.
  - (C) The crushers and all associated facilities and sources operating under this standard permit shall be located at least 550 ft. from any concrete batch plant or asphalt batch plant. If this distance cannot be met, then the crusher authorized under this standard permit shall not operate at the same time as the concrete batch plant or asphalt batch plant.
  - (D) The equipment authorized under this section shall be limited to one primary crusher, one secondary crusher, two screens, and any associated conveyors.
  - (E) Except for those facilities that comply with subsection (3)(H) of this standard permit, crushers and associated sources (excluding stockpiles) shall not operate for more than 1080 hours or be located for more than 180 non-consecutive calendar days on site, whichever occurs first. The owner or operator shall remove the crusher and associated equipment from the site within 24 hours of ceasing operation. The 24 hours allotted for the removal of equipment shall not be used as additional operational time above the 1080 hours or 180 non-consecutive calendar days.
  - (F) If the time periods listed in subsection (3)(E) have not been exhausted during any rolling 365-day period, the operator may return to the authorized site and operate for the remaining balance of time for that site. To return to a site, the operator shall notify the commission as described in subsection (3)(G). The notification for an applicant returning to a site under this subsection shall include the applicant's previous duration at the site to show compliance with subsection (3)(E). The applicant is not required to obtain written approval to return to a site if the time periods in subsection (3)(E) have not been exhausted. A crusher returning to a site shall comply with applicable distance limits specified under subsections (1)(B), (3)(B), and (3)(C). Once the operating hours (1080) or



calendar days (180) for the site have been exhausted and the site has been vacated, the owner or operator shall not use a standard permit to locate any crusher on the site for at least 365 days, and written approval and notification as described in subsection (3)(G) shall be required to return to that site.

- (G) No owner or operator shall locate a crusher on site (except for crushers in nonoperational storage that have not commenced construction as considered under the Texas Clean Air Act) without first obtaining written approval from the executive director. The owner or operator shall notify the appropriate regional office in writing at least 30 calendar days prior to locating at the site. The 30-day restriction is terminated once written approval from the executive director has been obtained for operation at the proposed site. The notification shall be made using the required form. A compliance history review shall be performed by the executive director in accordance with 30 TAC Chapter 60. If a facility is determined to be a poor performer, as defined in 30 TAC Chapter 60, a standard permit notification will not be accepted or approved.
- (H) A crusher that provides crushed material exclusively to a single public works project (single contract or same contractor for related project segments), and not to other unrelated projects, and is located in or contiguous to the right-of-way may remain on site and operate for the length of the current project or related segments.